

**NEW BEDFORD, MASSACHUSETTS**

**MEETING: COMMITTEE ON ORDINANCES**  
**DATE: OCTOBER 21, 2021**  
**TIME: 6:33 P.M.**  
**PLACE: CITY COUNCIL CHAMBER, ROOM 214, MUNICIPAL BUILDING**

**PRESENT: COUNCILLORS HUGH DUNN, CHAIRMAN; WILLIAM BRAD MARKEY, VICE CHAIRMAN; IAN ABREU; NAOMI CARNEY (6:45); MARIE Giesta; SCOTT LIMA; JOSEPH LOPES (6:49); LINDA MORAD**

**ABSENT: COUNCILLORS DEREK BAPTISTE; DEBORA COELHO; BRIAN GOMES**

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Councillor Dunn called the Ordinance Committee Meeting to order and took attendance. The Clerk read Communications from Councillors Carney and Lopes explaining they would be late in attending this meeting and a Communication from Councillor Gomes stating he was unable to attend due to a prior commitment. These Communications were received and placed on file by Councillor Abreu and seconded by Councillor Markey. The Clerk also informed the Committee that Councillor Baptiste called to say he would be late in attending this meeting.

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Notice, City Clerk of reference of a PUBLIC HEARING on a COMMUNICATION, City Clerk/Clerk of the City Council Farias, to City Council, submitting a request from Paul Vaz Construction, Inc., 93 Perry Street, New Bedford, MA, to rezone SW Howard Avenue, Plot 116/Lot 29 from Mixed-Use Business to Industrial A (To be Referred to the Committee on Ordinances and the Planning Board) (Ref'd 08/19/2021)(Duly advertised in The Standard-Times on Thursday, October 7, 2021and Thursday, October 14, 2021); and a COMMUNICATION, Jennifer Carloni, City Planning, to Councillor Hugh Dunn, Chairman, Committee on Ordinances, advising that the Planning Board held a public hearing on September 22, 2021 to discuss the request from Vaz Construction, Inc., 93 Perry Street, New Bedford, MA to rezone SW Howard Avenue, Plot 116/Lot 29 from Mixed-Use Business to INDUSTRIAL A; the Planning Board voted to send an **UNFAVORABLE RECOMMENDATION**, recommending that the City Council deny the request from Vaz Construction, Inc., 93 Perry Street, New Bedford, MA, to rezone SW Howard Avenue, Plot 116/Lot 29 from Mixed-Use Business to INDUSTRIAL A (Ref'd 09/24/2021) was received and placed on file and the hearing opened by Councillor Morad and seconded by Councillor Lima. (1,1a)

The hearing was opened.

Jennifer Carloni, Director, Planning Department, was present and gave an overview of the Planning Board's decision to make an unfavorable recommendation on the proposed rezoning of SW Howard Avenue, Plot 116/Lot 29 from Mixed-Use Business to Industrial A. It was determined by the Board that such a change would constitute spot zoning which is legally not allowed. Ms. Carloni confirmed that the abutters who attended the Planning Board hearing did not speak either for or against the rezoning. She gave the Committee an explanation of what spot zoning is, which was just changing one portion of land to a certain zone and leaving the others as one. She was not aware if the applicant was informed at the time of the application submission that he could change the zoning to Industrial B as there was a parcel across the street that was Industrial B.

The applicant Paul Vaz, 93 Perry Street, New Bedford, MA, was present and explained that he has owned the property since 2012 without issue. He also owns all the properties that abut the SW Howard Avenue property, and explained when he inquired about changing the zoning, he was advised that this would fall under the need to change the zoning to Industrial A. This was based on a phone conversation, and he does not know who he spoke to. Mr. Vaz was asked if he was told what he could or could not do when he originally purchased the lot, he told the Committee he was not. He was asked if he was told that Zone B would be the better way to go, he said he was not.

The Chair asked if there was anyone present that wanted to speak or be recorded in favor of the petition, there was not. The Chair asked if there was anyone present who wanted to speak or be recorded against the petition.

Mr. and Mrs. Perry of 63 Howard Avenue expressed their concerns that there is an issue with off-street parking when the applicant's employees park on the street and not in the lot owned by Mr. Vaz. They also, explained the lot is an eyesore and that the noise level early in the morning is an issue as well.

Attorney David Gerwatowski, Legal Counsel to the City Council was asked by the Committee if there was a way to change the petition to grant Industrial B zoning from the proposed Industrial A zoning. He explained that this could not be modified in Committee. He recommended that the applicant resubmit his proposal, changing it to Industrial B, as it appears that a contractor's yard is acceptable under Industrial B.

Councillor Giesta asked Ms. Carloni if changing the zoning to Industrial B is an option and allow for the storage of contractor's property. She said that the Committee would have to review this. She was not comfortable in commenting without reviewing.

The hearing was closed.

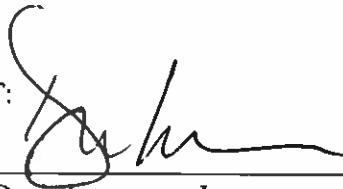
On motion by Councillor Giesta and seconded by Councillor Abreu, the Committee VOTED: To recommend to the City Council to follow the Planning Board's recommendation to deny the request from Paul Vaz Construction, Inc., 93 Perry Street, New Bedford, MA, to rezone SW Howard Avenue, Plot 116/Lot 29 from Mixed-Use Business to Industrial A. This motion passed on a voice vote of all ayes.

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Councillor Lopes made a motion to adjourn, which was seconded by Councillor Lima.

This meeting adjourned @ 6:57 p.m.

ATTEST:

  
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Denis Lawrence, Jr.,  
Clerk of Committees