

NEW BEDFORD, MASSACHUSETTS

MEETING: COMMITTEE ON ORDINANCES
DATE: NOVEMBER 10, 2021
TIME: 7:00 P.M.
PLACE: CITY COUNCIL CHAMBER, ROOM 214, MUNICIPAL BUILDING

PRESENT: COUNCILLORS HUGH DUNN, CHAIRMAN; WILLIAM BRAD MARKEY, VICE CHAIRMAN; DEREK BAPTISTE (7:12); NAOMI CARNEY; MARIA GIESTA; SCOTT LIMA; JOSEPH LOPES; LINDA MORAD

ABSENT: COUNCILLORS IAN ABREU; DEBORA COELHO; BRIAN GOMES

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Councillor Dunn called the Ordinance Committee Meeting to order and took attendance. The Clerk read a Communication from Councillor Gomes explaining his absence from this meeting. This Communication was received and placed on file by Councillor Lopes and seconded by Councillor Carney. The Clerk announced he received calls from Councillors Abreu and Baptiste stating they would be late in attending this meeting.

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Notice, City Clerk of reference of a PUBLIC HEARING on a WRITTEN MOTION, Council President Lopes, requesting that the Committee on Ordinances and the Planning Board review the following request to rezone properties shown on Assessors Map as Map 31, Lot 142 (13 Rivet Street); Map 31, Lot 143 (1 Rivet Street); Map 31, Lot 197 (371, 383 R South Front Street); Map 31, Lot 232 (756 South Water Street); and Map 31, Lot 239 (56 Potomska Street) from Industrial B to Mixed-Use Business (To be Referred to the Committee on Ordinances and the Planning Board.) (Ref'd 09/09/2021) (Duly advertised in The Standard-Times on Wednesday, October 27, 2021 and Wednesday, November 03, 2021); and a COMMUNICATION, Jennifer Carloni, Director, City Planning, to Councillor Hugh Dunn, Chairman, Committee on Ordinances, advising that the Planning Board held a public hearing on Wednesday, October 13, 2021, to discuss the request by City Councillor Joseph P. Lopes to rezone from Industrial-B (IB) to Mixed-Use Business (MUB) of the properties shown on the Assessor's Map as Map 31, Lot 142 (13 Rivet Street); Map 31, Lot 143 (1 Rivet Street), Map 31, Lot 197 (371, 383 R South Front Street); Map 31, Lot 232 (756 South Water Street); and Map 31, Lot 239 (56 Potomska Street); the Planning Board voted to send a FAVORABLE RECOMMENDATION, recommending that the City Council approve the request to rezone the properties shown on the Assessor's Map as Map 31, Lot 142 (13 Rivet Street); Map 31, Lot 143 (1 Rivet Street); Map 31, Lot 197 (371, 383 R South Front Street); Map 31, Lot 232 (756 South Water Street); and Map 31, Lot 239 (56 Potomska Street) from Industrial-B (IB) to Mixed-Use Business (MUB) (Ref'd 10/19/2021) were received and placed on file and the hearing was opened by Councillor Morad and seconded by Councillor Carney. This motion passed on a voice vote. (1, 1a)

Jennifer Carloni, Director, Planning Department, was present and explained that the Planning Board heard the proposal to rezone from Industrial B to Mixed-Use Business of the above-referenced properties. At the completion of their Public Hearing the Planning Board voted to send a **FAVORABLE RECOMMENDATION** to the Committee requesting approval of the zoning request.

Councillor Markey asked if the proposal would take away from the working waterfront, and he was told no, that the property was across the street from the area that is designated as the working waterfront. This area is not a part of the designated area.

Councillor Morad mentioned that this item was reheard by the Zoning Board, that back in August there was a letter submitted by various business owners that were against the proposal. When the hearing was held again, she asked if the letter was read into the record, and she was told no, because it was a different hearing that had changes to it and was being heard as a new item. She stated she would vote for the proposal but that she was concerned that none of those that had written against the original proposal had not commented on the new one.

Councillor Giesta expressed her concern that she had been informed that the property in question would affect the fishing industry designations. She was told it would not.

The Petitioner, The Daily Grind, who was represented by Attorney Marc R. Deshaies was present and explained that the request was being made so that a new Dunkin Donuts would be placed on the current old empty warehouse space. He was asked if this was the only intention for the area and he responded yes.

Attorney Ed Sylvia was also present and spoke on behalf of the property owner, he gave the history of the building and how it has been vacant for years and that this would be the perfect location for a Dunkin Donuts.

Councillor Dunn asked if there was anyone else present who would like to speak and/or be recorded in favor of the petition; there were none. He then asked if there was anyone present who would like to speak and/or be recorded in opposition of the petition; there were none. The hearing was closed.

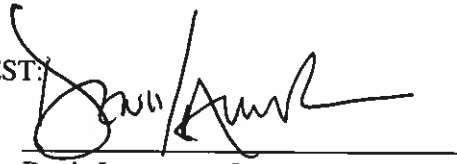
On motion by Councillor Lopes and seconded by Councillor Markey, the Committee VOTED: To recommend to the City Council APPROVAL of the WRITTEN MOTION, Council President Lopes, requesting that the Committee on Ordinances and the Planning Board approve the request to rezone properties shown on Assessors Map as Map 31, Lot 142 (13 Rivet Street); Map 31, Lot 143 (1 Rivet Street); Map 31, Lot 197 (371, 383 R South Front Street); Map 31, Lot 232 (756 South Water Street); and Map 31, Lot 239 (56 Potomska Street) from Industrial B to Mixed-Use Business. This motion passed on a Roll Call Vote of Yeas 6, Nays 2, with Councillors Baptiste and Giesta opposed.

On a Related Motion by Councillor Morad and seconded by Councillor Lopes, the Committee VOTED: that the Committee on Ordinances look to amend the City of New Bedford Zoning Code of Ordinances to again allow petitioners the ability to obtain use variances vs full zoning changes in the City of New Bedford. This motion passed on a voice vote.

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

This meeting adjourned @ 7:38 p.m.

ATTEST:

A handwritten signature in black ink, appearing to read "Denis Lawrence, Jr.", written over a horizontal line.

Denis Lawrence, Jr.,
Clerk of Committees