



JONATHAN F. MITCHELL  
MAYOR

ZBA Minutes  
4/25/19  
Page 1 of 12

*City of New Bedford*  
**ZONING BOARD OF APPEALS**

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**ZONING BOARD OF APPEALS**  
**NEW BEDFORD CITY HALL – 3<sup>rd</sup> Floor**  
**WILLIAM STREET**  
**NEW BEDFORD, MA**  
**Thursday, April 25, 2019**

**MINUTES**

**PRESENT:** John Walsh (*Vice – Chairperson*)  
Stephen Brown, *Clerk*  
Allen Decker  
Celeste Paleologos  
Laura Parrish

**ABSENT:** Leo Schick (*Chairperson*)  
Robert Schilling

**STAFF:** Angela Goncalves, *Assistant Project Manager*  
Danny Romanowicz, *Commissioner of Buildings and Inspectional Services*

CITY CLERK  
2019 AUG 16 A 10:52  
CITY CLERKS OFFICE  
NEW BEDFORD, MA

**1. CALL TO ORDER**

Acting Chairperson Walsh called the meeting of the City of New Bedford Zoning Board to order at 6:00 p.m. He welcomed Celeste Paleologos the board's newest member. Acting Chairperson then explained the meeting process and protocol.

Acting Chairperson Walsh noted a continuance requested on Case #4372.

A motion was made (JW) and seconded (SB) to consolidate Case # 4360 and Case #4361 for hearing.

Motion passed unopposed.

**2. PUBLIC HEARINGS:**

**ITEM 1 - CASES #4360/#4361 -**

*Note: These are minutes only. A complete copy of the meeting audio is available on the City of New Bedford website at:  
<http://www.newbedford-ma.gov/cable-access/government-access-channel-18/program-schedule/>*

**Case#4360**- Petition of: John T. Ricciuti, Trustee of Ricciuti Realty Trust, C/O Holland & Knight LLP, Nadya Makenko, Esquire (10 Saint James Avenue, Boston, MA 02116) and Yearly Grind II Realty, LLC (PO Box 51147, New Bedford, MA 02745) for a Special Permit under Chapter 9, Comprehensive Zoning Sections 2200 (use regulations), 2210 (general), 2230 (table of principal use regulations-Appendix A, commercial - #23 restaurant, fast food) and 5300-5330 & 5360-5390 (special permit); relative to property located at 970 Ashley Boulevard, Assessors' map 127D lot 89 & 98 in a Mixed Used Business [MUB] & Residential B [RB] zoned districts. The petitioner proposes to construct a Dunkin' Restaurant with a drive through window per plans filed. (Continued Agenda item from February 14, 2019).

**Case #4361** - John T. Ricciuti, Trustee of Ricciuti Realty Trust, C/O Holland & Knight LLP, Nadya Makenko Esquire (10 Saint James Avenue, Boston, MA 02116) and Yearly Grind II Realty, LLC (PO Box 51147, New Bedford, MA 02745) for a Special Permit under Chapter 9, Comprehensive Zoning Sections 3100 (parking and loading), 3110 (applicability), 3140 (location and layout of parking and loading facilities), 3149 (special permit for commercial parking in residential districts) and 5300-5330 & 5360-5390 (special permit); relative to property located at 970 Ashley Boulevard, Assessors' map 127D lot 89 & 98 in a Mixed Used Business [MUB] & Residential B [RB] zoned districts. The petitioner proposes to construct a Dunkin' Restaurant with a drive through window per plans filed. (Continued Agenda item from February 14, 2019).

A motion was made (SB) and seconded (LP) that the following be received and placed on file: communications from the Commissioner of Buildings and Inspectional Services dated 1/25/19; communications from the Office of the City Planner dated 4/18/19; the appeal package as submitted; the plans as submitted; and, that the owners of the lots as indicated are the ones deemed by this board to be the lots affected; and the action of the clerk in giving notice of the hearing as stated be and hereby is ratified.

Motion passed unopposed.

Jim Bernardino, Bohler Engineering, explained the request. He explained the proposed location and surrounding streets and businesses. He noted the building on the nearly vacant lot will be razed. Mr. Bernardino stated the proposal has gone through revisions, and he displayed both renderings for the board. Mr. Bernardino explained the rendering, including the location of the residential zones. He stated they have addressed concerns from the planning board, as well as those received from the general public at a neighborhood meeting. He stated they have revised the original 2,000 s/f building to a 1,000 s/f building with an exterior cooler, as well as removed the interior seating component. The proposal now consists of drive-thru and counter service only. Mr. Bernardino stated they have reconfigured the site, which also resulted in a reduction of parking spots to 13 spaces.

Mr. Bernardino addressed changes made to accommodate easterly abutters. He noted changes in the plan that put parking and the dumpster further away from the original proposal, as well as enhancing the landscape area, providing a greater buffer with arborvitaes and a 6' fence, and reducing headlight glare. He specifically addressed the two items before this board. Mr. Bernardino spoke about the audible ordering speaker, including audible exhibits addressing dissipation of sound. He then addressed deliveries regarding the 4:00 a.m. to 9:00 p.m. hours of operation Monday thru Friday, and the different weekend hours. He noted the neighbor concerns

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with the 4:00 a.m. deliveries, which he felt was somewhat standard with this business use zone. He invited questions.

In response to Acting Chairperson Walsh's invitation to speak or be recorded in favor, applicant's counsel Att. Brian Grossman stated the delivery truck will not idle. He stated they recognize the difficulty when a residential zone abuts a business zone, and they have tried to minimize that impact. He then spoke on the criteria to be considered, including employment effects, traffic/access, et cetera.

In response to Acting Chairperson Walsh's invitation to speak or be recorded in opposition, Wayne Wolcott, York Street, noted the location of his residence in relation to the project. He spoke on the positive aspects of the changes made, but stated his remaining concerns, including the speaker location, the deliveries and the parking. In addition, he expressed concern about pedestrian access to the property and site circulation. He stated he is worried about physical impacts related to his sleep, his property value, and the increase in insurance premiums due to this attractive nuisance. Mr. Wolcott suggested they look into the closed New York Buffet site as a potentially better location. He stated he is opposed to a fast-food restaurant at this location. He stated there are 6-7 homes on York and Florida Streets directly affected by this project.

In response to Acting Chairperson Walsh, Mr. Wolcott stated his issues are not entirely being addressed by the planning board. He explained things addressed by the planning board.

In response to Acting Chairperson Walsh's further invitation to speak or be recorded in opposition, Rui Alexander, York Street, stated he bought his home in this quiet area 40 years ago and listed businesses that have come into his direct neighborhood. He stated he is concerned with noise, traffic, and his property value. He feels his privacy and quiet will be gone.

In response to Acting Chairperson Walsh's further invitation to speak or be recorded in opposition, Jennifer Blevins, Florida Street, explained her location in relation to the project. She is concerned about the operating hours and associated noise, especially the effect it will have on her children. She is also concerned with the change in the view from her home. She expressed additional opposition to the project.

There was no response to Acting Chairperson Walsh's further invitation to speak or be recorded in opposition.

By way of rebuttal, Mr. Bernardino addressed the issues raised, to include screening/buffer zones, parking overflow, proposed side walk to address pedestrian access, truck delivery timings, all of which are being discussed with the planning board.

Wayne Wolcott expressed concern about volume of pedestrians at the release of the nearby school, again reiterating there is no pedestrian access into the site. He stated he was rushed at the planning board meeting, and felt noise was still an issue. He noted the planning board suggested the applicant consider a plan like that at the Fieldstone Market Place and that has not been done. He noted concerns about the traffic speed on Ashley Boulevard. He also suggested a different type of business, such as a florist, would be appropriate for this location. Mr. Wolcott feels the benefits is offset by all the resident's hardships.

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The hearing was closed.

After board discussion, including noise, property values, traffic, proposed buffering, the business use permitted in this district, and potential conditions to impose, a motion was made (SB) and seconded (LP) related to Case # 4360 to grant a special permit under provisions of the City Code of New Bedford relative to property located at 970 Ashley Boulevard, Assessors' map 127D lot 89 & 98 in a Mixed Used Business [MUB] & Residential B [RB] zoned district, to allow the petitioner to construct a Dunkin' Restaurant with a drive through window per plans filed, which requires a special permit under provisions of Chapter 9, Comprehensive Zoning Sections 2200, 2210, 2230 - Appendix A and 5300-5330 & 5360-5390. 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 includes consideration of each of the following:

The social, economic or community needs served by the proposal. In this case, the proposal provides area residents with an additional Dunkin Donuts. Concerning traffic flow and safety, including parking and loading, loading will occur on off hours to have a minimal effect on traffic flow, site access drive designed per New Bedford Zoning Bylaw. Regarding the adequacy of utilities and other public services, there are adequate utilities and services in the area. Regarding the neighborhood character and social structures, the surrounding area is already a mix of residential fast food restaurants and commercial storefronts, and planning board is currently addressing parking related issues. Regarding the impacts on the natural environment, the project will include a storm water management system, and no substantial impact on the environment is expected. Regarding potential fiscal impact, including impacts on city services, tax base and employment, approximately twenty jobs will be created.

With the following specific conditions:

- That the applicant construct a 6' fence between the property at Florida Street;
- That deliveries trucks will not idle their engines while making deliveries;
- That this project requires approval by the New Bedford Planning Board and any conditions imposed by the planning board are also conditions of this special permit.

General conditions as follows: that the project be set forth according to the plans submitted with the application; that the applicant ensure a copy of the Notice of Decision bearing certification from the City Clerk's Office be recorded at the Registry of Deeds; and that the rights authorized by the granting of this 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 they will lapse.

Roll-call vote as follows:

Board Member Walsh - Yes

Board Member Paleologos - No

Board Member Decker - No

Board Member Brown - No

Board Member Parrish - No

#### **Motion Fails 1-4**

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A motion was made (SB) and seconded (LP) related to Case # 4361 to grant a special permit under provisions of the City Code of New Bedford relative to property located at 970 Ashley Boulevard, Assessors' map 127D lot 89 & 98 in a Mixed Used Business [MUB] & Residential B [RB] zoned districts, to allow the petitioner to construct a Dunkin Restaurant with a drive thru window per plans filed, which requires a special permit under provisions of Chapter 9, Comprehensive Zoning Sections 3100, 3110, 3140, 3149 and 5300-5330 & 5360-5390.

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 includes consideration of each of the following:

The social, economic or community needs served by the proposal. In this case, the proposal provides area residents with an additional Dunkin Donuts. Concerning traffic flow and safety, including parking and loading, loading will occur on off hours to have a minimal effect on traffic flow, site access drive designed per the New Bedford Zoning Bylaw. Regarding the adequacy of utilities and other public services, there are adequate utilities and services in the area. Regarding the neighborhood character and social structures, the surrounding area is already a mix of residential fast food restaurants and commercial storefronts. Regarding the impacts on the natural environment, there are no substantial impacts on the natural environment expected. Regarding potential fiscal impact, including impacts on city services, tax base and employment, approximately twenty jobs will be preserved.

With the following specific conditions:

- That the applicant construct a 6' fence between the property on Florida Street;
- That deliveries trucks will not idle their engines while making deliveries;
- That this project requires approval by the New Bedford Planning Board and any conditions imposed by the planning board shall be conditions of this special permit.
- 

General conditions as follows: that the project be set forth according to the plans submitted with the application; that the applicant ensure a copy of the Notice of Decision bearing certification from the City Clerk's Office be recorded at the Registry of Deeds; and that the rights authorized by the granting of this 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 they will lapse.

Prior to voting, Board Member Decker confirmed that this vote is specifically with respect to the parking use in a Residential B zoned portion of the property.

Roll-call vote as follows:

Board Member Walsh - Yes

Board Member Paleologos - No

Board Member Decker - Yes

Board Member Brown - No

Board Member Parrish - No

### **Motion Fails 2-3**

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Acting Chairperson Walsh noted for the applicant the recusal of Board Member Parrish, requiring that the applicant receive a unanimous vote. The applicant elected to go forward.

**ITEM 2- Case # 4372 - Petition of: Paul Piva & Gail Florek (10 Pequod Road, Fairhaven, MA 02719), 117 Union Street LLC (128 Union Street, New Bedford, MA 02740) and Prime Engineering, Inc., C/O Richard J. Rheume (PO Box 1088, Lakeville, MA, 02347) for a Special Permit under Chapter 9, Comprehensive Zoning Sections 4500-4572 (Downtown Business Overlay District-DBOD) and 5300-5330 & 5360-5390 (special permit); relative to property located at 115, 117 & 121 Union Street, 7 North Second Street & 127-129 Union Street, Assessors' map 53 lot 40,41,215,216 & 146 in a Mixed Use Business [MUB] zoned district. The petitioner proposes to raze the four existing attached buildings at 117 Union Street and construct a (5) story commercial/residential building per plans filed. (Continued Agenda item from April 11, 2019).**

A motion was made (SB) and seconded (AD) that the following be received and placed on file: communications from the Commissioner of Buildings and Inspectional Services dated 3/1/19; communications from the Office of the City Planner dated 4/8/19; the appeal package as submitted; the plans as submitted; and, that the owners of the lots as indicated are the ones deemed by this board to be the lots affected; and the action of the clerk in giving notice of the hearing as stated be and hereby is ratified.

Motion passed unopposed.

Acting Chairperson Walsh announced the project going forth in the downtown Overlay District that will involve demolition, noting in order to proceed the project must come before this board for special permit. He noted the project will still be subject to the scrutiny of the Historical Commission and the Planning Board, and demolition review is going to have to be undertaken with Inspectional Services.

Michael Galasso, New Bedford Development Corporation. He introduced colleagues Louis Craft, Rich Rheume, and Stephen Beauregard. Mr. Galasso stated this mixed use; mixed income project is proposed for 12,500 s/f at the intersection of Union and North Second Street. The five-story building will contain 42 apartments, with some 3,000 s/f of ground level retail space. He noted the various meetings that have occurred over the last six months. Mr. Galasso noted the various benefits of the completed project, including downtown redevelopment, housing, and job opportunities.

Mr. Galasso stated they seek the special permit for the proposed 14.5 million mixed use residential development with one work/live unit.

Rich Rheume, Prime Engineering, stated they had prepared the site plans, shown in pink, and the five existing buildings in yellow. He explained the plan orientations and building conditions. He further explained the plans, to include an outdoor dining area, park benches, handicap access, a lobby, et cetera.

In response to Board Member Decker, Mr. Rheume confirmed the live/work unit will be the 43<sup>rd</sup> unit.

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Mr. Rheume noted changes to the original February submission after consultation with the city staff.

In response to Board Member Brown, Mr. Rheume addressed parking and the two nearby parking garages. Mr. Galasso noted the five fully handicap accessible units in the proposal, as well as the work being done to acquire electric cars, and bike storage. In response to Board Member Brown, Mr. Galasso explained the rental ranges.

In response to Acting Chairperson Walsh's invitation to speak or be recorded in favor, Jeff Pontiff, downtown real estate broker, stated he represents both seller and buyer in this project. He stated he has been within the Historic District for some 20 years and listed his involvement in downtown and its organizations. He listed changes in the redevelopment of the downtown, as well as the 15-year stagnation period. He stated he views this first new downtown construction project, as the tipping point to start more redevelopment in the city. He requested the board view it in a favorable manner.

In response to Acting Chairperson Walsh's invitation to speak or be recorded in favor, Mark Li Mandri, Pearl Street. He stated he and his wife visit their New Bedford home every six weeks. He expressed that his 20-year career is to work in downtown areas throughout the United States. He stated New Bedford has the aspects to make itself phenomenally incredible. He added the one missing critical element is residential. He stated with our city having one of the most walkable downtowns in the Commonwealth, along with the coming of train service, will lead to the rapid redevelopment of downtown New Bedford. He stated this is the right project, in the right place, at the right time. He agrees this is the time of a tipping point, and he encouraged the board to consider the application favorably.

There was no response to Acting Chairperson Walsh's further invitation to speak or be recorded in favor.

There was no response to Acting Chairperson Walsh's invitation to speak or be recorded in opposition.

The hearing was closed.

After board discussion, including the need for residential housing in the downtown, a motion was made (SB) and seconded (AD) to grant a special permit under provisions of the City Code of New Bedford relative to property located at 15, 17, 121 Union Street and 7 North Second Street, and 127 and 129 Union Street, Assessor's Map 53, Lot 40, 41, 215, 216 and 146 in a mixed use business zoned district, to allow the petitioner to raze the four existing attached buildings at 117 Union Street and construct a five-story commercial/residential building per plans filed, which requires a special permit under provisions of Chapter 9, Comprehensive Zoning Sections 4500-4572, 5300-5330 and 5360-5390.

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 includes consideration of each of the following:

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The social, economic or community needs served by the proposal. In this case, the proposal offers 43 residential units in the downtown area, 21 of which will offer an affordable component. Concerning traffic flow and safety, including parking and loading, there are two parking garages in the immediate vicinity. Regarding the adequacy of utilities and other public services, there are adequate utilities and services in the area. Regarding the neighborhood character and social structures, the neighborhood has a mixed commercial/retail office with residential units on upper floors and would not be out of character with the neighborhood. Regarding the impacts on the natural environment, the impacts would be neutral. Regarding potential fiscal impact, including impacts on city services, tax base and employment, the proposal would add employment and provide residential uses.

In accordance with City of New Bedford Code of Ordinances Chapter 9, Section 4500, the board finds that the proposed project complies with the requirements of this section and the proposed project does cause substantial detriment to the neighborhood, after considering the following potential consequences:

- A. Noise during construction and operational phases;
- B. Pedestrian and vehicular traffic;
- C. Environmental harm;
- D. Visual impact caused by the character and scale of the proposed structure
- E. Where relief to parking requirements have been sought, applicant has demonstrated that reasonable efforts have been made to comply with parking requirements
- F. The conversion of this structure, the zoning board of appeals finds that the proposed project protects city heritage by minimizing removal or destruction of historic, traditional or significant uses, structures or architectural elements whether these exist on the site or adjacent property, taking into account that the project has to be approved by the Historic Commission with the following specific conditions:
  - This project requires approval by the New Bedford Planning Board and Historical Commission and any conditions imposed by the planning board or historical commission decision shall be conditions of this special permit.
  - Demolition review is required per city Ordinance Chapter 2, Section 2-157 thru 2-157.9. The demolition plan to be revised to note at 127-129 Union Street, Map 53, Lot 146 The three-story southernmost portion of building fronting on Union Street is not to be demolished;
  - Further stamped engineering plans to be submitted and approved by the Historical commission that minimizes any disruption to and includes a detail protection plan from 127 -129 Union Street, Map 53, Lot 146;
  - A development schedule is to be submitted and approved by the planning board with details of rate of construction and development including stages if applicable;
  - The estimated cost of construction and date of completion must detail proposed methods to mitigate any noise and vehicular impact during demolition and construction phases.

General conditions are as follows: that the project be set forth according to the plans submitted with the application; that the applicant ensure a copy of the Notice of Decision bearing certification from the City Clerk's Office be recorded at the Registry of Deeds; and that the rights authorized by the granting of this special permit must be exercised by issuance of a building

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permit by the Department of Inspectional Services and acted upon within one year from the date the decision was granted or they will lapse.

Roll-call vote as follows:

Board Member Walsh - Yes  
Board Member Paleologos - Yes

Board Member Brown - Yes  
Board Member Decker - Yes

**Motion passes 4-0**

Acting Chairperson Walsh exited the meeting, and Board Member Decker assumed chairmanship.

Board Member Decker notified the upcoming applicant that due to board makeup, the applicant will require board unanimity to prevail, and offered the applicant the opportunity to continue. Applicant elected to go forward.

**ITEM3–Case#4373- New Homes by Castelo INC., C/O Jose S. Castelo (1815 Acushnet Avenue, New Bedford, MA 02746) for a Variance under Chapter 9, Comprehensive Zoning Sections 2700 (dimensional regulation), 2710 (general), 2720 (table of dimensional requirements-Appendix B, lot frontage ft.); relative to property located at Old Plainville Road, Assessors' map 124 lot 47,168 & 169 in a Residential B [RB] zoned district. The petitioner proposes to construct a duplex (two family dwelling) per plans filed.**

A motion was made (SB) and seconded (LP) that the following be received and placed on file: communications from the Commissioner of Buildings and Inspectional Services dated 3/25/19; communications from the Office of the City Planner dated 4/1/19; the appeal package as submitted; the plans as submitted; and, that the owners of the lots as indicated are the ones deemed by this board to be the lots affected; and the action of the clerk in giving notice of the hearing as stated be and hereby is ratified.

Motion passed unopposed.

Joe Costello, Acushnet Ave, noted the property was purchased in 2002 and he received previous approval for a three-lot subdivision. A moratorium was then instituted prohibiting new construction near the airport, which resulted in a 4-5-year delay on the project. He stated that the court ultimately ruled in his favor but stated by the time he received the court decision he had \$15,000 in legal fees.

Mr. Castelo stated the planning board approval he received in 2006 had extensive conditions, including sidewalks, granite curbing and street lights and trees, which he noted there are no sidewalks in the neighborhood. He stated the cost of these items was out of sight and he did nothing for several years. He stated he is revisiting the matter to now build one duplex on some 2 acres of land. While not as profitable, he will put a nice building on the land. He invited the board to review the plans.

In response to Board Member Decker, Mr. Costello stated he is short on the frontage required, with 100' required, he has only 72-75' of frontage existing.

Mr. Costello stated that the Conservation Commission delineation has expired, but he stated he was told he did not need to accomplish that prior to this meeting.

Board Member Brown noted acquiring a Conservation Commission approval will be a condition of any board approval.

There was no response to Board Member Decker's invitation to speak or be recorded in favor. There was no response to Board Member Decker's invitation to speak or be recorded in opposition.

The hearing was closed.

After discussion by the board, to include the imposed moratorium occurring after purchase, a motion was made (SB) and seconded (LP) to grant a variance under provisions of the City Code of New Bedford relative to property located at Old Plainville Road, Assessors' map 124 lot 47, 168 & 169 in a Residential B [RB] zoned district, to allow the petitioner to construct a 28' x 96' duplex (two family dwelling) per plans filed, which requires a variance under provisions of Chapter 9 Comprehensive Zoning Sections 2700, 2710, and 2720 – Appendix B.

Having reviewed the petition in light of the City of New Bedford Code of Ordinances Chapter 9, Comprehensive Zoning Sections as cited, the board finds that with respect to these sections, the applicable sections have been addressed. In addition to the foregoing sections, the petition has been found to be in accordance with M.G.L. Chapter 40A, Section 10 relative to the granting of variances. This determination includes consideration of the following:

First, that there are circumstances related to the soil conditions, shape or topography especially effecting the land or structure in question, but which do not generally effect the zoning district in which the land or structure is located. In this instance, the circumstances are the shape of the property, with six sides, and frontage of 72.75' which widens to 222.45' and then narrows to 148.5'. Second, due to those circumstances especially effecting the land or structure, literal enforcement of the provisions of the zoning ordinance or bylaw would involve substantial hardship, financial or otherwise, to the petitioner or appellant. In this case, the hardship is that having purchased the property in 2002, the applicant faced a moratorium, sued and won, but by 2006 he was unable to comply with conditions placed by the planning board, and therefore comes before this board. Third, the desirable relief may be granted without nullifying or substantially derogating from the intent or purpose of the zoning ordinance or bylaw, and that the desirable relief may be granted without substantial detriment to the public good.

In light of its review of the specifics of this case, the applicable sections of the city's zoning ordinances, the findings subsequently made 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.

With specific conditions as follows: The project requires approval by the Conservation Commission; and any conditions imposed by the Conservation Commission decision shall also be conditions of this variance. General conditions are as follows: that the project be set forth according to the plans submitted with the application; that the applicant shall ensure a copy of

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the Notice of Decision bearing certification from the City Clerk's Office be recorded at the Registry of Deeds; and that the rights authorized by the granting of the variance 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 they will lapse.

Roll-call vote as follows:

Board Member Brown - Yes

Board Member Parrish - Yes

Board Member Decker - Yes

Board Member Paleologos - Yes

**Motion passed 4-0**

**ITEM 4 – Case 4374 - Petition of: Manuel Almeida (8 Wild Rose Lane, Acushnet, MA 02743) for a Variance under Chapter 9, Comprehensive Zoning Sections 2700 (dimensional regulation), 2710 (general), 2720 (table of dimensional requirements-Appendix B, rear yard & minimum lot size), 2750 (yards in residence district) and 2753 (rear yard); relative to property located at 293 Princeton Street, Assessors' map 113 lot 126 & 128 in a Residential B [RB] zoned district. The petitioner proposes to convert an existing two story, single family residential dwelling unit into a two (2) residential dwellings per plans filed.**

Board Member Decker informed the applicant that due to board's current make up, the applicant would need a unanimous vote, at which time Armando Pereira, on behalf of his client, requested a continuance.

A motion was made (SB) and seconded (CP) that the following be received and placed on file: communication from the Commissioner of Buildings and Inspectional Services dated 3/25/19; communication from the Office of the City Planner dated 4/5/19; the appeal package as submitted; the plans as submitted; and, that the owners of the lots as indicated are the ones deemed by this board to be the lots affected; and that the action of the clerk in giving notice of the hearing as stated be and hereby is ratified. In addition, that the following be received and placed on file: communication from Melissa Santos to the New Bedford City Council dated 4/17/19 and a second letter dated 4/25/18 at 6:00 p.m.

Motion passed unopposed.

A motion was made (SB) and seconded (LP) to continue the case at the applicant's request to the next meeting scheduled for May 23, 2019.

Anette Galant stated hers was the unknown letter and that she was unavailable on May 23<sup>rd</sup>. She was advised by Ms. Goncalves to submit another letter to the Planning Department to be made part of the record.

### **3. OLD/NEW BUSINESS:**

Approval of minutes postponed to the next meeting.


Board Member Decker informed the board that on Case #4370 the special permit request must be properly addressed in that case at the next meeting.

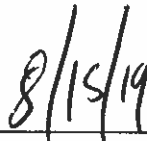
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**4. ADJOURNMENT:**

The meeting was declared adjourned at 7:55 p.m.

**NEXT MEETING SCHEDULED FOR MAY 23, 2019.**

  
\_\_\_\_\_  
Stephen Brown, Clerk

  
\_\_\_\_\_  
Date