



City of New Bedford

Department of Planning, Housing & Community Development

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PATRICK J. SULLIVAN

DIRECTOR

March 10, 2016

Councilor Steven Martins, Chairman
Committee on Ordinances
133 Williams Street
New Bedford, MA 02740

RE: PROPOSED REZONING REQUEST
CASE #08-16 DARTMOUTH STREET

Dear Chairman Martins:

This is to advise you that the Planning Board met on Wednesday March 9, 2016 to discuss the proposed request for the rezoning of a lot at 458 Dartmouth Street identified as being Map 18 Lot 106 from an Industrial B (IB) zone to a Mixed Use Business (MUB) zone. The Planning Board sends a favorable recommendation for this proposal.

Councilor Lopes represented the proposed rezoning request before the Planning Board along with David Arruda, the realtor working with the current property owner who is attempting to sell the subject parcel.

In the course of the Planning Board's review, the members deliberated two key elements of the proposal:

- First, the board considered the existence of a potential "spot zoning" whereby a small area of land is zoned differently than all of the immediately surrounding property. Although board members conceded that this request may be construed as such, the request to change the IB zone to an MUB zone on this parcel neither creates any hardship for immediate abutters nor would it be inconsistent with the city's Master Plan.2020 where the conversion of the entire IB zone in which this parcel sits is actually envisioned as an MUB zone.
- Secondly, the board heard testimony from Mr. Richard Brisson, property owner, reviewing the history of the parcel, the difficulties he currently faces in trying to sell the property largely intended and designed for commercial use but zoned for industrial purposes, and the extraordinary limitations the existing zoning places upon this particular parcel of land because of its size, existing building configuration and the neighborhood context of commercial uses in which it exists. To this point the Planning Board acknowledged that the site's size, location and current zoning renders it difficult to use.

Mr. Richard Brisson and Councilor Lopes were recognized and recorded in favor of the application. No one spoke in opposition to this request nor was anyone else recorded in opposition of the request.

After closing the public hearing and deliberating the requested rezoning, a motion was made to recommend that the City Council approve the rezoning of the Dartmouth Street lot, changing the zoning from an IB zone to an MUB zone, as the request was deemed consistent with the city's master plan, would generate an economic benefit to the city, and would create no known detriment. Said motion passed unanimously on a vote of 5-0.

Sincerely,

Jennifer Clarke, AICP
Acting City Planner
Deputy Director

cc. Jon Mitchell, Mayor
Danny Romanowicz, Building Commissioner

Mikaela McDermott, City Solicitor
Dennis Farias, City Clerk