



Zoning Board of Appeals

October 20, 2016 - 6:00 P.M. – **Marked Agenda**

City Hall, Room 314

133 William Street, New Bedford, MA

MEETING CALLED TO ORDER

Board members in attendance: Leo Schick, Allen Decker, Sherry McTigue, and John Walsh

APPROVAL OF MINUTES

- August 25th, 2016 Meeting Minutes
- September 1st, 2016 Meeting Minutes
- September 22nd, 2016 Meeting Minutes

No action was taken on the meeting minutes.

SCHEDULED HEARINGS

#4247 Notice is given of the public hearing on the petition of: Lau Van Luu and Thu-Thuy T. Huynh (310 Park Street New Bedford, MA 02740) for a Variance under provisions of chapter 9 comprehensive zoning sections 2700 (dimensional regulations), 2710 (general), 2720 (table of dimensional regulations-Appendix B- green space), 2750 (yards in residence districts), 2756 (special driveway side yard requirements); relative to property located at 310 Park Street, assessor's map 57 lot 60 in a mixed use business [MUB]. The petitioner seeks approval of a driveway that was installed without a buffer as plans filed.

GRANTED, WITH CONDITIONS. All board members recorded in favor; vote tally: 4-0

#4248 Notice is given of the public hearing on the petition of: Union Fruit Market, Inc. c/o Birgilio Cabral (1437 Acushnet Avenue New Bedford, MA 02745) and Vanessa Marques (362 Pleasant Street New Bedford, MA 02740) for a Variance under provisions of chapter 9 comprehensive zoning sections 3000 (general regulations), 3100 (parking and loading), 3110 (applicability), 3130 (table of parking and loading requirements-appendix C- 12 spaces required); relative to property located at 111 Ruth Street, assessor's map 15 lot 304 in a residential C [RC] zoned district. The petitioner proposes to operate a market as plans filed.

GRANTED, WITH CONDITIONS. All board members recorded in favor; vote tally: 4-0

#4252 Notice is given of the public hearing on the petition of: Union Fruit Market, Inc. c/o Birgilio Cabral (1437 Acushnet Avenue New Bedford, MA 02745) and Vanessa Marques (362 Pleasant Street New Bedford, MA 02740) for a Special Permit under provisions of chapter 9 comprehensive zoning sections 2400 (nonconforming uses and structures), 2410 (applicability), 2430-2432 (non-conforming structure, other than single family and two family structure), 5300-5330 and 5360-5390 (special permit); relative to property located at 111 Ruth Street, assessor's map 15 lot 304 in a residential C [RC] zoned district. The petitioner proposes to operate a market as plans filed.

GRANTED, WITH CONDITIONS. All board members recorded in favor; vote tally: 4-0

#4249 Notice is given of the public hearing on the petition of: New Bedford Counseling Group Inc. (306 Mount Pleasant Street New Bedford, MA 02740) c/o Michael Frias (131 Willis Street New Bedford, MA 02740), and James M. Doherty, Trustee of The Doherty Family Nominee Trust (15 Harbor Road Mattapoisett, MA 02739) for a Special Permit under provisions of chapter 9 comprehensive zoning sections 2400

(nonconforming uses and structures), 2410 (applicability), 2420-2422 (nonconforming uses), 5300-5330 & 5360-5390 (special permit); relative to property located at 306 Mount Pleasant, assessor's map 91 lot 49 in a residential B [RB] zoned district. The petitioner proposes to operate a counseling practice with licensed mental health counselors that will diagnose and treat a variety of clients as plans filed.

GRANTED, WITH CONDITIONS. All board members recorded in favor; vote tally: 4-0

#4250 Notice is given of the public hearing on the petition of: Mario and Kristinal Amaral (208 Tarkiln Hill Road New Bedford, MA 02745) and Steven D. Gioiosa for SITEC, Inc. (449 Faunce Corner Road Dartmouth, MA 02747) for a Variance under provisions of chapter 9 comprehensive zoning sections 2700 (dimensional regulation), 2710 (general), 2711 (lot change), 2720 (table of dimensional requirements-appendix B- minimum lot size, lot frontage, front yard, side yard), 2750 (yards in residence district), 2751 (front yard), 2755 (side yard); relative to property located at 208 Tarklin Hill Road, assessor's map 118 lot 202 in a residential B [RB] zoned district. The petitioner proposes to subdivide existing single family dwelling on one lot and construct a new single family dwelling on the second lot as plans filed.

Case # 4250 was CONTINUED to the November 17th, 2016 meeting at 6pm City Hall Room 314.

#4251 Notice is given of the public hearing on the petition of: Mario and Kristinal Amaral (208 Tarkiln Hill Road New Bedford, MA 02745) and Steven D. Gioiosa for SITEC, Inc. (449 Faunce Corner Road Dartmouth, MA 02747) for a Variance under provisions of chapter 9 comprehensive zoning sections 2700 (dimensional regulation), 2710 (general), 2711 (lot change), 2720 (table of dimensional requirements-appendix B- minimum lot size, rear yard-ft.) 2750 (yards in residence district), and 2753 (rear yards); relative to property located at NS Holden Street, assessor's map 118, lot 223 in a residential B [RB] zoned district. The petitioner proposes to construct a 32'x28' single family dwelling with a 24'x24' attached garage as plans filed.

Case # 4251 was CONTINUED to the November 17th, 2016 meeting at 6pm City Hall Room 314.

OLD BUSINESS

#4236 Notice is given of a continued public hearing on the petition of: Anthony R. DeCosta (1861 Shawmut Avenue New Bedford, MA) and Thomas P. Crotty, Esq. (388 County Street New Bedford, MA) for an Administrative Appeal under provisions of chapter 9 comprehensive zoning section 5200 (Zoning Board of Appeals), 5220 (Powers), and 5223 (to hear and decide appeals taken by any person aggrieved by reason of his inability to obtain a permit or enforcement action from any administrative officer under the provisions of M.G.L.A. c. 40A, §§ 7, 8, and 15); relative to property located at 1861 Shawmut Avenue, assessor's map 124 lot 27 in an Industrial-B [IB] zoned district. The petitioners propose to overturn a cease and desist order.

Please note: this public hearing began on July 21st, 2016 and will continue on October 27th, 2016 at 6pm City Hall Room 314.

NEW BUSINESS

ADJOURNMENT

The next Zoning Board of Appeals Meeting is scheduled for October 27th, 2016.