



City of New Bedford

Department of Planning, Housing & Community Development

608 Pleasant St, New Bedford, Massachusetts 02740
Telephone: (508) 979.1500 Facsimile: (508) 979.1575

PATRICK J. SULLIVAN
DIRECTOR

STAFF COMMENTS

PLANNING BOARD MEETING

December 9, 2015 – CASE CONTINUED TO JANUARY 13, 2016

Case # 31-15: REZONING

170 Reynolds Street
Map: 91 Lot: 45

Petitioner: City Councilor Henry Bousquet
(Ward 3)
133 William Street, Room 215
New Bedford, MA 02740

Owner: Helio Medeiros
1329 Rockdale Avenue
New Bedford, MA 02740



Overview of Request:

The Planning Board reviews rezoning petitions as a standard of practice and makes a recommendation based on their findings to the City Council Committee on Ordinances. A proposed zoning change has been submitted by New Bedford City Councilor Henry Bousquet for recommendation from the Planning Board for the rezoning of 170 Reynolds Street from Residence C to Mixed Use Business.

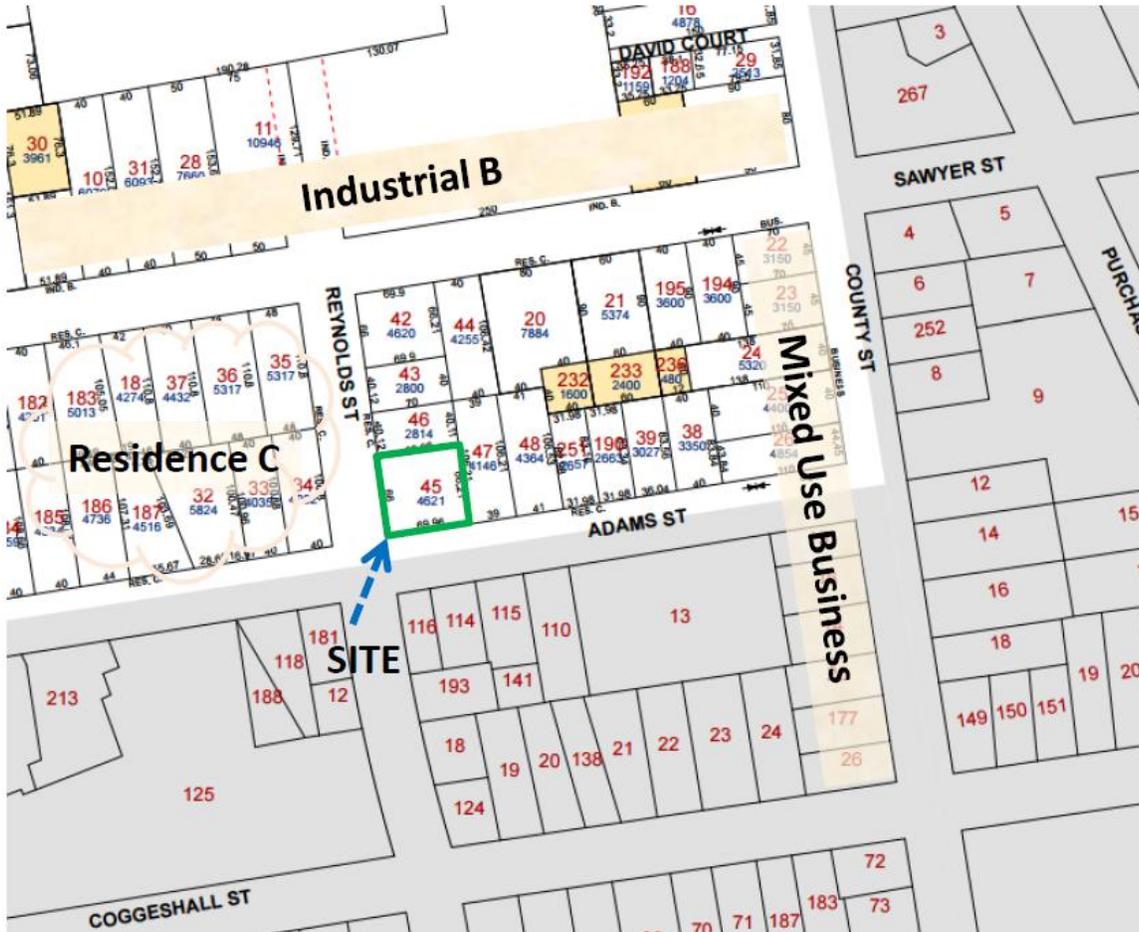
Existing Conditions:

A vernacular commercial structure built in approximately 1910, having a wood shingle exterior, is constructed on the 4,621 SF parcel located at the intersection of Reynolds and Adams Streets. This corner lot, as shown on the assessor's parcel map, has a 66 foot linear frontage along Reynolds Street and 69.96 foot frontage along Adams Street. Prior business use included a neighborhood variety store and furniture reupholstery business.

A chain link fence topped with barbed wire, which predates zoning ordinance **Section 2339** prohibiting barbed wire fence in a residential zone, or on property lines abutting residential zones below a height of eight (8) feet above grade, envelopes the site. A concrete apron and curb cut service the gated entrance to the fenced area at Reynolds Street.



The subject parcel is located in the Residential C zoning district. North of the site the zoning district is Industrial B; east of the site at County Street is zoned Mixed Use Business. Neighboring commercial entities include Electrical Wholesalers, Inc., at 419 Sawyer Street and Tremblay’s Bus Company at 284 Myrtle Street.



**Residence C Permitted Use By-Right
(Taken from Appendix A-Table of Principal Use Regulations):**

Single Family Dwelling	Y
Two Family Dwelling	Y
Multi-family Townhouse	Y
Boarding House	ZBA
Group Residence	ZBA
Assisted or Independent Living Facility	ZBA
Nursing or Convalescent Home	ZBA
Animals or Head of Poultry...	Y
Use of Land/Structures for Religious Purposes	Y
Use of Land or Structures for Educational Purposes...	Y
Child Care Facility (In an Existing Building)	Y
Child Care Facility (Not in an Existing Building)	Y
Use of Land for Agriculture...	Y
Facilities for Sale of Produce...	Y

Municipal Facilities	Y
Essential Services	ZBA
Cemeteries	Y
Hospital	Y
Nonexempt Agricultural Use	ZBA
Adult Day Care	ZBA
Family Day Care	ZBA
Large Family Day Care	ZBA
Funeral Home	ZBA
Bed & Breakfast	ZBA
Wireless Communication Facilities	Planning Board

Review Comments:

The motion was distributed to City Clerk, City Solicitor, Health Department, Inspectional Services, Engineering, Public Infrastructure, Conservation Commission, Fire Department and School Department.

The Planning Department awaits final comments.

Staff Findings:

Research reveals the Residence C zoned parcel was historically used for business purposes. However, no active business use has occurred at this site for a period of two years. The prior, lawfully existing nonconforming use was abandoned under **Section 2450. Abandonment or Non-Use** and has, therefore, lost its protective status as a retail use and is now subject to all of the provisions of the City of New Bedford Zoning Ordinance.

The vernacular commercial structure and lot, developed prior to present zoning codes, does not meet current zoning requirements, and therefore is considered a nonconforming structure.

Under current zoning, Residence C zoning districts permit by right multi-family housing on lots that are at least 15,000 SF; one unit per 1,000 SF is allowed for multi-family dwellings of three (3) or more units. Architectural style of the existing building, corner location of the lot, and appurtenant structures, such as the surrounding fencing and access driveway width and apron, are indicative of a small business, commercial use. This smaller lot size with two frontages leaves an unbuildable lot, not conducive to residential development in a character consistent with the neighborhood. Staff recommends the proposal to rezone Map 91, Lot 45 from Residence C to Mixed Use Zoning. If the intended use of the site location is to store landscaping equipment, as a contractor’s yard, for a small business, it may be appropriate to petition for a zoning change to Industrial B, rather than Mixed Use Business.

For Board Member Consideration:

Courts will look to the characteristics of the land, public benefit, and compliance with the comprehensive plan of the community when rendering a decision on zoning and property rights.

Chairman Dawicki has reminded the Board of the following conditions weighed by the court in deciding a rezoning case:

- Uniformity-the extent to which the zoning change would resemble the surrounding zoning;
- Whether or not the parcel is being singled out for a zoning change;
- The size parcel affected by the zone change;
- Any neighborhood change;

- Impact on economic development; or
- Reclassification of a small parcel that allows a use beneficial to the property owner to the detriment of the neighbors or community at large.

This proposal to rezone the parcel is consistent with the master plan's goal (i.e., to establish a sound foundation for further growth that builds upon its coastal location, preserves its historic legacy, and expand cultural and workforce opportunities) of shaping the future of land use and development, as it restores blighted property, improves the neighborhood, and communicates a positive message for small business development.

Attachments:

1. Written Motion by City Councilor (Ward 3) Henry G. Bousquet



CITY OF NEW BEDFORD

Planning Board

CITY COUNCIL

November 12, 2015

WRITTEN MOTION

Requesting, on behalf of Mr. Helio Medeiros, that 170 Reynolds Street, New Bedford, Plot 91/Lot 45, be REZONED, from Residence "C" to MIXED-USE BUSINESS. (To be Referred to the Planning Board and the Committee on Ordinances.)

Henry G. Bousquet, Councillor Ward Three

IN CITY COUNCIL, November 12, 2015

Referred to the Planning Board and the Committee on Ordinances. Dennis W. Farias, City Clerk

a true copy, attest:

Dennis W. Farias

City Clerk

ATTACHMENT 1

CASE 31-16

PLANNING

NOV 17 2015

DEPARTMENT