Zoning Board of Appeals

October 22nd, 2015 – 6:00 PM – **Agenda**

New Bedford Free Public (Main) Library, 3rd floor meeting room

613 Pleasant Street

1.) MEETING CALLED TO ORDER

2.) APPROVAL OF MINUTES

- July 30th, 2015 Meeting Minutes
- August 27th, 2015 Meeting Minutes

3.) NEW BUSINESS

#4109 Notice is given of a Request for Extension: Candleworks Ventures, LLC. and New Bedford Parcel A, LLC. (72 N. Water Street, New Bedford, MA 02740) requests an extension for a Special Permit approved December 6, 2013 under provisions of Chapter 9, Comprehensive Zoning relative to property located at ES N. Water Street, Assessor's Map Plot 53 Lot 68 and 291 in a Mixed-Use-Business Zoned District. The petitioner proposes to: Build a Five (5)-Story Hotel with 141 Rooms, a 4,745 sf. Conference Center, a 150 Seat Restaurant and 10 Condominiums, which will require a Special Permit under Chapter 9 Comprehensive Zoning Sections 4500-4572 (Downtown Business Overlay District) Sections 5300-5330 5360- 5390 (Special Permit). The petitioner seeks an extension for good cause, which includes without limitation that certain of the permits initially granted for the subject project remain under appeal.

4.) OLD BUSINESS

#4179 Notice is given of a continuance of the public hearing on the Petition of: The Tacoma Street Realty Trust c/o David Pina Fernandes (47 Medeiros Lane Dartmouth, MA) who have submitted a petition for a Variance under provisions of Chapter 9 Comprehensive Zoning relative to property located at North Side Tacoma Street, Assessor's Map Plot 130C, Lot 259-260 in a Mixed Use Business District. The petitioner is proposing to build a 44'x45' two family dwelling as plans filed, which will require a Variance under Chapter 9, Comprehensive Zoning Sections 2700 (Dimensional Regulations), 2710 (General), 2720 (Table of Dimensional Requirements, Appendix-B-Minimum Lot Size, Lot Frontage, Rear Yard), and 2753 (Rear Yards).

5.) SCHEDULED HEARINGS

#4206A Notice is given of a public hearing on the Petition of: McDonald's USA, LLC c/o Bohler Engineering –Eric Dubrule (352 Turnpike Road Southborough, MA 01772) and Cedar-Kings, LLC (44 S. Bayles Ave. Port Washington, NY 11050) who have submitted a petition for a Variance under provisions of Ch. 9, comprehensive zoning section 2700 (Dimensional Regulations), 2710 (General), and 2720 (Table of Dimensional Requirements, Appendix-B-Side Yard Setback); relative to property located at 1080 King's Highway, assessor's map 125 lot 29 in a Planned Business zoned district. The petitioner is proposing to demolish the existing 5,145 square foot McDonald's and construct a 4,450 square foot McDonald's with 40 parking spaces as plans filed.

#4206B Notice is given of a public hearing on the Petition of: McDonald's USA, LLC c/o Bohler Engineering –Eric Dubrule (352 Turnpike Road Southborough, MA 01772) and Cedar-Kings, LLC (44 S. Bayles Ave. Port Washington, NY 11050) who have submitted a petition for a Special Permit under provisions of Ch. 9 comprehensive zoning sections 2000 (use and dimensional regulations), 2200 (use regulations), 2210 (general), 2230 (table of use regulations, appendix-A-commercial #18 restaurant-fast food), and 5300-5390 (special permits); relative to property located at 1080 King's Highway, assessor's map 125 Lot 29 in a Planned Business zoned district. The petitioner is proposing to demolish the existing 5,145 square foot McDonald's and construct a 4,450 square foot McDonald's with 40 parking spaces as plans filed.

#4207 Notice is given of a public hearing on the Petition of: Maurice Gomes (61 Robeson Street New Bedford, MA 02740) and Cape Cod Color Associates, INC. c/o David St. Aubin (646 Delano Road Marion, MA 02738) who have submitted a petition for a Special Permit under Ch. 9 Comprehensive Zoning Sections 2400 (Nonconforming uses and structures), 2410 (Applicability), 2430-2432 (Nonconforming Structures, other than single and two-family structures), and 5300-5330 & 5360-5390 (Special Permit); relative to property located at 344 Court Street, assessor's map 50, Lot 402 in a residential-B district. The petitioner is proposing to change the use from office to a single family residence to occupy the premises as plans filed.

#4208 Notice is given of a public hearing on the Petition of: Mercedes Nogueira c/o Christine Barbosa (15 Irvington Court New Bedford, MA 02745) who have submitted a petition for a Special Permit under provisions of Ch. 9, comprehensive zoning sections 2400 (nonconforming uses and structures), 2410 (applicability), 2430 (nonconforming structures, other than single and two-family structures), and 5300-5330 & 5360-5390 (Special Permit); relative to property located at 15 Irvington Court, assessor's map 110 Lot 370 in a residential-B zoned district. The petitioner is proposing to convert a funeral home to a 2-family dwelling as plans filed.

#4209 Notice is given of a public hearing on the Petition of: Ernest J. Beauregard and Kevin Beauregard (15 Junior Street New Bedford, MA 02740) who have submitted a petition for a Variance under provisions of Ch.9 comprehensive zoning sections 2200 (use regulations), 2210 (general), 2220 (applicability), 2230 (table of use regulations-appendix A- animals or head of poultry, not to exceed one animal or head of poultry per on thousand (1,000) square feet of the net area of the lot), 2700 (dimensional regulations), 2710 (general), 2720 (table of use regulations-appendix-B-side yard), 2750 (yards in residence districts), and 2755 (side yard); relative to property located at 15 Junior Street, assessor's map 44 lot 375 in a residential-A zoned district. The petitioner is proposing to erect a chicken coop and raise six (6) chickens as plans filed.

6.) <u>ADJOURNMENT</u>

The next Zoning Board of Appeals Meeting is scheduled for November 19th, 2015.

The matters listed are those reasonably anticipated by the Chair to be discussed at the meeting.
Not all items listed may, in fact, be discussed. Other items not listed may be brought up for discussion to the extent permitted by law. Massachusetts General Laws, chapter 30A, Section 20(e) requires any person making a video or audio recording of the meeting to notify the Chair at the start of the meeting.