

**NEW BEDFORD, MASSACHUSETTS**

**MEETING: COMMITTEE ON ORDINANCES**  
**DATE: JULY 30, 2018**  
**TIME: 7:04 P.M.**  
**PLACE: CITY COUNCIL CHAMBER, ROOM 214, MUNICIPAL BUILDING**

**PRESENT: COUNCILLORS HUGH DUNN, CHAIRMAN; DANA REBEIRO, VICE CHAIRPERSON; IAN ABREU; NAOMI CARNEY; DEBORA COELHO; MARIA GIESTA; BRIAN GOMES; SCOTT LIMA; JOSEPH LOPES; WILLIAM BRAD MARKEY**

**ABSENT: COUNCILLOR LINDA MORAD**

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Councillor Dunn called the Ordinance Committee Meeting to order and took attendance. The Clerk read a Communication from Councillor Morad explaining her absence from the meeting. This Communication was received and placed on file by Councillor Lopes and seconded by Councillor Carney.

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Notice, City Clerk of reference of a COMMUNICATION, Mayor Mitchell, submitting AN ORDINANCE, Amending Chapter 10, Section 47, FINANCE; TAXATION; PROPERTY, Departmental Revolving Funds added to the new Dog Park Revolving Fund (Ref'd 11/9/17) (2/21/18-tabled) was removed from the table by Councillor Lopes and seconded by Councillor Carney. (1, 1a)

Councillor Lopes asked Mary Rapoza, Director of Parks, Recreation & Beaches, if there have been any issues at the new Dog Park. She told him no, that they are running as projected, though they are a little behind on membership. They will be sending notification of the Dog Park when they send out the next Dog License renewal letters.

On motion by Councillor Lopes and seconded by Councillor Abreu, the Committee VOTED: To recommend to the City Council ADOPTION of the ORDINANCE, Amending Chapter 10, Section 47, FINANCE; TAXATION; PROPERTY, Departmental Revolving Funds added to the new Dog Park Revolving Fund. This motion passed on a voice vote.

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Notice, City Clerk of reference of a AN ORDINANCE, amending Chapter 10, Section 10-47 Departmental Revolving Funds to add the new Golf Course Revolving Fund (Referred to the Committee on Finance - April 12, 2018; To be Referred to the Committee on Ordinances.) (Ref'd 5/24/18) was received and placed on file by Councillor Lopes and seconded by Councillor Giesta. (2)

Councillor Carney stated she is not in favor of creating a revolving fund for the golf course. She believes the money should go to the general fund because the golf course management company is not paying for water.

Councillor Lopes asked Mary Rapoza if the previous management company paid for the water used to maintain the fields. He was told no, that the city paid for the water for the previous management company and that the water department does issue bills on all the parks that use water, but they are returned to the water department.

Councillor Rebeiro said that while she understood that she too was concerned, because a fee was not charged to use the parks, like golfers are being charged to use the golf course.

On motion by Councillor Lopes and seconded by Councillor Abreu, the Committee VOTED: To recommend to the City Council ADOPTION of the ORDINANCE, amending Chapter 10, Section 10-47 Departmental Revolving Funds to add the new Golf Course Revolving Fund. This motion passed on a Roll Call Vote of Yeas 8, Nays 2, with Councillors Carney and Rebeiro opposed.

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Notice, City Clerk of reference of a COMMUNICATION, Mayor Mitchell, submitting AN ORDINANCE, Amending Chapter 10, Section 10-47, FINANCE; TAXATION; PROPERTY, Departmental Revolving Funds to add the new Rifle Range Revolving Fund (Ref'd 5/24/18) was received and placed on file by Councillor Lopes and seconded by Councillor Giesta. (3, 3a)

Councillor Lopes asked Chief Cordeiro if the revolving fund was appropriate to him and he said he was.

Councillor Lima asked if the rifle range is used by other police departments and he was told yes they do let other police department use it.

On motion by Councillor Lopes and seconded by Councillor Coelho, the Committee VOTED: To recommend to the City Council ADOPTION of the ORDINANCE, Amending Chapter 10, Section 10-47, FINANCE; TAXATION; PROPERTY, Departmental Revolving Funds to add the new Rifle Range Revolving Fund. This motion passed on a voice vote.

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Councillor Abreu made a motion to take item number 5 and 5a out of order, which was seconded by Councillor Lopes and passed on a voice vote.

Notice, City Clerk of reference of a PUBLIC HEARING on a WRITTEN MOTION, Councillor Lopes requesting that the Committee on Ordinances and the Planning Board consider rezoning the following lots: Map 18 Lot 1 – 438 Dartmouth Street; Map 18 Lot 69 - 105 Rockdale Avenue; Map 18 Lot 74 - 110 Jenkins Street; Map 18 Lot 84 - WS Hemlock Street; Map 18 Lot 102 - WS Hemlock Street; Map 18 Lot 103 - 470 Dartmouth Street; Map 18 Lot 105 - 137-141 Rockdale Avenue; Map 18 Lot 107 – 446 Dartmouth Street; Map 18 Lot 108 – 119 Rockdale Avenue; Map 18 Lot 109 – 117 Rockdale Avenue; Map 18 Lot 112 – 109 Rockdale Avenue; Map 18 Lot 113 – 123 Rockdale Avenue and Map 18 Lot 115 – 404 Dartmouth Street, from Industrial B to MIXED – USE BUSINESS. All lots described fall within a single city block predominantly populated by retail establishments, the block is bounded by Dartmouth

Street (to the west), Jenkins Street (to the north), Hemlock Street (to the East), and Rockdale Avenue (to the south.) and this request would bring this block into compliance with the City of New Bedford's Master Plan 2020. (To be Referred to the Committee on Ordinances and the Planning Board) (Ref'd 6/14/18) (Duly advertised in The Standard-Times on Monday, July 16, 2018 and Monday, July 23, 2018.); and a COMMUNICATION, Acting City Planner Kirsten Bryan to Councillor Hugh Dunn, Chairman, Committee on Ordinances, advising that the Planning Board held a public hearing on July 11, 2018 to discuss the proposed request for the rezoning of the following lots: Map 18 Lot 1 – 438 Dartmouth Street; Map 18 Lot 69 - 105 Rockdale Avenue; Map 18 Lot 74 - 110 Jenkins Street; Map 18 Lot 84 - WS Hemlock Street; Map 18 Lot 102 - WS Hemlock Street; Map 18 Lot 103 - 470 Dartmouth Street; Map 18 Lot 105 - 137-141 Rockdale Avenue; Map 18 Lot 107 – 446 Dartmouth Street; Map 18 Lot 108 – 119 Rockdale Avenue; Map 18 Lot 109 – 117 Rockdale Avenue; Map 18 Lot 112 – 109 Rockdale Avenue; Map 18 Lot 113 – 123 Rockdale Avenue and Map 18 Lot 115 – 404 Dartmouth Street from the Industrial B (IB) zone to a Mixed Use Business (MUB) zone; the Planning Board voted to send a **FAVORABLE RECOMMENDATION**, recommending that the City Council approve the rezoning of the Dartmouth Street lots, changing the zoning of the entire block as noted from an IB zone to an MUB zone, as proposed (Ref'd 7/18/18) were received and placed on file and the hearing opened by Councillor Lopes and seconded by Councillor Giesta.

Tabitha Harkin, City Planner, gave an overview of the Planning Board's recommendation to approve the Ordinance granting the Ordinance change.

Councillor Lopes explained to the Committee the rationale for changing the zoning of the area in question; that it was part of the 2020 Master Plan to change the area to mixed use. This just completes the process.

Councillor Dunn asked if there was anyone present who wished to speak in favor of the zoning change, there was none. He then asked if there was anyone present who wished to be recorded in favor, there was none. Councillor Dunn asked if there was anyone present who wished to speak in opposition of the zoning change, there was none; he then asked if there was anyone present who wished to be recorded in opposition, there was none. The hearing was closed.

On motion by Councillor Lopes and seconded by Councillor Abreu, the Committee VOTED: To recommend to the City Council ADOPTION of the ORDINANCE, Relative to Zoning Changes from Industrial B to Mixed-Use in Certain Parcels in the City of New Bedford. This motion passed on a voice vote.

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Notice, City Clerk of reference of a PUBLIC HEARING on AN ORDINANCE, RELATIVE TO ZONING FOR MARIJUANA ESTABLISHMENTS AND MEDICAL MARIJUANA TREATMENT CENTERS (To be Referred to the Committee on Ordinances and the Planning Board.) (Ref'd 6/14/18) (Duly advertised in The Standard-Times on Monday, July 16, 2018 and Monday, July 23, 2018.); and a COMMUNICATION, Acting City Planner Kirsten Bryan to Councillor Hugh Dunn, Chairman, Committee on Ordinances, advising that the Planning Board held a public hearing on July 11, 2018 to discuss the proposal to amend the City's Zoning Ordinance Chapter 9 Comprehensive Zoning, by adding a new section: Section 4100B. Marijuana

Establishments and Medical Marijuana Treatment Centers. The Planning Board voted to send a **FAVORABLE RECOMMENDATION**, recommending that the City Council consider amending the City of New Bedford Zoning By-Laws, Chapter 9 - Comprehensive Zoning, by adding a new Section 4100B. Marijuana Establishments and Medical Marijuana Treatment Centers. The Planning Board also included two items along with their endorsement for the Council's consideration: information relative to Economic Empowerment Certification and the Planning Board's own observations regarding buffer zones (Ref'd 7/18/18) were received and placed on file and the hearing opened by Councillor Abreu and seconded by Councillor Coelho. (4, 4a)

Tabitha Harkin, City Planner, gave an overview of the overlap map which showed Industrial A,B,C zones broken down by ward. She also reviewed the properties and establishments that are included in the buffer zones.

Councillor Abreu asked why cemeteries are on the buffer zone list, he was told because some of the local cemeteries have chapels in them and the computer system recognized them as churches which were included in the buffer zone designation.

Councillor Lopes asked if they made changes to the Ordinance would it have to be re-advertised. Attorney Gerwatowski said it would not, that you can make changes before it is passed to a second reading.

Councillor Rebeiro asked if Police Chief Cordeiro was comfortable with the Ordinance as proposed and he said he was. He agreed that more restricted at first is the best way to go; that way as it unfurls if there are no issues they can revisit it in the future.

Councillor Abreu asked Daman Chaplin, Director of Health, if he was comfortable with the Ordinance as proposed and he said he was.

Attorney Jane Medeiros Friedman was asked to explain why the National Park was considered a park and included in the buffer zones, she explained the park fell within the definition of park and thus was included in the buffered areas. The Chair reminded the Committee that National Park is not an industrial area.

Councillor Gomes expressed his concerns that buffer zone conditions are not the best locations for such businesses. Attorney Gerwatowski said the zones would be taken into consideration when the permits would be granted; for instance, if a church is no longer a church then they may not have to consider that as a part of the buffer zone language.

Councillor Lopes asked about the select substance abuse facility language and he was told that this would encompass facilities like methadone.

Councillor Dunn asked if there was anyone who wished to speak in favor of the Ordinance, they are as follows:

Attorney Steven Brown, 187 Newton Street, New Bedford, spoke in favor of the Ordinance as a beginning. It will be a huge economic benefit to the city. He did express his concern that the only state regulated buffer zones are schools, that the city's is more restrictive.

Hans Doherty, 1541 Purchase Street, New Bedford, of Growing in Health, spoke in favor of the Ordinance. It will lead to an economic boom. He stated Fall River is actively seeking applicants, and that he would rather do business in New Bedford. He agrees that passing this Ordinance would get something going.

Ms. Erica Kennedy, 193 N. Front Street, New Bedford, is a member of Economic Empowerment and is looking to open a cannabis business in New Bedford. She would like for the city to be at the forefront of the industry.

Councillor Dunn asked if there was any one who wished to be recorded in favor of the Ordinance, there was none. He then asked if there was anyone who wished to speak in opposition of the Ordinance, there was none. He asked if there was anyone who wished to be recorded in opposition of the Ordinance, there was none.

Councillor Lopes made a motion to close the public hearing and it was seconded by Councillor Gomes.

Councillor Abreu asked Police Chief Cordeiro to present his concerns, he repeated many of the same concerns he expressed at the Cannabis Meeting.

Councillor Rebeiro asked Health Director Chaplin to present his concerns and he repeated many of the same concerns he expressed at the Cannabis Meeting.

Councillor Markey expressed his concern about the possible odor issues at manufacturing plants. Attorney Gerwatowski explained there was language built into the Ordinance to address these concerns.

Councillor Carney spoke in favor of the Ordinance but believed the 500 foot buffer zone requirement should be looked at and perhaps lowered.

On motion by Councillor Abreu and seconded by Councillor Gomes, the Committee VOTED: To amend sub paragraph (2) of paragraph (ii) of Section 4130 B by inserting after the word "church" the words, "excluding chapels located within a cemetery". This motion passed on a Roll Call Vote of Yeas 10, Nays 0.

On motion by Councillor Abreu and seconded by Councillor Gomes, the Committee VOTED: To recommend to the City Council ADOPTION as AMENDED, AN ORDINANCE, RELATIVE TO ZONING FOR MARIJUANA ESTABLISHMENTS AND MEDICAL MARIJUANA TREATMENT CENTERS. This motion passed on a Roll Call Vote of Yeas 9, Nays 1, with Councillor Markey opposed.

Councillor Giesta made a motion to adjourn, which was seconded by Councillor Coelho.

This meeting adjourned @ 8:33 p.m.

ATTEST:

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Denis Lawrence, Jr.,  
Clerk of Committees