



## PLANNING BOARD

City Hall, Room 303  
133 William Street,  
New Bedford, MA 02740  
(508) 979-1488  
[www.newbedford-ma.gov](http://www.newbedford-ma.gov)

Registry of Deeds/City Clerk Use Only:

CITY OF NEW BEDFORD  
JONATHAN F. MITCHELL, MAYOR

### NOTICE OF DECISION-Special Permit

Case Number:	26-17			
Request Type:	Special Permit for Parking Reduction			
Address:	4 Wright Street			
Zoning:	Waterfront Industrial (WI) zoning district and New Bedford-Fairhaven Designated Port Area			
Recorded Owner:	MacArthur Drive, LLC, c/o Albert Santos, 86 MacArthur Drive, New Bedford, MA 02740			
Applicant:	Marshall/ Gary, LLC			
Applicant Address:	17 Naumkeag Row, Danvers, MA 01923			
<b>Application Submittal Date</b>	<b>Public Hearing Date</b>	<b>Decision Date</b>		
June 20, 2017	July 12, 2017	July 26, 2017		
Assessor's Plot Number	Lot Number(s)	Book Number	Page Number	Certificate Number
31	263	11720	210	

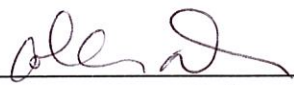
CITY CLERK  
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CITY CLERKS OFFICE  
NEW BEDFORD, MA

**Application:** Request by applicant for Special Permit for parking space reduction located at 4 Wright Street (Map 31, Lot 263), on a 2.0+/- acre site, in the Waterfront Industrial (WI) zoning district and New Bedford-Fairhaven Designated Port Area.

**Action:** GRANTED, WITH CONDITIONS, as described in section four (4).

A copy of this Decision was filed with the City Clerk of the City of New Bedford on July 26, 2017. Any person aggrieved by this decision for Special Permit 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.

7/26/17  
Date

  
Colleen Dawicki, Chair  
City of New Bedford Planning Board

## 1) APPLICATION SUMMARY

Benjamin Gary of Marshall/Gary, LLC (17 Naumkeag Row, Danvers, MA 01923) submitted an application under Chapter 9 Comprehensive Zoning §3100.-Parking and Loading, §3130 (Appendix C), and §5300. Special Permit for Parking Reduction, for the conversion of an existing building to a church and church related activities, located at 4 Wright Street (Map 31, Lot 263), on a 2.0+/- acre site, in the Waterfront Industrial (WI) District and New Bedford - Fairhaven Designated Port Area.

The applicant was advised by Staff via written staff report to seek recommendation from the Department of Environmental Protection and Massachusetts Office of Coastal Zone Management before proceeding with this Special Permit Request to mitigate additional financial expense.

## 2) MATERIALS REVIEWED BY THE PLANNING BOARD

### Plans Considered to be Part of the Application

Applicants are required to include in case submittals a plan in substantial conformance with the requirements of §5400, as stipulated under §5340 of the New Bedford Code of Ordinances. Written waiver requests were received and may be reviewed at Attachment 1.

The submittal is described by the Cover Sheet as project site 4 Wright Street, New Bedford, MA, for New Life Church, dated June 14, 2017 and received July 5, 2017, stamped by Benjamin Gary, Jr., Marshall/Gary LLC, 17 Naumkeag Row, Danvers, MA 01923, and others, consisting of four (4) plan sheets;

- **Cover**
- **Existing Conditions (Sheet S-1)**
- **Site Plan (Sheet S- 2)**
- **Proposed Leased Parking Plan (Sheet S-3)**

And

Proposed Floor Plan for Schuster Building located at 4 Wright Street, dated June 2017 and received on June 20, 2017, New Bedford, MA 02740, prepared by Mount Vernon Group Architects, 47 North Second Street, New Bedford, MA 02740 consisting of one (1) sheet.

### Other Documents and Supporting Materials

A Staff Report was provided for the July 12, 2017 Planning Board meeting with the following attachments:

- Special Permit Application
- Letter of Authorization
- Project Narrative
- Request for Waivers
- Site Plan Review Checklist
- Development Impact Statement
- Bristol County (S.D.) Registry of Deeds Book 1740, Page 960
- Bristol County (S.D.) Registry of Deeds Book 1740, Page 980 (Contract for Sale for Private Development)
- Bristol County (S.D.) Registry of Deeds Book 11720, Page 210
- ANR Plan of Land Bristol County (S.D.) Registry of Deeds Book 170, Page 35
- Bristol County (S.D.) Registry of Deeds Book 11653, Page 293
- Bristol County (S.D.) Registry of Deeds Book 10719, Page 235



- Plan of Land Bristol County (S.D.) Registry of Deeds Book 107, Page 49
- Site Photos
- Emails of Support
- Plan Set

### 3) DISCUSSION

Board Members Colleen Dawicki, Kathryn Duff, Arthur Glassman, Peter Cruz and Alexander Kalife were present on the evening of the discussion.

Acting City Planner Jennifer Clarke, AICP, and Staff Planner Constance Brawders were present during proceedings.

An application for Special Permit for Parking Reduction from 125 to 95 parking spaces to accommodate the 500 congregants of the church, Sunday school and office use was presented Mr. Ben Gary, landscape architecture consultant for New Life Church. Accompanying Mr. Gary was Pastor Marco DeBarros. Mr. Gary described the proposed plan for building use and associated parking, to include 521 CMR: Architectural Access Board compliant parking. Onsite loading docks are to remain as is. Other than removal of existing signage, no changes were proposed to the building exterior. No additional lighting was proposed. The parking area will remain with improvements made to repairs of cracks in the bituminous pavement, seal coating, and restriping. However, the applicant intends to supplement the landscape design with additional plantings and seating areas. The church has outgrown its current facility at Keith Middle School.

Chairperson Dawicki asked the agent to update the Planning Board on the determination of uses, which might permit the use of a church, as an allowed use in the New Bedford-Fairhaven Designated Port Area. The applicant responded he had spoken with both the office of Coastal Zone Management and Department of Environmental Protection (Chapter 91 –The MA Public Waterfront Act which regulates activities on coastal and inland waterways), but had not received a definitive opinion from these regulating agencies. The applicant also awaited an opinion from the Port Director and Harbor Development Commission Executive Director. Mr. Gary opined that while these entities regulated the use in the DPA, they “certainly” did not impact the parking. Mr. Gary further stated the Church was pursuing the matter with the respective agencies to clarify the use by exemption.

The Board was advised by the Acting City Planner to consider the parking reduction request by Special Permit before them and, if so moved to grant the parking reduction, that the applicant secure any and all necessary permits and/or approvals from the Department of Environmental Protection, the Massachusetts of Coastal Zone Management, and any other State and/or Local entity with jurisdiction over the Designated Port Area and provide evidence of such approval to the City Planner prior to occupancy.

Acknowledging the number in the audience, the Chair noted that many emails had been received and read by staff and board members in support of the proposal which would be saved for the formal record. Chairperson Dawicki asked for a motion to open the Public Hearing which was moved by Board Member K. Duff then seconded by Board Member A. Glassman. Motion carried unanimously five (5) to zero (0).

Speaking in support of the project were Doug Desrocher (269 Irvington Street), Jenna Hickey (18 Arch Street), Rachel Acevedo (366 Maxwell Street), Markee Johnson (13 Bird Street, Foxboro, MA), Jose Rodrigues (13 Lawrence Street), Peter Wilmont (54 Campbell Street), Wadley DaSilva (34 Hemlock Street),

Tuesday Desrocher (269 Irvington Street), Silas Correia (16 Gates Street), Corey Rios (1088 Phillips Road), Fernando Amaral ( 82 Milford Street), and Eric Monteiro ( 511 Elm Street).

Asking to be recorded in favor of the project was Richard Landis (20 Rounseville Street).

No one spoke or asked to be recorded in opposition of the proposal.

The public hearing was then closed on a motion by Board Member K. Duff, with second by Board Member A. Glassman. Motion carried unanimously five (5) to zero (0).

In considering this application for Special Permit, the Board took into account the characteristics of the site and the proposal in relation to that site, specific factors set forth under Section 5320 of the zoning ordinance, and the project's consistency in meeting the strategic goals set forth by the city's Master Plan.

#### **4) DECISION**

Board Member K. Duff made the motion, with conditions, seconded by Board Member A. Glassman, to approve the request by applicant for Case 26-17 by Ben Gary of Gary/Marshall, LLC for New Life Church the Special Permit for Parking Reduction from 125 to 95 spaces under Chapter 9 Comprehensive Zoning §3100.-Parking and Loading, §3130 (Appendix C), and §5300. Special Permit for Parking Reduction, for the conversion of an existing building to a church and church related activities, on a 2.0+/- acre site, located at 4 Wright Street (Map 31, Lot 263).

After concluding that the Planning Board had taken into consideration the testimony of the applicant and the following applicable Sections of the City's Zoning Ordinance, Regulations, and Requirements:

- ☐ §3100.-Parking and Loading
- ☐ §5400, as stipulated under §5340
- ☐ Site Plan Review Application Check List
- ☐ §3130 Appendix C-Table of Parking & Loading Regulations

#### **Specific Conditions:**

- The applicant should provide evidence that terms of the agreement have been fulfilled and no further obligations exist for compliance to the stipulations set forth in the deed and contract for sale as described in Bristol County (S.D.) Registry of Deeds Book 1740, Page 960 (Quitclaim Deed) and Bristol County (S.D.) Registry of Deeds Book 1740, Page 980 (Contract for Sale for Private Development).
- That the applicant secure any and all necessary permits and/or approvals from the Department of Environmental Protection, the Massachusetts Office of Coastal Zone Management and any other State and/or local entity with jurisdiction over the Designated Port Area and provide evidence of such approvals to the City Planner prior to occupancy.
- That the applicant provides revised plan submittals shall reflect the existence of the drainage easement, noting deed book and page number.
- That the applicant recheck and resubmit all documents with corrections, [to include all Plan sheets, Special Permit Application, Narrative, and any other conflicting documentation] submitted for consideration by the Planning Board.



- That the applicant shall provide a written project schedule and estimate of cost as stipulated under §5452.
- That the applicant meet the Architectural Access Board number of spaces regarding the number of handicap accessible spaces which should be five (5), not the four (4) as indicated [in submittal documents].
- That the applicant accommodates any of the staff comments from the planning staff [report].

**List of General Conditions:**

1. That the project shall be completed according to the plans, notes, reports, and specifications submitted for consideration and final approval by the Planning Board.
2. The applicant shall ensure that any plan corrections identified by the Planning Division shall be completed and presented on the final plan set and/or case documents.
3. The project shall be undertaken in a manner consistent with the Memorandum from the Department of Public Infrastructure [No memo was issued from DPI for this proposal as the application does not fall under the purview of the department.]
4. The applicant shall submit final plan revisions to the Planning Division in the following formats:  
     One (1) -11" x 17" Plan Set  
     One (1) CD or USB with Plan Set in PDF format  
 and shall ensure that these same plans are properly submitted to the Department of Inspectional Services.
5. The applicant shall ensure that a copy of the Notice of Decision, bearing the certification of the New Bedford City Clerk signifying no appeal has been made against the project's approval, be provided for the Planning Division case file folder.
6. The applicant shall present any proposed modification from the approved plans for consideration to the City Planner for determination as to whether the modified plan must return before this Board for further review.
6. 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 they were granted or they will lapse.

The Planning Board found this request to be in accordance with the City of New Bedford Code of Ordinances Chapter 9 Section 5300 relative to the granting of Special Permits because the board found that the benefit to the city and the neighborhood outweighed the adverse effects of the proposed use, and because the board found that the proposal conforms with the standards for special permits in Chapter 9 Sections §5300 thru 5390. This request was also found to be in accordance with the City of New Bedford's Code of Ordinances Chapter 9 §3000-General Regulations, 3100-Parking & Loading, 3110-Applicability, 3120-Special Permit for Parking Reduction, and 3130-Table of Parking and Loading Requirements - Appendix C – places of worship.

As a result of such consideration, the Board moved approval of the subject application with the conditions so noted, with motion seconded by Board Member Glassman. A roll call vote was taken and unanimously approved five (5) to zero (0).


Board Member Duff - Yes  
Chair Person Dawicki – Yes

Board Member Glassman – Yes  
Board Member Kalife - Yes

Board Member Cruz – Yes

Filed with the City Clerk on:

7/26/17  
Date

  
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Colleen Dawicki, Chair  
City of New Bedford Planning Board