



ZONING BOARD of APPEALS

City Hall, Room 303
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2019 APR 17 P 3:28

CITY CLERK

CITY OF NEW BEDFORD

JONATHAN F. MITCHELL, MAYOR

NOTICE OF DECISION

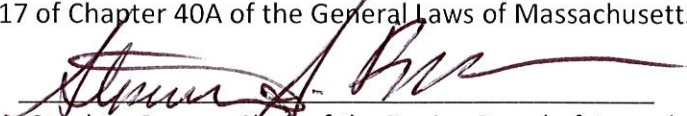
Case Number:	#4371			
Request Type:	Special Permit			
Address:	61 Wamsutta Street			
Zoning:	Industrial B (IB) & Wamsutta Mill Overlay District (WMOD)			
Recorded Owner:	Wamsutta II, LLC			
Owner Address:	218 Willard Street, Quincy, MA 02169			
Applicant:	Farland Corporation, C/O Matthew White			
Applicant Address:	401 County Street, New Bedford, MA 02740			
Application Submittal Date		Public Hearing Date		Decision Date
February 14, 2019		April 11, 2019		April 11, 2019
Assessor's Plot Number	Lot Number(s)	Book Number	Page Number	Certificate Number
78	125	7535	99	-

A Special Permit under Chapter 9 Comprehensive Zoning Sections 4100A-4172A (Wamsutta Mill Overlay District-WMOD) and 5300-5330 & 5360-5390 (special permit); relative to property located at **61 Wamsutta Street**, Assessors' map 78 lot 125 in an Industrial B [IB] zoned district. The petitioner proposes to construct 33 units of rental housing in the "Matouk Building" within the Wamsutta Mill Complex per plans filed.

Action: GRANTED, WITH CONDITIONS, for the reasons set forth in the attached decision with the Conditions as described therein.

A copy of this Decision was filed with the City Clerk of the City of New Bedford on April 17, 2019. Any person aggrieved by this decision has twenty (20) days to appeal the decision in accordance with the procedures set forth in Section 17 of Chapter 40A of the General Laws of Massachusetts.

4/17/19
Date


Stephen Brown, Clerk of the Zoning Board of Appeals

APPLICATION SUMMARY

The petitioner proposes to construct 33 units of rental housing in the “Matouk Building” within the Wamsutta Mill Complex per plans filed, which requires a Special Permit under Chapter 9 Comprehensive Zoning Sections 4100A-4172A (Wamsutta Mill Overlay District-WMOD) and 5300-5330 & 5360-5390 (special permit); relative to property located at **61 Wamsutta Street**, Assessors’ map 78 lot 125 in an Industrial B [IB] zoned district.

1.) MATERIALS REVIEWED BY THE BOARD

Plans Considered to be Part of the Application

- Plan set, drawn by DBVW Architects, INC., dated February 11, 2019, date stamped received by City Clerk’s Office February 14, 2019, including:
 - Cover Sheet
 - Building Sections
 - Notes, Symbols & Abbreviations
 - Code Review & Life Safety Sheet
 - Demolition Plans
 - Architectural Site Plan
 - Overall Floor Plans
 - North & South First Floor, Second Floor Plans
 - Roof Plans
 - Exterior Elevations
- Plan set, drawn by Farland Corp., dated February 14, 2019, date stamped received by City Clerk’s Office February 14, 2018, including:
 - Existing Conditions 61 Wamsutta Street
 - Layout 61 Wamsutta Street

Other Documents & Supporting Material

- Completed Petition for a Special Permit, stamped received by City Clerk’s Office February 14, 2019.
- Letter to ZBA from the Commissioner of Buildings & Inspectional Services, Danny D. Romanowicz, dated March 1, 2019.
- Staff Comments to the ZBA from the Office of the City Planner, dated March 22, 2019.

2.) DISCUSSION

On the evening of the April 11, 2019 meeting, board members: Allen Decker, Robert Schilling, Stephen Brown and Laura Parrish were present for the public hearing. City of New Bedford staff: Danny D. Romanowicz (Commissioner of Buildings & Inspectional Services), and Angela Goncalves (Assistant Project Manager) were present during proceedings for the subject case review.

In regards to Case #4371 Clerk Brown made a motion, seconded by Mrs. Parrish to receive and place on file the communications from the Commissioner of Buildings & Inspectional Services, Danny D. Romanowicz, dated March 1, 2019; staff comments from the Department of Planning, Housing & Community Development, dated March 22, 2019; correspondence letter from Councilor Hugh Dunn, Ward 3 in favor of the petition; the appeal packet as submitted; the plan as submitted; and, that the

owners of the lots as indicated are the ones deemed by the Board to be affected; and that the action of the Clerk in giving notice of the hearing as stated be and is hereby ratified. With all in favor, the motion carried.

Acting Chairperson Decker then declared the hearing open.

The petitioner: Christopher Saunders, Esquire (700 Pleasant Street) presented the case at the hearing representing the proprietors, Wamsutta II, LLC. Mr. Saunders began the presentation with a brief background of the subject property. Mr. Saunders stated that in 2006, Wamsutta, LLC was granted a special permit to rehabilitate 250 residential dwelling units in the old Wamsutta Mill Building, now named "The Wamsutta Mill Lofts". Mr. Saunders stated in the original proposal the subject property known as the "Matouk Building" was also included in the redevelopment. Mr. Saunders explained that due to financial woes the rehabilitation of the "Matouk Building" was never completed. The subject site is located in the Wamsutta Mill Overlay District (WMOD), therefore requiring a special permit. Mr. Saunders stated he is seeking relief for a reduction in parking and for the rehabilitation of an existing dwelling for residential use.

The Zoning Board of Appeals has the authority to allow for the relief to be combined for the residential use as well as the parking reduction. Referenced below in Section 4250A Special Permit.

*4250A. **Special Permit.** Pursuant to the requirements of this Section 4200A, the following may be permitted upon the issuance of a special permit by the Zoning Board of Appeals:*

4251A. Residential Dwelling Units on all floors of pre-existing structures.

4251B. Reserved.

4252A. Reductions in setbacks, density, green space and parking requirements to allow for the development of Dwelling Units on all floors of pre-existing structures.

4253A. Reductions in parking requirements for commercial use of pre-existing or new structures.

Mr. Saunders proceeded by stating the applicant proposes to construct 33 units of rental housing in the "Matouk Building" within the Wamsutta Mill Complex. The proposed rehabilitation and residential buildout would include (30) one-bedroom units and (3) two-bedroom units on two levels of the "Matouk Building". Mr. Saunders stated the project would consist of an internal buildout of an existing structure. Mr. Saunders notes the proposal would not include any remediation or site work as the site was completed during the build out of the Wamsutta Mill Building in 2006.

Mr. Saunders continued his presentation by stating the only proposed exterior change would be the removal of a loading ramp with the addition of a walkway and a handicap accessible parking spot, depicted in the plans. Mr. Saunders briefly discussed the existing parking on site; total parking available on the site for the Wamsutta Mill is 404 parking spaces, with 80 spaces available on the "Matouk Building" parcel. Mr. Saunders notes that the proposal is under a restrictive deadline and if the relief is granted, the rehabilitation would commence once the permits are secured.

Mr. Saunders concluded his presentation by stating he is seeking approval for a special permit to allow for a reduction in parking and loading as well as the use of residential units. Mr. Saunders briefly explained the required criteria to allow for the granting of the special permit and requested the approval of the Board.

Following the petitioner's testimony, Acting Chairperson Decker invited to the podium anyone wishing to speak in favor or be recorded in favor of the petition of the application. Quentin Ricciardi spoke in favor of the petition. Mr. Ricciardi stated that the proposal would be of the same quality and caliber of the revitalization of the Wamsutta Mill in 2006. Mr. Ricciardi stated the project would benefit the city and the citizens of New Bedford by adding employment while providing residential uses.

Following the petitioner's testimony, Acting Chairperson Decker invited to the podium anyone else wishing to speak in favor or be recorded in favor of the petition of the application. There was no response to Acting Chair Decker's invitation to speak or be recorded in favor.

Acting Chairperson Decker invited to the podium anyone wishing to speak or be recorded in opposition of the petition. There was no response to Acting Chair Decker's invitation to speak or be recorded in opposition.

With no further discussion, Acting Chairperson Decker closed the hearing.

The board had a brief discussion relative to the project and current management. Mrs. Parrish expressed her approval of the project, stating the renovation of the subject property would add to the revitalization of the property. Mrs. Parrish also noted the stellar management of the Wamsutta Mill Lofts.

With no further discussion, the board indicated their readiness to vote.

3.) FINDINGS

The Board found that in accordance with City of New Bedford Code of Ordinances, Chapter 9 Section 5320, the benefit to the City and the neighborhood outweighs the adverse effects of the proposed use, taking into account the characteristics of the site and of the proposal in relation to that site. This determination included consideration of each of the following:

- *Social, economic, or community needs which are served by the proposal;*
The existing residential use continues, adding 33 units to a successful mill rehabilitation project, servicing the ongoing community's housing needs.
- *Traffic flow and safety, including parking and loading;*
No change from as proposed in the first phase of the mill renovation in 2006. The use provides (404) spaces for the Wamsutta Mill Lofts, with 80 spaces available on the "Matouk Building" parcel. The proposed use will not require Site Plan Review by the Planning Board.
- *Adequacy of utilities and other public services;*

The proposed use is neutral, as utilities are sufficient for the proposed use.

- *Neighborhood character and social structures;*
As proposed, the use would not alter the neighborhood's character, as the use would fit within an existing residential overlay district.
- *Impacts on the natural environment;*
The proposed use would have a neutral impact on the natural environment. There will be no anticipated substantial change in the existing impacts on the natural environment at this site.
- *Potential fiscal impact, including impact on City services, tax base, and employment*
The proposal would add 33 residential units to an existing site and provide housing services for the community, therefore increasing the city's tax base.

4.) RELIEF

With respect to the relief requested by the Applicant, the Board has been presented with sufficient information at the hearing to justify the relief described below, subject to the conditions set forth in Section 6.

The Board grants the applicant's request for relief from Chapter 9 Comprehensive Zoning Sections 4100A-4172A (Wamsutta Mill Overlay District-WMOD) and 5300-5330 & 5360-5390 (special permit); relative to property located at relative to property located at 61 Wamsutta Street, Assessors' map 78 lot 125 in an Industrial B [IB] zoned district. The petitioner proposes to construct 33 units of rental housing in the "Matouk Building" within the Wamsutta Mill Complex per plans filed.

5.) DECISION

Based on a review of the application documents, testimony given at the public hearing and the findings described above, the Zoning Board of Appeals hereby **GRANTS, WITH CONDITIONS**, the requested special permit.

A motion to approve was made by Clerk Brown and seconded by Mr. Brown as follows:

In regards to Case #4371 for: **Wamsutta II, LLC** (218 Willard Street, Quincy, MA 02169), **Christopher Saunders, Esquire** (700 Pleasant Street, New Bedford, MA 02740) and **Farland Corp., C/O Matthew White** (401 County Street, New Bedford, MA 02740) relative to property located at **61 Wamsutta Street**, Assessors' map 78 lot 125 in an Industrial B [IB] zoned district. The petitioner proposes to construct 33 units of rental housing in the "Matouk Building" within the Wamsutta Mill Complex per plans filed, which requires a **Special Permit** under Chapter 9 Comprehensive Zoning Sections 4100A-4172A (Wamsutta Mill Overlay District-WMOD) and 5300-5330 & 5360-5390 (special permit). Having reviewed this petition in light of the City of New Bedford Code of Ordinances Chapter 9 Comprehensive Zoning Sections as cited; the board finds that in respect to these sections 5300-5330 and 5360-5390 relative to the granting of Special Permits, that the benefit to the city and the neighborhood outweighs

the adverse effects of the proposed use, taking into account the characteristics of the site and of the proposal in relation to that site.

This determination included consideration of each of the following:

- *Social, economic, or community needs which are served by the proposal;*
- *Traffic flow and safety, including parking and loading;*
- *Adequacy of utilities and other public services;*
- *Neighborhood character and social structures;*
- *Impacts on the natural environment;*
- *Potential fiscal impact, including impact on City services, tax base, and employment*

In light of its review of the specifics of this case, the applicable sections of the city's zoning ordinance, the findings subsequently made based on these items along with all properly submitted materials and testimony made, and the board's careful consideration of the petitioner's request, the Zoning Board of Appeals finds that the petition satisfactorily meets the basis of the requested relief.

General Conditions on this decision shall include:

- That the project be set forth according to the plans submitted with the application.
- That the applicant shall ensure a copy of the Notice of Decision bearing the certification of the city of New Bedford City Clerk's Office be recorded at the Registry of Deeds.
- The rights authorized by the granted special permit must be exercised by issuance of a Building Permit by the Department of Inspectional Services and acted upon within one year from the date the decision was granted, or the approval will lapse.

On a motion by S. Brown seconded by L. Parrish to grant the requested Special Permit, the vote carried 4-0-0 with members S. Brown, R. Schilling, A. Decker and L. Parrish, voting in the affirmative; no members voting in the negative or abstaining. (Tally 4-0-0).

Filed with the City Clerk:



Stephen Brown

Clerk of the Zoning Board of Appeals

4/17/19

Date