



## ***Zoning Board of Appeals***

June 25, 2015 - 6:05 P.M. – **Minutes**

New Bedford City Hall, Room 314, 133 William Street

### **PRESENT:**

**Ian Comerford** (*Chairman*)

**Allen Decker** (*Clerk*)

**John Walsh**

**Robert Schilling**

**Horatio Tavares**

### ***Also in attendance:***

*Dan Romanowicz, Commissioner of Buildings and Inspectional Services*

*City Planner, Jill Maclean*

*Jennifer Gonet*

*Assistant City Solicitor Kreg Espinola*

MEETING CALLED TO ORDER by Chairman Comerford at 6:08 p.m.

Mr. Comerford then explained the process and procedures to the applicants and those in attendance.

### **OLD BUSINESS:**

#### **CASE #4179**

Mr. Decker informed the board that the attorney for the petitioner, Tacoma Street Realty Trust, had requested a continuance of the case to the next meeting. A motion was made (AD) and seconded (JW) to continue Case #4179 to the next scheduled meeting of July 30, 2015.

Motion passed unopposed.

### **PUBLIC HEARINGS:**

#### **CASE #4188/CASE #4189**

Mr. Comerford informed those present that the Rockdale West matter, Case #4188 and Case #4189, would not be heard this evening.

Mr. Decker moved to take out of order Cases #4188 and #4189. Mr. Decker stated the board was in receipt of correspondence dated this day from the attorney for the petitioner requesting a continuance for both cases to the next meeting. He then made a motion (AD) which was seconded (RS) that cases #4188 and #4189, petitioner Rockdale West, LLC, be continued to the next scheduled meeting on July 30, 2015.

Motion passed unopposed.

#### **CASE #4187**

A motion was made (AD) and seconded (JW) that that the following documents be received and placed on file: the communication dated 6/4/15 from the Commissioner of Buildings & Inspectional Services; communication from the Office of the City Planner dated 6/19/15; the appeal package; 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. Mr. Decker offered additional correspondence to be entered into the record. Correspondence dated 6/22/15 on behalf of Councilors Steve Martins and Joseph Lopes, who were unable to be at this meeting but wanted their opposition noted. Additionally, Mr. Decker offered correspondence from Missy Simbron dated 6/23/15 addressed to the Zoning Board in opposition of this application. Also offered was correspondence date 6/25/15 from James F. Costa, 13 Ryan Street, noting opposition to this petition. Also offered was correspondence dated 6/25/15 with a cover letter from James F. Costa, 13 Ryan Street, containing ten pages of signatures of residents in opposition to the petition. Mr. Decker continued the motion that all of the above be received and placed on file.

Motion passed unopposed.

Chairman Comerford declared the hearing open.

Pebble Stevens of 42 Jay Drive, Westport, addressed the board stating she was proposing an office with a specialty in addiction medicine. She stated it was not a drug clinic but a physician's office that will be treating people with Suboxone, Subutex, and Vivatrol. As well as providing primary care services.

The audience expressed an inability to hear the applicant.

Mr. Decker disclosed that he was a friend of the medical director, Dr. Torres. He stated he did not believe the relationship would influence his decision making.

(outburst)

Mr. Comerford cautioned the audience that it was necessary to have one person speaking at a time and that everyone would have a chance to be heard.

Ms. Stevens stated, addressing community needs, there was a 33% increase in unintentional opiate overdose deaths from 2012-2014. She stated the City of New Bedford is 2nd in the Commonwealth next to Boston for the most number of opiate deaths in Massachusetts. She stated that statistic have shown there are approximately 4,525 addicts in the New Bedford area.

Ms. Stevens stated that on November 1<sup>st</sup>, 54 people in Bristol County died from opiate overdoses. She stated that among the counties, Bristol County has the highest number of fatal heroin overdoses with 34 in November alone. In a 24-hour period last March there were 15 drug overdoses in New Bedford. The numbers show that overdoses are on the rise in our region. Ms. Steven stated that in 2012 Southcoast hospitals treated over 219 heroin overdoses within four months.

She stated there is a shortage of treatment centers in New Bedford. Cleanslate Center, which Ms. Stevens used to work at, has a wait list of 150 people on any given day. He stated people are dying while they try to get into treatment. She stated the problem is that when sober, they cannot get into treatment, so they must continue to use drugs while on the wait list in order to qualify for the programs.

Ms. Stevens stated her plan is to open more spots so that more people can get treatment right away, and don't risk contracting HIV, Hepatitis B or C, and other fatal illness. She stated individuals would be able to get into treatment and get off drugs quicker.

Ms. Stevens stated that in the governor's recent press conference and addressed opiate addiction. She stated part of his plan is exactly what she is trying to accomplish; increase access to medication assisted treatment, increase

office opiate treatment programs and the number of practitioners. People can't get help if there are no treatment programs available.

She stated that the office which is the subject of her special permit, has been a medical office since March 2, 1966. She stated as a matter of right of use she should be able to use the office as a medical office. She stated that Suboxone and Subutex are office based medications according to DATA.

Upon enactment of DATA 2000, a state may not preclude a practitioner from dispensing the prescribing drugs and schedule such drugs to patients for maintenance and detox treatment, unless the state enacts a law prohibiting the dispensing of such drugs. She stated there is no legislations preventing that.

She stated the Cleanslate Center is five blocks away. Dr. Torres carries 100 Suboxone patients and is seven blocks from her office and five blocks or two thousand feet from Winslow School and two block from another elementary school. She stated there has been no negative effect on the city or neighborhood.

Ms. Stevens concluded by stating that with like businesses in the area, she should get her permit.

Mr. Schilling asked in addition to the Suboxone therapy, what other types of therapy would be available at her office.

Ms. Stevens replied Vivitrol a pure opiate blocker, which would be encouraged as it is complete sobriety. It prevents opiates or alcohol from attaching to the brain. She stated she will also treat alcohol addiction.

Mr. Schilling confirmed that it contains no opiate, as Suboxone does.

Ms. Steven noted that Suboxone has a synthetic opiate with Narcan in it. It prevents people from getting high while preventing withdrawal and cravings.

Mr. Schilling inquired if there were any additional opiate based therapies that Ms. Stevens would be offering. Ms. Stevens replied in the negative, stating she wanted nothing to do with Methadone.

She stated that, as a private company, she will not accept anyone forced into treatment, as she does not believe that works.

Mr. Schilling inquired if Ms. Stevens had concerns or familiarity with the trafficking of Suboxone.

Ms. Stevens stated she thought he was referring to Methadone. Mr. Schilling assured her he was not.

Ms. Stevens stated she practices prevention by doing pill counts and a drug test each time the patient comes in. She stated this will check that a certain amount of the Suboxone has been metabolized and is in there system. Anyone not compliant will be discharged permanently. She stated each medication film serial numbers are accounted for. She stated she will also have a security guard on the premises doing thirty minute patrols of the building, as safety is her top priority.

(outburst)

Mr. Schilling asked how many patients Ms. Stevens envisions. She stated she is proposing twenty to twenty-five per day in her eight hour day. She added that Cleanslate sees over 100 patients per day with no negative effect on the neighborhood.

Mr. Walsh asked why Ms. Stevens felt the need for a security guard. She stated that people are bringing pills in to be counted and leaving with pills, and the guard is for their safety too in order to get to their cars, and in case of discharge problems at the site. The guard is there as a precaution..

In response to an inquiry by Mr. Comerford, Ms. Stevens stated she will have a secretary, a security guard and a medical assistant.

In response to Mr. Comerford's invitation to speak in favor, Shawn Martin of 60 Eighth Street stated that he is a drug addict. He stated he has been on Suboxone for 2 ½ years at Cleanslate, next to a school zone. He stated he has been clean for 2 ½ years. He stated he got his life back and has a job. He stated this is what the community needs. He stated people need help and he is begging for help for the community. He invited questions.

In response to Mr. Comerford's further invitation to speak in favor, Peter Wilmart addressed the board. He stated he is not present on behalf of his employer, but works with this population on a daily basis. He stated often times in referring people to Suboxone, a more effective drug than methadone, there are no slots to be had. He stated people he has to send back on the streets means chances are they may get into trouble. He stated people on this medication, like the man who just spoke, aren't getting into trouble and are able to start their lives again.

Mr. Wilmart stated the city has a major challenge with opiates, and this is a solution that is proven to work successfully. He stated as a public citizen he wanted to share the benefits. He stated he lives a block and a half from a Saboxin clinic and was totally unaware of that fact, as he finds no increased traffic or problems. He stated they too are four blocks from a school.

He stated state licensing unfortunately prevents the spots needed. He stated the governor's recommendations include increased funding for such programs, realizing these programs as the most successful and least disrupting within the community. He stated he stands in support of the petition.

There was no response to Mr. Comerford's further invitation to speak or be recorded in favor.

In response to Mr. Comerford's invitation to speak in opposition, Mayor John Mitchell addressed the board and thanked them for their hard work. He stated he rarely appears before boards and commissions, as he believed they should be left to do their jobs. Mayor Mitchell stated upon learning about this proposal he knew he needed to be here, because while there is admittedly an opioid problem in the city and state, this makes no sense.

Mayor Mitchell stated there is surely a need for treatment, and this city's problem may in some part be imported from other places. He thanked Mr. Martins for sharing his story and stated that by opposing this petition he in no ways means to diminish his hard work in getting his life back on track. He stated the idea of putting something of this nature with 20-25 people a day walking through a stable residential neighborhood is not something we should put up with.

He referenced the Cleanslate facility, and stated that had he been in office when it was developed, it would not have been put on Grape Street, as he believes the reality is it does affect the neighborhood. He stated talking to area residents will tell you that break-ins have increased and there are people hanging around and their neighborhood is a little less safe due to the facility.

Mayor Mitchell stated while the legal standard of whether this use is less detrimental than the previous use, it is clear-cut. He stated his administration is working on programs with the state and on our own. He stated the primary reason he is present is because if this happened in more affluent communities people would rise up to say no to this, because people understand that having something like this in their neighborhood lowers the quality of life. He stated that some people think it's okay to have this in New Bedford. He stated that emphatically it is

absolutely not the case, and New Bedford should not accept lower standards because we may not be as affluent as the western suburbs of Boston.

He stated doing something like this is completely insensitive to the neighborhood's needs. Mayor Mitchell stated he stood in strong opposition. He added that having a security guard begs the question why you would have to have one in the first place. It says it all.

He urged the board to unanimously vote this down and send a message. He stated that though we need more treatment for opioid addiction, he asked the board to send the message that when you come to New Bedford to set up shop, whatever the business, you treat New Bedford as any other community.

In response to Mr. Comerford's invitation to speak in opposition John Saunders of 344 Cornell Street stated he was in opposition. He stated he knows about drug addiction and is all for what the petitioner is seeking to do, but not in this neighborhood. He applauded the gentleman who spoke in a room where 99% of the people are against you. He stated he is a lifelong resident of the westend. He stated he is against treatment facilities in residential neighborhood. He stated the applicant's reference that the location was formerly a doctor's office was not correct. That it in fact was a dentist. He felt the proposed use was surely a little more detrimental. He stated he cannot remember a zoning board meeting with a greater attendance. He stated he knew the board would do the right thing.

In response to Mr. Comerford's invitation to speak in opposition Councilor Kerry Winterson addressed the board and wished Mr. Martins well as he continued his journey. He stated he was a paperboy in the proposed area and knows it well as a very busy street with parking problems already. He stated any increased traffic of any kind would be very detrimental to the area.

Councilor Winterson said this area of hardworking taxpaying individuals don't want this in their area.

In response to Mr. Comerford's invitation to speak in opposition, Councilor Brain Gomes addressed the board. He stated he was a product of the neighborhood and attended Winslow School. He described the area as an All American Neighborhood. He stated he is in attendance this evening to protect a neighborhood he loves and cares about. He stated there is no doubt this is not the right location, as some clinics in residential neighborhoods have disturbed the neighborhoods.

He stated that all human beings deserve help and respect, but this is not the place for this service. He invited Ms. Stevens to see city councilors.

Councilor Gomes acknowledged Councilors Morad and Carney as being in support of this neighborhood. He stated they felt the neighborhood should be left as it is. He again invited the applicant to see the mayor and city councilors and assured her they would work with her to find a suitable location. Councilor Gomes noted one city drug treatment location is located where one can buy drugs a block away.

Councilor Gomes stated he is against the petition and asked the board to support the residents and not grant the permit. He stated it would be detrimental to the residents and what the city is trying to do. He again invited the applicant to see him about an appropriate location.

In response to Mr. Comerford's invitation to speak in opposition, Dennis Lawrence Jr. of 23 Elizabeth Street addressed the board. He stated he too was a lifelong resident of this neighborhood. He stated granting this is a detriment to the neighborhood. The neighborhood has such a parking issue that resident only parking was established, and Tabor Street, where resident parking exists, abuts this location.

Mr. Lawrence stated the business management plan presented shows four parking spots, but those spots will become parking for the employees, moving any visitors out into the neighborhood that is already congested. He stated the parking lot mentioned in the plan is a private parking lot. He stated the increase in foot traffic to the neighborhood is an issue. He stated this for profit organization's marketing plan plans for billboard advertising on Rte 18, despite their representation that they expect 20-25 clients per day. Again, adding to the detriment of the neighborhood.

Mr. Lawrence also informed the board the business has received two warnings for conducting business prior to this approval. He stated that speaks to whether or not this is being a good business partner with the city and neighborhood. Mr. Lawrence stated one should not go into a neighborhood and try to pull the wool over the neighbors' eyes.

He stated this proposal meets all stipulations of being more detrimental to the neighborhood and he asked the board to vote against the petition.

In response to Mr. Comerford's invitation to speak in opposition, Councilor Naomi Carney asked the board to vote no and do not allow this to go into the neighborhood.

In response to Mr. Comerford's invitation to speak in opposition, abutter Paul Sylvia of Brigham Street addressed the board. He stated he has lived in the area for years and attended the Winslow School. He stated this is a family oriented residential area. He too stated the parking is horrendous, and his tenants cannot even park on Brigham Street because of the two hour parking. He stated he does not feel the proposal does anything to help the parking problem.

In response to Mr. Comerford's invitation to speak in opposition, Dean Lawrence of Priscilla Street stated he was very opposed to this. He stated he is a lifelong resident of the neighborhood. He stated this is not a treatment issue, but a safety issue. He stated this is a middle class All-American neighborhood of hardworking people. He stated when you go home you want privacy. He stated they are all for treatment. He stated the Cleanslate neighborhood has had calls for people passed out in yards, syringes, and people hanging around. He again stated he is definitely against the proposal.

In response to Mr. Comerford's invitation to speak in opposition, Mark Faria addressed the board. He stated he has lived in the area for some 26 years, and is close to Cleanslate.

He stated in twenty years he never had anyone pass out in front of his house, but has now. He stated he had never had people throw up in front of his house, but does now. He stated he had never found needles in front of his home, but has now.

Mr. Faria stated that he begs to differ with Ms. Stevens' comment that Cleanslate didn't do anything to the neighborhood. He stated there are undesirable people coming through the neighborhood and they pass out rubbing their head. He stated their kids play in the area and this is not a place to put one of these facilities. He stated there is no debate on the fact that these people need help, but you would not see one of these in the middle of Padanaram. He stated all they want is a good safe neighborhood for their kids and they have that. He stated Cleanslate has made a negative difference, and this is a disaster waiting to happen.

In response to Mr. Comerford's invitation to speak in opposition, Raymond Eugenio of 22 Ryan Street addressed the board. He stated that he and his wife moved there in 1966, and loved the neighborhood both then and now. He stated he and his neighbors have tried to take pride citywide every single day. He stated they have been outdone by the doctors without enough parking for patients.

He stated he had attended a meeting for the ultrasound which has now left and made way for this dilemma. He stated they had patients and employees parking on Ryan Street, and the problem has grown and grown. He stated as many of the physicians have moved out their neighborhood has returned and they can park close to their homes. He expressed a concern about strangers in the neighborhood and an increased potential for crime. He stated there is no question this is a worthy enterprise, but this is too big an undertaking for a residential area. He stated he never worried about his four children walking up the street to Winslow School, but he would be now. He stated the residents deserve a safe and secure domicile. He pleaded with the board to refuse this in fairness to the neighborhood.

Mr. Comerford suspended individual comments on the issue and stated the board would take names and addresses of those in opposition.

Barry Starr of 16 Elizabeth Street stated he has lived there over 40 years. He stated he worked at a hospital many years, and that while Ms. Stevens has a good thought for this need in New Bedford this comes down to location, location, location. He stated the people in this room don't think Ms. Stevens picked the right one.

(after a comment by Ms. Stevens, there was an outburst)

Mr. Starr stated that Mr. Decker, after mentioning his relationship with Dr. Torres, should have recused himself.

Gary Winterson, 50 Carroll Street, total opposition;

Michelle Demers, 314 Bedford Street, asked the panel to please oppose this deed, stating this is not the neighborhood for this type of facility;

James Sullivan, 92 Brigham Street, strongly opposed;

Peter Kane, 60 Carroll Street, in opposition;

Dorinda Williams, 28 Priscilla Street, in opposition;

Helena Conde, 79 Ryan Street, opposed;

William O'Brien, 52 Carroll Street for the past 38 years, seriously opposed;

Pamela Arruda on behalf of her parents Arthur and Margaret Arruda, 118 Brigham Street for fifty years. In complete opposition;

Jennifer Clark, 19 Priscilla Street, on behalf of her husband Peter. We are both opposed;

Michelle Penn of 18 Stackhouse with a child going to kindergarten at Winslow. I totally oppose this;

Lisa Gomez, 82 Plymouth Street, on behalf of her parents Manuel DaSilva. They are in opposition;

Tiffany Larginho, 74 Ryan Street, on behalf of herself, her parents and her sister in-law, a recovering addict. We are in opposition. She urged Ms. Stevens in light on the mayor and councilors' offer to work with her to pick a location capable of serving even more than the 20-25 people proposed. She stated a larger facility in a more central area would allow her to expand her mission and aid the city of New Bedford;

Pat Winterson of 56 Carroll Street opposed;

Jennifer Grade, 77 Taber Street, in strong opposition;

Kelly King, 60 Carroll Street, a lifelong area resident, totally in opposition;

Elizabeth O'Brien, 52 Carroll Street, totally opposed;

Kathleen Burgess 11 Elizabeth Street, strongly opposed;

Paul Burgess, 11 Elizabeth Street, against it;

Jeanine Perry, 68 Brownell Street for 45 years, opposed;

Gil Perry, same address, also opposed;

Nicole Brody, 77 Carroll Street, opposed;

Donna Costa, 13 Ryan Street, opposed;

Jessie Andrade, 546 Allen Street, opposed

Sandra Benevides, 44 Carrol Street, opposed;

Deb Sikorski, 47 Carroll Street, opposed;

Tracey Perry 69/71 Taber Street opposed;  
Peter Kelly, 32 Priscilla Street opposed. He added he is for what the petitioner is trying to do, having lost a cousin to addiction, but he is still opposed to it in the neighborhood;  
Dennis Medeiros, 46 Ryan Street, totally against it;  
Erin Costa, 31 Plymouth Street, opposed;  
Jason Cabral, 67 Ryan Street, opposed;  
Brian Brown, 26 Elizabeth Street, opposed;  
Lurdes Walsh, 411 Allen Street, strongly opposed;  
Robert Carrancho, 390 Bedford Street, totally against it;  
Michael Silva, 64 Carroll Street, opposed;  
Tom Mewsham, 39 Ryan Street opposed;  
Kaitlin Silva, 64 Carroll Street, opposed;  
David Thatcher, 30 Brownell Street;  
Olivia Woodruff, 96 Ryan Street, opposed;  
Donna Kinney, 68 Palmer Street, opposed;  
Lisa Pimental, 66 Palmer Street, opposed;  
Mr. Johnson, 20 Priscilla Street, opposed;  
Cynthia Johnson, 20 Priscilla Street, definitely opposed;  
Gina Brasseur, 18 Ryan Street, opposed;  
Donna Brasseur, 18 Ryan Street, opposed;  
Jose Leonardo, 95-97 Carroll Street, opposed;  
Christine Wonson, 31 Brigham Street, opposed;  
John DeOliveira, 33 Brigham Street, opposed;  
Brenda Lord, 32-35 Ryan Street, opposed;  
Cheryl Gouveia, 115 Brigham Street, opposed;  
Kathy Silva, 24 Priscilla Street, opposed;  
Manuel R. Silva, 24 Priscilla Street, opposed;  
Dominic Galotti, 37 Ryan Street, opposed;  
James Watson, 36 Ryan Street, opposed;  
Lucas Gadbois, 36 Ryan Street, definitely opposed. He stated his grandfather was a cop for many years and lived on the street, and would definitely be against this. Grandpa, if you're listening, this is for you, buddy.  
Norma Roderiques, 46 Ryan Street, opposed the location;  
Maria Medeiros, 49 Ryan Street, opposed;  
Deolinda Harrington, 413 Allen Street, strongly opposed;  
Maryanna Gonet, 88 Armour Street, opposed;  
Sarah Gonet, 604 Whittier Street, opposed;  
Jennifer Harrington, 413 Allen Street, strongly opposed;  
Eric Mello, 33 Brigham Street, strongly opposed;  
Grace Sullivan, 114 Brigham Street, 36 years in the neighborhood, opposed;  
Holly DeMello, 61 Taber Street, opposed;  
Nicholas Brown, 61 Taber Street, opposed;  
Donna Sylvia, abutter at 71-73 Brigham Street, definitely opposed;  
Eric Silva, 24-26 Brownell Street, strongly opposed;  
Leonard Rocha, 368/361/363 Farm Street, opposed;  
Dorothy Ferreira and her husband, 31-33 Ryan Street, 45 year residents, opposed;  
Carlos Feliz, 21 Social Street, opposed;  
Antoine DaCruz 101 Brigham Street, opposed;  
Jessica DaSilva, 101 Brigham Street, opposed;  
Sharon Briggs, 69 Brigham Street, Apartment 2, opposed, and was evicted for this to happen;  
Lawrence Ferreira, 21-23 Ryan Street, owner for fifty years, opposed;

James F. Costa, 13 Ryan Street, opposed;  
Susan Pimental, 17 Ryan Street, opposed;  
Leslie Gadbois, 36 Ryan Street, opposed;  
Elizabeth Shaughnessy, 2 Priscilla Street, opposed;  
Bill Shaughnessy, 2 Priscilla Street, opposed;  
Kathryn Kelly, abutter at 48 Carroll Street, opposed. She stated she does not deny we have an opioid epidemic and she believes treatment works, but this is the wrong location;  
Kristen Roderigues, 61 Rounds Street, formerly of 111 Brigham Street, strongly opposed;  
Paul Winterson, 56 Carroll Street, deadly unbelievable opposed. Please don't do this;  
Councilor Linda Morad, in opposition. She stated she has no problem with this type of treatment facility, but not in this neighborhood. She gave her pledge that upon denial of this motion, she will work with those trying to establish the clinic to find a better and more suitable neighborhood for this clinic to be located.

There was no response to Mr. Comerford's further invitation to speak in opposition.  
He then opened the floor for rebuttal.

Ms. Stevens stated that she understood everyone's concerns, and stated that if the city is willing to work with her she is willing to look for another location. She stated she was not trying to hurt or upset anybody. She just wants to help people. She asked that anyone willing to help her find a place to do good. We can deny this and I will find a better neighborhood, because she does not want all of you upset. That's not why I'm here. She stated she wants to help people. She stated she was born and suffered at the hands of addicts, and if she helps that's all she wants to do.

Mr. Comerford asked if Ms. Steven wished to withdraw her application.

Ms. Stevens asked the board to vote their denial so she could get out of her lease. She stated she legally is stuck in a lease, and without approval she has grounds to get out of it. She added that she still wants to do this good thing and she understands, but where is she going to go that somebody's not going to complain. She stated she needs help/

Mr. Comerford urged her to speak to Councilor Morad and others who expressed they are willing to help. He suggested she contact the mayor's office and city council.

Mr. Schilling stated he was impressed with the three people that came in, in sense into the lion's den, and were very sincere. He stated he has been in the city some fifteen years, and working in the court he sees the addiction problems and how terrible they are here. He stated it was terrific that a neighborhood rose up as one and said we don't want it in our neighborhood. He stated it's got to be somewhere. He stated New Bedford may be #2 in addiction, but may be #1 in public housing that brings people to New Bedford. He urged that we look at the whole situation. He acknowledged the need for residential beds, noting he was not a believer in Saboxin. He felt it has turned out people can get the opiate out of it, and it creates trafficking. He noted the lack of beds for those awaiting trial. He stated Vivatrol was a better drug. He stated there is plenty of addict activity downtown, even with treatment places on Purchase Street. He again stated that while there have to be places, it does not work in this neighborhood. He reinforced the need for beds and taking people out of their neighborhoods for six months.

A motion was made (AD) and seconded (JW) to grant Appeal #4187, a motion to grant a special permit under provisions of the city code of New Bedford to Pebble Stevens, 42 Jay Drive Westport, MA, d/b/a Arran Wellness Center and The Armenia M. Pereira Living Trust, U/A c/o Carlos & Armenia Pereira (29430 South Chrisman Road Tracy, CA) relative to property at 67-69 Brigham Street, Assessor's Map 39, Lot 255 in a Residential-B Zoned District, to allow the petitioner to operate an addiction treatment business as per plans filed, which will require a Special Permit under Chapter 9 Comprehensive Zoning Section 2400, 2410, 2420-2422, 2430-2432, 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 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: social, economic or community needs which are served by the proposal, which include but are not exclusive to, service of a population struggling with addiction and an underserved needs for that population; traffic flow and safety, including parking and loading, including but not limited to increased flow and need for parking in the immediate area, parking being at a premium already, with concern for the neighborhood in general; adequacy of utilities and other public services as proposed are neutral; neighborhood character and social structures, including but not limited to that the neighborhood is heavily residential and is a self-described close knit neighborhood that does contain some existing professional offices; the impact on the natural environment as proposed are neutral; and the potential fiscal impact, including impact on city services, the tax base, and employment, including but not limited to the continuing of a business activity in the city, as well as the continued payment of taxes and utilities and the potential of increase n city service needs, such as police and EMTs; additionally in accordance with City of New Bedford Code of Ordinances Chapter 9, Section 2420-2422, the board has determine that such change or extension shall not be substantially more detrimental than the existing non-conforming use to the neighborhood. With the following conditions: that the project be set forth according to plans submitted with the application, and that it be recorded at the Registry of Deeds and a building permit be issued by the Department of Inspectional Services and acted upon within one year.

Mr. Comerford clarified that a yes vote allows the facility to move in and a no vote does not.

Roll Call Vote was as follows:

I. Comerford - No	R. Schilling - No
A. Decker -No	H. Tavares - No
J. Walsh - No	

Motion denied

Mr. Decker expressed his appreciation for the petitioner coming in this evening and encourage her to be in touch with the appropriate city offices and city council who offered help. He stated she had a service that is needed in the city.

Mr. Comerford called for a recess at 7:40 p.m.  
Zoning Board reconvened at 7:50 p.m.

#### **CASE #4185**

A motion was made (AD) and seconded (JW) that that the following documents be received and placed on file: the communication dated 6/1/15 from the Commissioner of Buildings & Inspectional Services; communication from the Office of the City Planner dated 6/19/15; the appeal package; the plan 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.

Mr. Coutinho on behalf of Domingos Alves of 935 Stratford Street addressed the board. He stated the petitioner is looking to add a 20' x 26' garage addition. He stated the planned addition will encroach upon the ten foot set back by 5.5'. He stated his abutting neighbor is present and is all for the petitioner doing this. He stated the neighbor also has a garage addition about 5' from the property line.

There was response to Mr. Comerford's invitation to speak in favor.

In response to Mr. Comerford's invitation to speak in opposition, Sheila Morris of 945/926/964 Elliot Street, an abutter, stated her major concern is with flooding. She stated there is already a problem with flooding in the area that Ron Labelle is aware of. She stated they have tried unsuccessfully to fix it. She stated she is concerned where the water is going to go with the erection of this garage. She stated before any variance or permit is approved she requests a study be done by DEP and Conservation to see where the displaced water is going to go. She is concerned how this will affect her property and increase the water table. She is concerned about water already pooling on Stratford Street.

There was response to Mr. Comerford's invitation to speak in opposition.

Mr. Comerford offered the petitioner an opportunity for rebuttal.

Mr. Coutinho stated this is a modest addition and should not really affect the water issue. He stated there would be proper drainage around the proposed addition. In response to an inquiry from Mr. Comerford, Mr. Coutinho stated this would be a poured in place concrete slab.

Mr. Decker asked Mr. Alves to come up and express what his hardship is, as that is a principal ground in the granting of a variance. Mr. Alves stated he always wanted a garage there, having been in the house for 39 years. He stated it is a small garage that he thinks will look good.

Mr. Decker asked if he could build a garage that accounts for the setback, and Mr. Coutinho responded it would not necessarily work. He said he was looking for a secondary means of entrance right after the existing chimney. He stated it would mean encroaching into the setback. He stated without approval it would be cumbersome to have a garage door and have to get into the house at all times.

Mr. Comerford reviewed for the petitioner of the requirements for granting a variance.

Mr. Coutinho replied that the petitioner and his wife live alone in the house and are getting older and it would be nice for them to have a place to store the car that is secure and safe. He stated it would be easier for them to get inside the house protected.

There was response to Mr. Comerford's further invitation to speak in opposition.

Ms. Morris stated the answer did not address her concern and he didn't appear to be an expert. She again stated she has been in the neighborhood 64 years. She stated with more and more building in the area, the flooding increases. She stated she now has floods in the cellar and does not need further water on her property and would again request that a study be done before any decision is made.

Mr. Comerford responded that if the variance is granted, everything would have to be done to city building code, and the petitioner would have to address any water issues with the building inspector.

Ms. Morris stated that if that were the case, why has the flooding increased in the area.

John Lavendar of 947 Lloyd Street stated he can attest that there is a big issue with flooding. He stated the cellar in the house owned by Ms. Morris adjacent to the Alves property floods constantly. He too stated Mr. Labelle had been there to address the issue, but nothing has changed. He stated it's getting to the point where every time someone builds and displaces water it goes to the lowest level where they are located. He stated that the petitioner has a driveway. Mr. Lavendar stated he is 74 years old and needs flooding relief. He stated the sump pumps can't

keep up with it. He stated he feels more construction displaces more water which will drain onto Ms. Morris' property.

Mr. Comerford stated the hardship Mr. Tavares stated he didn't see a problem with the water table.

Mr. Decker confirmed there was an existing paved driveway in place and the proposed garage will go over that location. Mr. Coutinho answered affirmatively.

Mr. Decker stated the concern before them is where the water is going to go. He stated the water presently on an asphalt driveway will not be added to with the garage. Mr. Coutinho stated that was his understanding.

Mr. Decker discussed with the board a condition requiring adequate provision for displaced water. Mr. Walsh declined to support that.

Mr. Comerford did not think the size of the proposed garage was cause any major issue.

Mr. Schilling clarified that it was a garage going on an existing slab. Mr. Coutinho stated it would push back about 5' from the location of the existing home.

Mr. Walsh stated that he found no evidence before the board that the building of the garage would affect any drainage problem. He stated that from his point of view the only issue is whether the petitioner meets the criteria, and he believed the petitioner had made a case.

Mr. Comerford agreed.

There being no further discussion, a motion was made (AD) and seconded (JW) to grant Appeal #4185, a motion to grant a variance under the provisions of the city code of New Bedford to Domingos P. Alves, 935 Stratford Street, relative to property located at 935 Stratford Street, Assessor's Map 130, Lot 451 in a Residential-A Zoned District to allow the petitioner to erect a 20'4" x 26' attached garage addition as per plans filed, which will require a variance under Chapter 9, Comprehensive Zoning Sections 2700, 2710, 2720 Appendix-B, 2750 and 2755. The board finds first that there are circumstances related to the soil conditions, shape or topography which especially affect the land or structure in question, but which do affect generally the zoning district in which the land or structure is located. These circumstances include but are not limited to the shape of lot given the existing structure does not support an additional structure such as a garage without a variance. Second, due to those circumstances especially affecting the land or structure, literal enforcement of the provisions of the Zoning Ordinance or By Law would involve substantial hardship, financial or otherwise, to the petitioner or appellant. The hardship in this case is that the residents are aging and need the protection and safety of a garage. Third, desirable relief may be granted without nullifying or substantially derogating from the intent or purpose of the Zoning Ordinance or Bylaw. Fourth, desirable relief may be granted without substantial detriment to the public good. With the following conditions: that the project be set forth according to plans submitted with the application, and that it be recorded at the Registry of Deeds and a building permit be issued by the Department of Inspectional Services and acted upon within one year.

Roll Call Vote was as follows:

I. Comerford - Yes	R. Schilling - Yes
A. Decker - Yes	H. Tavares - Yes
J. Walsh - Yes	

Motion passed.

**CASE # 4186**

A motion was made (AD) and seconded (JW) that the following documents be received and placed on file: the communication dated 6/1/15 from the Commissioner of Buildings & Inspectional Services; communication from the Office of the City Planner dated 6/19/15; the appeal package as submitted; the plan 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.

Chairman Comerford declared the hearing open.

Vincent Perez, owner of 391 Bolton Street and resident of 113 Eugenia Street, addressed the board. He stated he is seeking to build a restaurant serving pizza and burritos with a walk-up window with a garage door right there. He plans to also sell soft-serve ice cream, there being a playground across the street.

In response to an inquiry by Mr. Decker, Mr. Perez stated the property has been a boarded vacant building. He stated he cleaned the back parking lot area and found trash, weeds and syringes.

Mr. Perez stated he is trying to bring something good to the neighborhood. He stated after speaking with some neighbors about his plans, they are for it.

Mr. Decker asked about parking needs. Mr. Perez stated that he expects 70% of his business to be deliveries. He stated he will have 8 seats inside the establishment. He stated he previously owned Little Anthony's in the northend and 70%-75% of the business was deliveries.

Mr. Decker asked if delivery personnel would be parking on the street between runs, and Mr. Perez answered affirmatively.

Mr. Comerford stated he had been by the location and found plenty of parking.

There was no response to Mr. Comerford's invitation to speak in favor.

There was no response to Mr. Comerford's invitation to speak in opposition.

Chairman Comerford closed the hearing.

There being no further questions, a motion was made (AD) and seconded (JW) to grant Appeal #4186, a motion to grant a special permit under the provisions of the city code of New Bedford to Perez Development LLC c/o Vincent Perez (113 Eugenia Street, Apt.2 New Bedford, MA), relative to property at 391 Bolton Street, Assessor's Map 23, Lot 32 in a Mixed-Use Business zoned district, to allow the petitioner to operate a Fast Food Restaurant as per plans filed, which will require a Special Permit under Chapter 9, Comprehensive Zoning Sections 2000, 2200, 2210, 2230 Appendix A, 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:

First, that the social, economic, or community needs which are served by the proposal include but are not limited to the opening of a new food restaurant in the immediate area which hadn't existed previously. Second, traffic flow and safety, including parking and loading, were adequately addressed in the proposal. Third, the adequacy of utilities and other public services in this case are neutral. Fourth, neighborhood character and social structures in

this proposed use fits with the character of the neighborhood. Fifth, impacts on the natural environment are neutral as to the proposed business operation. Sixth, the potential fiscal impact, including impact on city services, tax base, and employment, include but are not limited to the opening of a business in a previously closed location, the addition to the city's tax base by such open business, and the increased employment opportunities rendered. With the following conditions: that the project be set forth according to plans submitted with the application, and that it be recorded at the Registry of Deeds and a building permit be issued by the Department of Inspectional Services and acted upon within one year.

Roll Call Vote was as follows:

I. Comerford - Yes                      R. Schilling - Yes  
A. Decker - Yes                         H. Tavares - Yes  
J. Walsh - Yes

Motion passed.

#### **CASE #4184**

A motion was made (AD) and seconded (JW) that the following documents be received and placed on file: the communication dated 6/1/15 from the Commissioner of Buildings & Inspectional Services; communication from the Office of the City Planner dated 6/19/15; the appeal package as submitted; the plan 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.

Motion passed unopposed.

Mr. Comerford declared the hearing open.

John Churchill of JC Engineering, Wareham, MA, addressed the board on behalf of property owner Joseph Trotter. He stated the property contains an existing 1.5 story home built in 1930. He stated the home suffered water damage and requires reconstruction. Mr. Churchill stated the property is within the RA zoning district, which requires a minimum lot size of 8,000 sf with 75' frontage, in addition to a front setback of 20' and side yard setbacks of 10'/12', with a rear yard setback of 30', lot coverage of 30% and greenspace of 35%. He stated this lot is 5,376 sf, frontage of 46.3 feet. He stated the existing structure has a 17' setback and side yard setbacks of 3.7'/0.6'. He stated at 49.4, the rear yard is the only conforming setback. He stated there is lot coverage of 15.6% and greenspace of 81.5%.

Mr. Churchill stated the existing structure does not meet front or either side setback and the existing lot does not meet the frontage of area requirements. He stated the proposed structure conforms to the current zoning bylaws in all ways except for lot size and frontage. As such the proposed structure is more conforming than the existing structure, with a front setback of 38.4' and side setbacks of 10.1'/12.1'. The rear yard setback will be 30.1'. He stated lot coverage will be reduced to 13.4' with greenspace of 65.9. He stated the 24'x32' Colonial structure will be a nice looking addition. This would add a higher tax value and more revenue. The proposed structure creates a more valuable property and neighborhood. He asked the board to determine that this structure will not be more substantially detrimental to the neighborhood than the existing one.

There was no response to Mr. Comerford's invitation to speak in favor.

In response to Mr. Comerford's invitation to speak in opposition, Scott Franklin, abutter at Cleveland Street, stated that since 1939 there has been a right of way into the property. He stated the plans appear to totally ignore the right of way, which is both for passage and utility. He stated that with a tenant he must be able to get emergency

vehicles back to his property. He stated he does not see the represented 46' of frontage. He stated the fire hydrant in front cannot be obstructed and the road is very narrow.

Mr. Franklin offered the Registry of Deeds book and page showing the easement to his property where the petitioner now seeks to put a driveway. He stated most people today have two cars they park in addition to friends visiting. He stated the property takes a dog leg and you cannot see his dwelling in back, so people park in the right of way. He presented a 2007 letter from a tenant who moved out because of the driveway being constantly blocked.

The board examined the documents. A motion was made (AD) and seconded (JW) to accept a copy of an easement recorded in 2006 regarding this property. Motion passed unopposed.

Mr. Decker explained that the older tenant letter related to parking shows a wall not on the property of this evening's matter at issue, though it may contribute to the narrowing of the right of way.

Mr. Franklin again stated a fire truck or ambulance must be able to get back to his property without obstruction. He stated he does not think the project can affect the easement.

Mr. Comerford requested rebuttal.

Mr. Churchill examined the documents showing the easement affecting his client's property. He stated in light of the location of the driveway, moving the house back was one of his client's concerns and he has reached out to this neighbor. Mr. Churchill stated the driveway is not within the right of way but on the petitioner's land. He stated they are willing to discuss the matter with the neighbor to clean up any problems, short of him moving his driveway within the 11' he has available. He said they are not trying to inhibit or prohibit the neighbor from getting to his property.

Mr. Decker stated that, in and of itself, a paved driveway does not inhibit the ability of a tenant to access the property. The concern voiced is for cars parked on the paved driveway narrow the ability for Mr. Franklin's tenant to get to and front his property. Mr. Decker stated that is an issue in light of Mr. Franklin's easement.

Mr. Churchill stated the petitioner will accept a condition that they cannot park within the easement shows on the plan. He stated that the increased setback in front gives them room to park.

Mr. Comerford reminded Mr. Churchill that the petitioner cannot park in front of the house. Mr. Churchill stated he meant the driveway in front of the house.

Mr. Franklin stated the gravel road has been there since the 1930s. He stated the 11' is his property but does not allow for a car to fit through with the existing pine trees. He stated that resulted in the easement. He stated he is also concerned with water runoff.

In response to Mr. Comerford's invitation to speak in opposition, William Markey of 1520 Norton Avenue stated that in looking at this house, yes it needs work. His concern is about the pond and the rain off. He stated in 2003 when zoning in the area was changed from 4500 to 8,000 so houses would not be crammed in, it also stopped runoff from going into the pond. He stated there were cottages in this subject area that people winterized and began living in. He stated he feels the petitioner is putting the biggest house he can on this lot. More bang for the buck. He stated moving the building back will take out a lot of trees which would help stop the runoff.

In response to Mr. Comerford's invitation to speak in opposition, Clifford Hathaway 1033 Meadow Street, an abutter, stated that his basic concern is Sassaquinn Pond. He stated he has lived in the neighborhood since 1943.

He stated the proposed house will likely be an asset to the street, but his concern is Sassaquinn pond. He stated the pond is bordering on pollution. He does not want to see another improperly irrigated lawn. He stated he had 25 trees removed next door to his property, which was improperly handled by the city. He wants what the board does to be done by the letter of the law.

There was no response to Mr. Comerford's further invitation to speak in opposition.

Mr. Comerford invited rebuttal of opposition.

Mr. Churchill declined rebuttal stating he thought it was pretty clear.

Mr. Comerford closed the hearing.

The board discussed conditions, as well as giving the petitioner an opportunity to come back with a revised plan. Both Mr. Comerford and Mr. Walsh indicated they were ready to vote and felt assured that any building would have to be die to city building codes.

After brief board discussion, a motion was made (AD) and seconded (JW) to grant Appeal #4184, a motion to grant a special permit under the provisions of the city code of New Bedford to JC Engineering, Inc. C/O John L. Churchill, Jr. (2854 Cranberry Hwy. E. Wareham, MA) and Joseph I. Trottier (25 Barends Way Middleboro, MA) relative to property at 1052 Leroy Street, Assessor's Map 137, Lot 41 in a Residential-A zoned district, to allow the petitioner to demolish the existing dwelling and reconstruct as per plans filed, which will require a Special Permit under Chapter 9, Comprehensive Zoning sections 2400, 2410, 2440, 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 to the neighborhood outweigh 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: First, that the social, economic, or community needs which are served by the proposal include but are not limited to the property owner's need to raze and rebuild a residence damaged by a previous fire. Second, traffic flow and safety, including parking and loading, are neutral as proposed. Third, the adequacy of utilities and other public services as proposed are neutral. Fourth, neighborhood character and social structures, including but not limited to the building of the structure as a single family residence fits with the character of the neighborhood, Fifth, the impacts on the natural environment as proposed are neutral. Sixth, the potential fiscal impact, including impact on city services, tax base, and employment, include but are not limited to the maintenance of a property with a structure as paying real property tax within the city. Additionally, in accordance with City of New Bedford Code of Ordinances Chapter 9, Section 2440, the board of appeals finds that the proposed modification will not substantially be more detrimental than the existing non-conforming structure. With the following conditions: that no parking is to be permitted in front of the residence, and that the project be set forth according to plans submitted with the application, and that it be recorded at the Registry of Deeds and a building permit be issued by the Department of Inspectional Services and acted upon within one year.

Roll Call Vote was as follows:

I. Comerford - Yes	R. Schilling - Yes
A. Decker - Yes	H. Tavares - Yes
J. Walsh - Yes	

Motion passed.

John Walsh left the meeting due to a conflict of interest with the next mater, in that he has a relationship with the housing authority.

In light of the departure of a board member, the petitioner for the upcoming case stated that where this is a comprehensive permit and the petitioner is looking for feedback, he suggested opening the public hearing and whoever will sit in this evening's now vacant seat will have had an opportunity to review the transcript of tonight's meeting and sign the affidavit that they are fully apprised, and then there would be a full five member board in July. He stated starting the process will allow them to present what they have and get feedback.

### **CASE #4190**

A motion was made (AD) and seconded (HT) that that the following documents be received and placed on file: the communication dated 6/5/15 from the Commissioner of Buildings & Inspectional Services; communication from the Office of the City Planner dated 6/24/15; the appeal package as submitted; the plan 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.

Att. Chris Saunders of 700 Pleasant Street New Bedford, on behalf of the property owner New Bedford Housing Authority. He stated the Westwood Hosing development located on Liberty, Tremont, Hillman and North Streets in the city's westend. He displayed a rendering of the proposed development which will be a total rehab. He stated the since 2011 the property has been board up and in derelict condition. He stated this total rehab will enhance the development and surrounding neighborhood. He provided orientation for the board. Att. Saunders stated there is no real parking on Tremont Street, and on Liberty Street there are two and three-family homes.

Att. Saunders stated the development was constructed in 1955 and had four structures on the property, which represented 30 one room apartments. He stated over time the demand for that type of apartment declined and renting became hard, lading to vacancy. He stated that while vacant vandals stripped the copper and metal from the apartments leaving the property uninhabitable, and remaining tenants were relocated and the site became an eyesore.

Att. Saunders stated the housing Authority is looking to transform this derelict property into 12 units of family accessible housing for persons with physical disability. He stated the 12 units will be comprised of 6 duplexes. He stated the petitioner will be requesting various zoning relief due to the uniqueness of the property. He stated that by statute the comprehensive permit allows the petitioner to request this relief and this board is the board who grants such relief with input from other city boards.

Att. Saunders stated one such relief is the ability to access the lot by a way that does not constitute frontage. Another relief the petitioner is seeking is two frontages on this lot, because of duplexes fronting both Liberty Street and Tremont Street. He stated there will be a driveway entering from North Street and exiting on Hillman Street. He stated there will be six off-street parking spaces, one space per unit. He stated there will also be a rear landscaped patio area.

Att. Saunders added that the petitioner is seeking to have six structures on one city block, in addition to zoning relief. He stated the petitioner will not meet the front setbacks on either Liberty of Tremont Streets. He stated Liberty Street is 9.6' and 10' on Tremont Street. He stated this will not have a detrimental impact on the neighborhood because what is there is worse. He stated tis will be an overall improvement on the neighborhood and it's going to be utilized by person with physical disabilities.

Att. Saunders stated there will be a reduction in units from 30 to 25 bedrooms. He stated while there will be a total of 12 apartments, they will only comprise 25 bedrooms. He stated there will be two one-bedroom

apartments, seven two-bedroom apartments, and three three-bedroom apartments. As such it will not be more of a burden on the neighborhood as the petitioner is lessening the density.

Att. Saunders stated though increased in building number, there is a decrease in building size. He stated the petitioner is taking a present fire hazard and revitalizing a neighborhood.

He stated there is no existing sidewalk on Tremont Street. He stated DPI has requested a sidewalk there, as well as a replacement of the blacktop sidewalk on North Street. He stated the petitioner, being a government agency, is strapped budget-wise, and has funding limits on spending for off-site improvements. The sidewalk, being city property, is considered an offsite improvement. While the petitioner would love to see the City of New Bedford step forward and pay for the sidewalk, he does not think they are in any better a finding position. The petitioner proposes keeping the existing layout and having individuals park and access the walkway to the building. In spite of DPI ribbon requests, the petitioner believes he has enough vegetation, planting 14 trees around the entire perimeter as well as shrubbery. Att. Saunders stated the petitioner will be doing offsite improvements making all corners handicap accessible in grading.

Att. Saunders stated he would hold off reviewing all criteria for the special permit, He stated there is a detailed lighting plan, with lighting on the structures themselves that will not shine into the neighborhood or have any adverse impact. He stated in addition they have a detailed soil management and safety plan to address the razing of the buildings with regard to any soil contamination. He stated the housing authority has been proactive and has done an outreach with the neighborhood.

Att. Saunders again reiterated that requiring the installation of curbing on Tremont Street would be a financial burden. He said he had discussed traffic with city officials and noted very little negativity as the project planning has been first rate. He then invited questions and concerns.

Mr. Schilling asked about any market rate intentions. Att. Saunders stated it will be all low-income not market rate apartments. He stated one of the criteria of the special permit is that they be low income. He also stated in order to rent, a family member will unfortunately need to have some physical disability; someone unable to walk, someone wheelchair bound or who walks with a cane. A physical disability as opposed to a psychological one.

Att. Saunders stated he was unsure if a physical disability is a condition of the grant, but that a physical disability is the purpose of this facility. He again stated that normally there is a requirement of two parking spaces per unit, and the petitioner only has one space. Using the planning board criteria, the type of tenants in this facility would not meet the parking demand.

Mr. Schilling stated that someone with a disability is likely to have someone else in the household and therefore would likely have two cars. Att. Saunders expects someone with a physical disability would be unable to drive. He stated there is ample off-street parking spaces on Tremont Street.

Mr. Schilling asked that the petitioner provide some definition of the physical disability requirement. He stated that his understanding is that 24%-25% of the New Bedford population self identifies as disabled. Att. Saunders again stated non-psychological.

Mr. Comerford stated he thought it was a good plan and had nothing that he was looking for at the upcoming meeting.

Att. Saunders asked Chairman Comerford to keep the public hearing open and continue it to the July meeting so that they need not re-advertise.

There was no response to Mr. Comerford's invitation to speak in favor.

There was no response to Mr. Comerford's invitation to speak in opposition.

A motion was made (RS) and seconded (AD) to continue this matter to the July 30, 2015 Zoning Board meeting. Motion passed unopposed.

**NEW BUSINESS:**

A motion was made (AD) and seconded (RS) to accept the minutes of the meeting of May 28, 2015 as presented. Motion passed unopposed.

There being no further business to come before the board, Chairman Comerford announced the next Zoning Board meeting scheduled for July 30, 2015.

A motion was made (AD) and seconded (RS) to adjourn.  
(Whereupon proceedings adjourned at 9:25 p.