



JONATHAN F. MITCHELL
MAYOR

City of New Bedford
ZONING BOARD OF APPEALS

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ZONING BOARD OF APPEALS
NEW BEDFORD CITY HALL – 3rd Floor
WILLIAM STREET
NEW BEDFORD, MA
Thursday, January 17, 2019

MINUTES

CITY CLERKS OFFICE
NEW BEDFORD, MA
2019 FEB 15 A 11:18
CITY CLERK

PRESENT: Leo Schick (*Chairperson*)
Allen Decker
Robert Schilling
Laura Parrish
Stephen Brown

ABSENT: John Walsh (*Vice Chair*)

STAFF: Angela Goncalves, *Assistant Project Manager*
Danny Romanowicz, *Commissioner of Buildings and Inspectional Services*

1. CALL TO ORDER

Chairperson Schick called the meeting of the City of New Bedford Zoning Board to order at 6:00 p.m.. He then explained the meeting process and protocol.

2. PUBLIC HEARINGS

ITEM 1 - Case # 4355/#4356

Case #4355 - Petition of: Lanagan & Co., INC. (35A Union Street, New Bedford, MA) for a Variance under Chapter 9, Comprehensive Zoning Sections 3000 (general regulations), 3100 (parking and loading), 3110 (applicability) and 3130 (table of parking loading requirements- Appendix C, two family); relative to property located at 29 Seventh Street, Assessors' map 46 lot 162 in a Residential A [RA] zoned district. The petitioner proposes to convert a four unit dwelling into a two-family dwelling per plans filed.

Case #4356 - Petition of: Lanagan & Co., INC. (35A Union Street, New Bedford, MA 02740) for a Special Permit under Chapter 9, Comprehensive Zoning Sections 2400 (nonconforming uses and structures), 2410 (applicability), 2430 (nonconforming structures, other than single and two family structure) and 5300-5330 & 5360-5390 (special permit); relative to property located at

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29 Seventh Street, Assessors' map 46 lot 162 in a Residential A [RA] zoned district. The petitioner proposes to convert a four unit dwelling into a two-family dwelling per plans filed.

A motion was made (AD) and seconded (LP) re Case #4355 that the following be received and placed on file: communication from the Commissioner of Buildings and Inspectional Services dated 12/19/18; communication from the Office of the City Planner dated 1/7/19; the appeal package as submitted; 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.

Motion passed unopposed.

A motion was made (AD) and seconded (RS) re: Case #4356 that the following be received and placed on file: communication from the Commissioner of Buildings and Inspectional Services dated 12/19/18; communication from the Office of the City Planner dated 1/7/19; the appeal package as submitted; 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.

Motion passed unopposed.

Jason Lanagan stated that Lanagan Company is the receiver for 29 Seventh Street, LLC, which is currently a 4-5-unit apartment building, which they seek to reduce to a 2-unit building. He noted this historic building has been vacant for some five years and the applicant has an approved construction budget with the Housing Court to renovate the property to current standards. He stated they seek a reduction of units, as well as parking relief.

There was no response to Chairperson Schick's invitation to speak or be recorded in favor.
There was no response to Chairperson Schick's invitation to speak or be recorded in opposition.

The public hearing was closed.

Board Member Decker confirmed that the utilities in place are sufficient for the project. He also confirmed that the area is residential. Mr. Lanagan detailed the floor plan for the board.

After brief discussion, a motion was made (AD) and seconded (LP) with regard to Case #4355 to grant a variance under the provisions of the City Code of New Bedford relative to property located at 29 Seventh Street, Assessors' Map 46 lot 162 in a Residential A [RA] zoned district, to allow the petitioner to convert a 4 unit dwelling into a two-family dwelling per plans filed, which requires a Variance under provisions of Chapter 9, Comprehensive Zoning Sections 3000, 3100, 3110, and 3130 –Appendix C.

Having reviewed the petition in light of the City of New Bedford Code of Ordinances Chapter 9, Comprehensive Zoning Sections as cited, the board finds that with respect to these sections, the applicable sections have been addressed. In addition to the foregoing sections, the petition has been found to be in accordance with M.G.L. Chapter 40A, Section 10, relative to the granting of variances. This determination includes consideration of the following:

The board finds first that there are circumstances related to the soil conditions, shape or topography especially effecting the land or structure in question, but which do not generally effect

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the zoning district in which the land or structure is located. In this instance, the residential structure is located and is of such a size that it essentially takes up the entire lot. Due to those circumstances especially effecting the land or structure, literal enforcement of the provisions of the zoning ordinance or bylaw would involve substantial hardship, financial or otherwise, to the petitioner or appellant. In this case, the hardship is that to create sufficient on-site parking would require demolition and rebuilding of the residential structure at substantial expense, resulting in a substantial hardship. Third, the desirable relief may be granted without nullifying or substantially derogating from the intent or purpose of the zoning ordinance or bylaw, and that the desirable relief may be granted without substantial detriment to the public good.

In light of its review of the specifics of this case, the applicable sections of the city's zoning ordinances, the findings subsequently made on these items, along with all properly submitted materials and testimony made, and the board's consideration of the petitioner's request, the Zoning Board of Appeals finds that the petition satisfactorily meets the basis of the requested relief.

With no specific conditions, but with general conditions as follows: that the project be set forth according to the plans submitted with the application; that the applicant shall ensure a copy of the Notice of Decision bearing certification from the City Clerk's Office be recorded at the Registry of Deeds; and that the rights authorized by the granted variance must be exercised by issuance of a building permit by the Department of Inspectional Services and acted upon within one year from the date the decision was granted or they will lapse.

Roll-call vote as follows:

Chairperson Schick – Yes

Board Member Schilling – Yes

Board Member Decker - Yes

Board Member Parrish – Yes

Board Member Brown - Yes

Motion passes 5-0

A motion was made (AD) and seconded (LP) with regard to Case #4356 to grant a special permit under the provisions of the City Code of New Bedford relative to property located at 29 Seventh Street, Assessors' Map 46 lot 162 in a Residential A [RA] zoned district, to allow the petitioner to convert a 4 unit dwelling into a two-family dwelling per plans filed, which requires a special permit under provisions of Chapter 9, Comprehensive Zoning Sections 2400, 2410, 2430, and 5300-5330 and 5360-5390.

In accordance with the 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:

The social, economic or community needs served by the proposal. In this case, the proposal returns a vacant structure to use for residential purposes at a less intense density, thereby serving housing needs of the community. Concerning traffic flow and safety, including parking and loading, in this case sufficient parking was found to provide for the use available on the street in

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the immediate vicinity. Regarding the adequacy of utilities and other public services, in this case the existing utilities are sufficient for the proposed use. Regarding the neighborhood character and social structures, this proposal proposes a residential use which fits within the neighborhood's character. Regarding the impacts on the natural environment, in this case the proposal is neutral as no exterior changes effecting the landscape or the natural environment are proposed. Regarding potential fiscal impact, including impacts on city services, tax base and employment, the proposal brings a vacant property back into productive use for the city's tax base.

With no specific conditions, but with general conditions as follows: that the project be set forth according to the plans submitted with the application; that the applicant ensure a copy of the Notice of Decision bearing certification from the City Clerk's Office be recorded at the Registry of Deeds; and that the rights authorized by the granting of this special permit must be exercised by issuance of a building permit by the Department of Inspectional Services and acted upon within one year from the date the decision was granted or they will lapse.

Roll-call vote as follows:

Chairperson Schick – Yes

Board Member Schilling – Yes

Board Member Decker - Yes

Board Member Parrish - Yes

Board Member Brown – Yes

Motion passes 5-0

A motion was made (SB) and seconded (AD) to take the following case out of order.
Motion passed unopposed.

ITEM 2- Case #4358 - Petition of: Kevin & Sandra Dawson (14 Winnatuxett Beach Road, Mattapoisett, MA 02739) and Val & Venessa Kollars (32 Jordans Way, Westport, MA 02790) for a Special Permit under Chapter 9, Comprehensive Zoning Sections 4200-4267 (Body Art) and 5300-5330 & 5360-5390 (special permit); relative to property located at 82-86 Front Street, Assessors' map 53 lot 200 in an Industrial A [IA] zoned district. The petitioner proposes to change the use of the 1st floor and operate a body art establishment named "New Bedford Tattoo Company" per plans filed.

A motion was made (AD) and seconded (LP) re Case #4355 that the following be received and placed on file: communication from the Commissioner of Buildings and Inspectional Services dated 12/19/18; communication from the Office of the City Planner dated 1/7/19; the appeal package as submitted; 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.

Motion passed unopposed.

A motion was made (AD) and seconded (LP) to receive and place on file documents from the petitioner date 1/17/19.

Motion passed unopposed.

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Val Kollars, owner of the company, stated they have been open just over three years in the downtown area. She stated the Dawson building next door became available for purchase after being vacant for a short time and she felt it was a great opportunity to expand and purchase property in the downtown area. She stated the current signage will be used at the new location, and there will be no change in business operation, including hours of operation and parking.

In response to Board Member Decker, Ms. Kollars stated the proposed location will allow for up to four more artists.

With regard to parking, it allows for the servicing of one client at a time, by using metered parking, the Fleet parking area, or the parking garage.

In response to Board Member Parrish, Ms. Kollars stated the upstairs will remain the same, just offices, which may be rented at some point, but what is before the board is just for the first floor.

Board Member Brown confirmed the business is merely moving around the block or next door.

In response to Chairperson Schick's invitation to speak or be recorded in favor, Jason Lanagan, the current landlord for the company, stated once the New Bedford Tattoo Company can move next door, he will be looking to expand the Cultivator Shoals. He stated he is in favor of the application, having had the opportunity to have them as a tenant for the past three years, as well as business partners in Cultivator Shoals. He stated they have had operations in the neighborhood for some fifteen years, and while businesses come and go, New Bedford Tattoo Company has done an excellent job running their business.

In response to Chairperson Schick's invitation to speak or be recorded in favor, Councilor Dana Ribeiro stated she was grateful for the business they have brought, running a great business which adds to the city's diversity and growth.

In response to Chairperson Schick's invitation to speak or be recorded in favor, Councilor Joseph Lopes stated he has personally known the applicant for some thirty years. He stated she has proven herself to be a fine small business owner within the community as they have continued to grow their business in the city.

In response to Chairperson Schick's invitation to speak or be recorded in favor, Councilor Naomi Carney stated she is speaking in favor of the petitioner, having known her, her whole life. She stated she is a smart business woman and has done a phenomenal job, bringing business into the area and never having any trouble.

In response to Chairperson Schick's invitation to speak or be recorded in favor, Councilor Hugh Dunn stated he was in favor of the special permit as the petitioner enriches the downtown experience for our artists' city and seeks to expand downtown businesses.

In response to Chairperson Schick's invitation to speak or be recorded in favor, Councilor Maria Giesta stated she is present in support of Ms. Kollars. She stated Val has demonstrated she is a great businesswoman and has brought money and people to our city.

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There was no response to Chairperson Schick's further invitation to speak or be recorded in favor. There was no response to Chairperson Schick's invitation to speak or be recorded in opposition.

The public hearing was closed.

Board Member Decker confirmed that there were no exterior changes planned.

After brief board discussion, a motion (AD) was made and seconded (SB) to grant a special permit under the provisions of the City Code of New Bedford relative to property located at 82-86 Front Street, Assessors' map 53 lot 200 in an Industrial A [IA] zoned district, to allow the petitioner to change the use of the 1st floor and operate a body art establishment named "New Bedford Tattoo Company" per plans filed, which requires a special permit under provisions of Chapter 9, Comprehensive Zoning Sections 4200-4267, 5300-5330, and 5360-5390.

In accordance with the City of New Bedford Code of Ordinances Chapter 9, Section 5320, the benefit to the city and 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:

The social, economic or community needs served by the proposal. In this case, the proposed use continues to serve an existing need and population and keeps a property in productive economic use. Concerning traffic flow and safety, including parking and loading, in this case sufficient parking is available for the proposed use on the street or in adjacent downtown garages. Regarding the adequacy of utilities and other public services, the existing utilities are adequate for the proposed use. Regarding the neighborhood character and social structures, the proposed use enriches the neighborhood's character. Regarding the impacts on the natural environment, the proposed use has no impact on the natural environment and is neutral. Regarding potential fiscal impact, including impacts on city services, tax base and employment, this proposal keeps an existing business in the City of New Bedford and gets a currently vacant property back into positive economic use for the city's tax base.

With no special conditions, but with general conditions as follows: that the project be set forth according to the plans submitted with the application; that the applicant ensure a copy of the Notice of Decision bearing certification from the City Clerk's Office be recorded at the Registry of Deeds; and that the rights authorized by the granting of this special permit must be exercised by issuance of a building permit by the Department of Inspectional Services and acted upon within one year from the date the decision was granted or they will lapse.

Roll-call vote as follows:

Chairperson Schick – Yes

Board Member Decker - Yes

Board Member Brown – Yes

Board Member Schilling – Yes

Board Member Parrish - Yes

Motion passes 5-0

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ITEM 3 – Case # 4357 - Petition of: Riverside Lofts Limited Partnership, C/O Winn Company (6 Faneuil Hall Marketplace, 5th Floor, Boston, MA 02109) and Farland Corporation, C/O Christian Farland (401 County Street, New Bedford, MA 02740) for a Special Permit under Chapter 9, Comprehensive Zoning Sections 4200A-4270A (Riverside Avenue Mill Overlay District-RAMOD) and 5300-5330 & 5360-5390 (special permit); relative to property located at 170 Riverside Avenue, Assessors' map 105 lot 135 & 206 in an Industrial B [IB] zoned district. The petitioner proposes to complete phase II of the project, which consists of an interior build out of an additional 71 residential units per plans filed.

A motion was made (AD) and seconded (LP) that the following be received and placed on file: communication from the Commissioner of Buildings and Inspectional Services dated 12/19/18; communication from the Office of the City Planner dated 1/7/19; the appeal package as submitted; 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.

Motion passed unopposed.

Attorney Chris Saunders gave a brief background on the property, noting he was before the board in 2010 to originally permit this piece of property, which at the time was the vacant Cliftex Mill. He stated that since the ordinance has changed, it now allows for residences on all floors. He stated that since this is an Industrial B property, residential units are prohibited, the applicant seeks permission to use the property for residential purposes, as well as reducing the parking and loading requirements.

Attorney Saunders stated that in 2010, two phases were proposed for a total of 150 units with a total of 300 parking spaces required. He stated that Phase 1 was constructed, and Phase 2, due to financial reasons, was never constructed. He stated the special permit for that phase has since lapsed. Att. Saunders stated they are proposing to continue the project originally proposed.

He stated this proposal is consistent with what is on Riverside Avenue, such as Whaler's Place, Whaler's Cove, et cetera. He suggested that though this too is industrial space, there is no expectation for mill work to return to the city, and this allows for a revamp of buildings that would likely deteriorate and be demolished. He noted this facility provides housing for a recognized criterion of people.

Attorney Saunders stated that they have scaled back on their original proposal down to 71 units; namely 68 one-bedroom units and three two-bedroom units. He stated their parking ratio, while better than one space per unit, is not the amount required. He noted Whaler's Place, permitted for an identical project, had 67 parking spaces for 75 units. He stated there will be no exterior construction on the building with the exception of some windows, as the exterior of Phase 2 was completed during the construction of Phase 1, adding this is only an interior build out.

Attorney Saunders stated there are 81 spaces on the corner lot across the street and an additional 67 spaces behind the mill structure for a total of 150. He noted that most residents do not have two vehicles and nearby projects with worse parking ratios have presented no problems.

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In response to Board Member Brown, Attorney Saunders stated he believes discussions with the building department resulted in the applicant being told they need a special permit from the Planning Board for reduction on loading, but that the Riverside Overlay District allows this board to grant relief to parking and loading by way of special permit. Attorney Saunders responded to Board Member Brown that Phase 2 is currently vacant. There was discussion about new schools being opened.

Matt White, Farland Corp., stated a charter school had been opened.

Attorney Saunders, in response to Board Member Brown, stated the Super Fund site was taken into consideration when the Overlay District was put in place. He stated some environmental issues near the water were already cleaned up and remediated, but presently this project does not need to go before the Conservation Commission.

In response to Board Member Decker, Attorney Saunders confirmed that the lot across Riverside Avenue is tied to the property.

In response to Board Member Brown, regarding feast parking, Attorney Saunders stated this project will not create more units than there are parking spaces and clarified that they had received the same relief nine years ago when there were more units planned. Attorney Saunders also noted the feast is a one-time per year three to four-day event.

Chairperson Schick added that in his experience over the years, parking was not an issue.

Attorney Saunders concurred with the planning memo and then addressed the required criteria for the special permit.

There was no response to Chairperson Schick's invitation to speak or be recorded in favor.
There was no response to Chairperson Schick's invitation to speak or be recorded in opposition.

The public hearing was closed.

In response to Chairperson Schick, Attorney Saunders stated that all the units will be rentals. Attorney Saunders added that his understanding is that Section 8 voucher rentals cannot be prohibited. In response to Board Member Parrish, Attorney Saunders represented that it is 20% market rate and 70% affordable housing at one income level and 10% at the 30% income level.

After brief discussion, a motion was made (AD) and seconded (RS) to grant a special permit under the provisions of the City Code of New Bedford relative to property located at 170 Riverside Avenue, Assessors' map 105 lot 135 & 206 in an Industrial B [IB] zoned district, to allow the petitioner to complete phase II of the project, which consists of an interior build out of an additional 71 residential units per plans filed, which requires a special permit under provisions of Chapter 9, Comprehensive Zoning Sections 4200A-4270A, 5300-5330 and 5360-5390.

In accordance with the 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.

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This determination includes consideration of each of the following:

The social, economic or community needs served by the proposal. In this case, the proposed use as residential units for the 55+ community demands, helps meet those demands. Concerning traffic flow and safety, including parking and loading, the proposed use has existing parking that is available and sufficient. Regarding the adequacy of utilities and other public services, in this case the existing utilities are sufficient for the proposed use. Regarding the neighborhood character and social structures, the proposed use fits within the growing neighborhood use for residential uses. Regarding the impacts on the natural environment, the proposed use involved only interior changes and those changes are neutral to the natural environment. Regarding potential fiscal impact, including impacts on city services, tax base and employment, the proposed use adds residential use, thereby increasing the property's fiscal impact, thereby benefitting the city tax rolls.

With no special conditions, but with general conditions as follows: that the project be set forth according to the plans submitted with the application; that the applicant ensure a copy of the Notice of Decision bearing certification from the City Clerk's Office be recorded at the Registry of Deeds; and that the rights authorized by the granting of this special permit must be exercised by issuance of a building permit by the Department of Inspectional Services and acted upon within one year from the date the decision was granted or they will lapse.

Roll-call vote as follows:

Chairperson Schick – Yes

Board Member Schilling – Yes

Board Member Decker - Yes

Board Member Parrish - Yes

Board Member Brown – Yes

Motion passes 5-0

Board Member Decker recused himself from hearing on the following matter.

ITEM 4 – Case # 4359 - Petition of: Dr. Mofteh El-Ghadi (899 Pleasant Street, New Bedford, MA) and Poyant Signs (125 Samuel Barnet Boulevard, New Bedford, MA 02745) for a Variance under Chapter 9, Comprehensive Zoning Sections 3200 (sign regulations), 3201 (purpose), 3210 (general regulations), 3250 (regulations governing particular types of signs) and 3255 (area restrictions for ground signs in mixed use business districts, no ground sign shall exceed one square foot in area for each linear foot of street frontage of the lot upon which its erected, but in no event shall such sign exceed twenty-five (25) square feet in area, nor shall there be a distance of more than ten (10) feet from the ground to the bottom of the sign and not more than fifteen (15) feet from the ground to the top of the sign); relative to property located at 899 Pleasant Street, Assessors' map 58 lot 302 in a Mixed Use Business [MUB] zoned district. The petitioner proposes to install a double-faced internally illuminated pylon (freestanding) sign onto a split block pedestal. The total sign area is proposed as 70.76 SF and overall height (including pedestal base) as 18' SF per plans filed.

A motion was made (SB) and seconded (RS) that the following be received and placed on file: communication from the Commissioner of Buildings and Inspectional Services dated 11/14/18; communication from the Office of the City Planner dated 12/24/19; the appeal package as

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submitted; 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.

Motion passed unopposed.

Stephanie Poyant Moran, representing Poyant Signs, stated the property owner is also a building tenant. They are looking to install a new free-standing sign and are seeking a variance to exceed the eight and square footage, as well as the setback requirements. She explained that the shape of the property and where the building is located on the property leaves no visibility of the building and its tenants when heading south on Purchase Street. She stated there are two building signs already approved, but no further tenant signs will be allowed on the building. Ms. Poyant Moran stated that within code, the building would allow for 180 SF of building signage, rather than the 40 SF for the building owner alone.

Ms. Poyant Moran explained the sign as a multi-tenant pylon allowing for the number of potential building tenants. She stated the height is based on that number as well. She stated the parking lot results in the setback request, as was the case with the Walgreens, et cetera. She stated they are looking for a 3' rather than 6' setback.

In response to Chairperson Schick, Ms. Poyant Moran stated the sign is LED internally illuminated within code. She stated she could get back to the board with the lumens. Board Member Brown noted the Planning Board may have already dealt with the sign brightness. Ms. Poyant noted that they have no idea of the tenants' future sign colors.

Board Member Brown noted the denial was based on the size and the setback, and he believes lumens are beyond the scope for this board to consider. There was further discussion on the sign brightness, features and location.

Board Member Brown discussed the property shape, sign location and parking area. Ms. Poyant Moran noted the parking spaces are not actually in front of the sign or the driveway.

There was no response to Chairperson Schick's invitation to speak or be recorded in favor.
There was no response to Chairperson Schick's invitation to speak or be recorded in opposition.

The public hearing was closed.

After board discussion, including the shape of the property and the ambiguity of the parking area, a motion was made (SB) and seconded (LP) to grant a variance under the provisions of the City Code of New Bedford relative to property located at 899 Pleasant Street, Assessors' map 58 lot 302 in a Mixed Use Business [MUB] zoned district, to allow the petitioner to install a double-faced internally illuminated pylon (freestanding) sign onto a split block pedestal. The total sign area is proposed as 70.76 SF and overall height (including pedestal base) as 18' SF per plans filed, which requires a variance under provisions of Chapter 9, Comprehensive Zoning Sections 3200, 3201, 3210, 3250 and 3255.

Having reviewed the petition in light of the City of New Bedford Code of Ordinances Chapter 9, Comprehensive Zoning Sections as cited, the board finds that with respect to these sections, the

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applicable sections have been addressed. In addition to the foregoing sections, the petition has been found to be in accordance with M.G.L. Chapter 40A, Section 10, relative to the granting of variances.

This determination includes consideration of the following:

The board finds first that there are circumstances related to the soil conditions, shape or topography especially effecting the land or structure in question, but which do not generally effect the zoning district in which the land or structure is located. In this instance, the circumstances are that the property is a unique shape and the proposed sign will provide visibility of all tenants, while indicating to customers that the sign area is associated with the business on the property. Due to those circumstances especially effecting the land or structure, literal enforcement of the provisions of the zoning ordinance or bylaw would involve substantial hardship, financial or otherwise, to the petitioner or appellant. In this case, the hardship is that literal enforcement will result in the sign being insufficient in size to notify the public of the businesses and tenants on the property and without the setback variance part of the parking spaces on the property would be lost. Third, the desirable relief may be granted without nullifying or substantially derogating from the intent or purpose of the zoning ordinance or bylaw, and that the desirable relief may be granted without substantial detriment to the public good.

In light of its review of the specifics of this case, the applicable sections of the city's zoning ordinances, the findings subsequently made on these items, along with all properly submitted materials and testimony made, and the board's careful consideration of the petitioner's request, the Zoning Board of Appeals finds that the petition satisfactorily meets the basis of the requested relief.

With no specific conditions, but with general conditions as follows: that the project be set forth according to the plans submitted with the application; that the applicant shall ensure a copy of the Notice of Decision bearing certification from the City Clerk's Office be recorded at the Registry of Deeds; and that the rights authorized by the granted variance must be exercised by issuance of a building permit by the Department of Inspectional Services and acted upon within one year from the date the decision was granted or they will lapse.

Roll-call vote as follows:

Chairperson Schick -- Yes

Board Member Schilling -- Yes

Board Member Parrish -- Yes

Board Member Brown - Yes

Motion passes 4-0

A motion was made (SB) that the above variance as granted include the specific conditions set forth in the decision of the planning board. Chairperson Schick stated that the matter is closed and cannot be added to.

3. APPROVAL OF MINUTES

A motion was made (LS) and seconded (AD) to approve meeting minutes of December 13, 2018, which addressed Cases #4351; 4354; 4350; 4352; and 4353.

Motion passed unopposed.

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4. ADJOURNMENT:

The meeting was declared adjourned at 7:34 p.m.

NEXT MEETING SCHEDULED FOR FEBRUARY 14, 2019.



Leo Schick, Chair

2-14-2019
Date

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