



# Committee on Ordinances

September 17, 2014 – 7:05 PM - **Minutes**

City Hall, 133 William Street, City Council Chamber, Room 214

**MEETING: COMMITTEE ON ORDINANCES**

**DATE: SEPTEMBER 17, 2014**

**TIME: 7:05 P.M.**

**PLACE: CITY COUNCIL CHAMBER, ROOM 214, MUNICIPAL BUILDING**

**PRESENT: COUNCILLORS STEVEN MARTINS, CHAIRMAN; JAMES OLIVEIRA, VICE-CHAIRMAN; DAVID ALVES; HENRY BOUSQUET; NAOMI CARNEY; BRIAN GOMES (7:08); JOSEPH LOPES (7:15); LINDA MORAD (7:15); DANA REBEIRO; KERRY WINTERSON**

**ABSENT: COUNCILLOR DEBORA COELHO**

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Councillor Martins called the Ordinance Meeting to order and took attendance. The Clerk read Communications into the record from Councillors Lopes and Morad stating they would be late in attending tonight's Committee Meeting due to their attending the Clark's Cove Neighborhood Association Meeting. These communications were received and placed on file by Councillor Alves and seconded by Councillor Winterson.

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Notice, City Clerk of reference of a Public Hearing on a Written Motion, Councillor Alves and Lopes, requesting, on behalf of Mr. and Mrs. Wayne S. Martin, that the City Council change the Zoning of the Vacant Lot Property they own (City Plot 16-Lot 140 and Plot 14-Lot 223, Cleveland Street) being approximately 16,000 square feet, from "Residential C" to "Mixed-Use Business" (Ref'd 06/26/14, 07/15/14 - referred to Ordinance and Planning, duly advertised in the Standard-Times on Thursday, September 4, 2014 and Thursday, September 11, 2014) and a Communication, City Planner Jill Maclean to Councillor Steven Martins, Chairman, Committee on Ordinances, notifying the Committee that the Planning Board held a Public Hearing on September 10, 2014 to discuss the proposed zoning change, on behalf of the owners of Plot 16, Lot 140 and Plot 14, Lot 223 located on Cleveland Street, requesting that their vacant property on Cleveland Street between Ruth and David Street, be rezoned in its entirety from Residential C (RC) to Mixed-Use Business (MUB); the Planning Board voted to send a **FAVORABLE RECOMMENDATION** to the Ordinance Committee (9/15/14) were received and placed on file by Councillor Alves and seconded by Councillor Winterson.

(1, 1a)

Councillor Alves made a motion to open the public hearing, which was seconded by Councillor Carney. The hearing was opened.

Attorney Matt Thomas, 4 Park Place, Suite 101 was present on behalf of the property owners to answer any questions the Committee might have.

Jill Maclean, City Planner was present and gave an overview of the Planning Boards hearing and approval to rezone the properties in question to mixed use. The Board thought it was a good transition for the neighborhood.

Attorney Thomas spoke on behalf of the property owner and explained that the properties have been for sale for a long time and are now selling, but rezoning the area will help. There are prospective buyers for the parcels in question. Attorney Thomas asked that the motion be amended to include Plot 16, Lots 140 and 141 and Plot 14, Lot 223. The site plan review for incoming business will have to go through the Planning Board and it would include the neighbors being notified.

Councillor Martins asked if there was anyone who wanted to speak in favor of the rezoning, there were none. Councillor Martins asked if there was anyone who wanted to be recorded in favor of the rezoning, they were as follows:

Dee Martin, 21 Estelle Avenue, East Freetown, MA

Pat Tetreault, 31 Darling Street, Acushnet, MA

Councillor Martins asked if there was anyone who wanted to speak in opposition of the rezoning, they are as follows:

Katherine Medeiros, 58 Roosevelt Street, expressed concerns about what type of business would be put in the area, as she was concerned about the neighborhood safety and her grandchildren.

Ernest Medeiros, 58 Roosevelt Street, voiced the same concerns.

Laurie Motta, 54 Roosevelt Street, voiced safety concerns, attracting people all times of the night.

Councillor Morad asked DIS Commissioner Dan Romanowicz what the other properties were currently zoned in that area and he responded mixed use. There are businesses south and north of the property in question.

Councillor Oliveira made a motion to close the hearing, which was seconded by Councillor Alves. The hearing was closed.

On motion by Councillor Alves and seconded by Councillor Bousquet, the Committee VOTED: To amend the Plot Plan to Plot 16, Lots 140 and 141 and Plot 14, Lot 223. This motion passed on a voice vote.

On motion by Councillor Alves and seconded by Councillor Gomes, the Committee VOTED: To recommend to the City Council APPROVAL of the Zoning Change, AS AMENDED, of the Vacant Lot Property, Plot 16 – Lots 140 – 141 and, Plot 14, Lot

223, Cleveland Street being approximately 16,000 square feet, from “Residential C” to “Mixed-Use Business.” This motion passed on a Roll Call Vote of Yeas 10, Nays 0.

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Notice, City Clerk of reference of a Public Hearing, on a Written Motion, Councillors Oliveira, Gomes, Morad and Alves, requesting that Plot 124/Lot 162 (NS Shawmut Avenue) be rezoned from Mixed-Use Business, to RESIDENTIAL B, said lot lies between two residential properties and is considered inconsistent with the contour of the current neighborhood on the East side of Shawmut Avenue. (Ref’d 07/17/14, duly advertised in the Standard-Times on Thursday, September 4, 2014 and Thursday, September 11, 2014) and a Communication, City Planner Jill Maclean to Councillor Steven Martins, Chairman, Committee on Ordinances, notifying the Committee that the Planning Board held a Public Hearing on September 10, 2014 to discuss the proposed zoning change, submitted by Councillors Oliveira, Gomes, Morad and Alves, to rezone Plot 124, Lot 162, Shawmut Avenue from Mixed-Use Business (MUB) to Residential B (RB); the Planning Board voted to send a **UNFAVORABLE RECOMMENDATION** to the Ordinance Committee (9/15/14) was received and placed on file and open hearing by Councillor Alves and seconded by Councillor Winterson. (2, 2a) The hearing was opened.

Jill Maclean, City Planner was present and addressed the Committee. She gave an overview of the Planning Boards hearing in which they voted against the zoning, stating it boarded on spot zoning; but they should explore rezoning the entire area to Residential B.

Councillor Martins asked if there was anyone who wished to speak in favor or be recorded in favor, there was no one. He then asked if there was anyone who wanted to speak or be recorded in opposition to this rezoning, there was no one.

Councillor Bousquet made a motion to close the hearing, which was seconded by Councillor Alves. The hearing was closed.

On motion by Councillor Alves and seconded by Councillor Oliveira, the Committee VOTED: To recommend to the City Council, NOT to Grant the rezoning of Plot 124, Lot 162 (NS Shawmut Avenue) from Mixed-Used Business to Residential B. This motion Passed on a Roll Call Vote, Yeas 9, Nays 0, Councillor Winterson was not present for the vote.

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Notice, City Clerk of reference of a Written Motion, Councillor Gonsalves, on behalf of the Buttonwood Park Zoo, that City Code Chapter 4, Section 4-5, Relative to Beekeeping, be amended to allow the Zoo to develop an exhibit on Beekeeping (Ref’d 04/11/13, 12/12/13 – Remain in Committee, 04/29/14 – tabled), a Written Motion, Councillor Alves, requesting, that the Committee on Ordinances meet with Michael Patenaude to discuss the potential benefits of allowing bee keepers to operate in the City of New Bedford (Ref’d 05/08/14), and a Communication, Councillor Martins, submitting an Ordinance from the City of South Bend, Indiana, regarding Honey Bee Keeping Regulations were removed from the table and received and placed on file by Councillor Alves and seconded by Councillor Bousquet. (3,3a, 3b)

A conversation ensued about the current City Ordinance which prevents bee keeping in the city. The Committee heard from Mr. Patrick Rogers and his wife Maria Vasquez, both of 17 Timberlane Road, New Bedford. They presented their bee keeping knowledge. A series of questions were asked by a number of Councillors to include the difference between bees, yellow jackets, hornets, wasps, etc.; at the conclusion of the discussion the following motion was made.

On motion by Councillor Winterson and seconded by Councillor Bousquet, the Committee VOTED: That the Committee request Attorney David Gerwatowski to draft an Ordinance amending Chapter 4, Section 4-5 of the City Code relative to Bee Keeping in the City of New Bedford, that a provision be made that this section shall not be enforced by any City Department for a period of 180 days on the day of passage, as this would allow time to work on changing the current bee keeping ordinance if it is the Council's desire to do so. This motion passed on a voice vote.

On motion by Councillor Winterson and seconded by Councillor Bousquet, the Committee VOTED: To table the main motion at this time. This motion passed on a voice vote.

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Notice, City Clerk of reference of a Written Motion, Councillors Lawrence and Bousquet, requesting, on behalf of the Mt. Pleasant Street Neighborhood Association, that the City Council explore the possibility of creating an Ordinance that would require all foreclosed and vacant properties to mark copper piping within the property with an identifiable iridescent paint, this would immediately identify any copper that might have been illegally removed from the aforementioned types of property. (Ref'd 06/14/12, 10/23/12 - remain in Committee, 12/12/13 - remain in Committee, 05/21/14 – tabled, invite Police and DIS) (4)

On motion by Councillor Bousquet and seconded by Councillor Winterson, the Committee VOTED: To waive the reading and take “No Further Action” on this matter at this time. This motion passed on a voice vote.

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Councillor Bousquet asked that item number six (6) be taken out of order, which was seconded by Councillor Winterson. There was no objection.

Notice, City Clerk of reference of a Written Motion, Councillor Bousquet, requesting, that Health Department Director Brenda Weis and the Mayor consider a ninety (90) day moratorium on the issuances of “trash ticket” violations to multi-unit housing operators while the City begins the implementation of the new trash collection and recycling system in order to allow for a learning curve adjustment period, so that they may educate their residents, tenants, etc. (Ref'd 06/26/14) (6)

On motion by Councillor Bousquet and seconded by Councillor Winterson, the Committee VOTED: To waive the reading and take “No Further Action” on this matter at this time. This motion passed on a voice vote.

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Notice, City Clerk of reference of a Written Motion, Councillor Martins, requesting that the Committee on Ordinances review the Special Permit requirement for Home Day Care providers (Ref'd

06/12/14) was received and placed on file by Councillor Morad and seconded by Councillor Bousquet.  
(5)

DIS Commissioner Dan Romanowicz was present along with Attorney David Gerwatowski to answer questions from the Committee.

A discussion took place on fees and ordinance language as it relates to home day care business. Attorney Gerwatowski explained the history of the Ordinance for those new to the Council. Many Councillors were concerned about pricing home day cares out of business, especially where the state has guidelines.

Commissioner Romanowicz said he was more concerned about safety issues, e.g. egress and ingress, etc.

A question asked by Councillor Morad revealed that 99% of the day cares were in compliance with the current guidelines.

On motion by Councillor Bousquet and seconded by Councillor Lopes, the Committee VOTED: To request Attorney David Gerwatowski to draft an Ordinance to refer to the full City Council that does not overstep the states guidelines as it relates to home day care for children. This motion passed on a voice vote.

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Notice, City Clerk of reference of a Written Motion, Councillor Winterson, on behalf of Hazel Inglis, Esq., requesting that 99 East Clinton Street (Plot 45/Lot 301) be REZONED from "MIXED USE BUSINESS" to "RESIDENTIAL A". (Ref'd 06/26/14) ***Withdrawn by Petitioner***

On motion by Councillor Morad and seconded by Councillor Bousquet, the Committee VOTED: To waive the reading and follow the Chairman's recommendation to take "No Further Action" on this matter at this time. This motion passed on a voice vote.

Councillor Bousquet made a motion to adjourn, which was seconded by Councillor Winterson.

This meeting adjourned @ 9:02 p.m.

ATTEST:

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Clerk of Committees