



CITY OF NEW BEDFORD, MASSACHUSETTS

MEETING: COMMITTEE ON ORDINANCES
DATE: APRIL 22, 2025
TIME: 7:05 P.M.
PLACE: CITY COUNCIL CHAMBERS, ROOM 214

PRESENT: COUNCILLORS RYAN PEREIRA, CHAIR; IAN ABREU;
DEREK BAPTISTE; SHANE BURGO; NAOMI CARNEY;
LEO CHOQUETTE; BRIAN GOMES (7:24); JOSEPH
LOPES; LINDA MORAD; SHAWN OLIVER (7:23)

ABSENT: COUNCILLOR MARIA GUESTA

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Councillor Pereira called the Ordinance Committee meeting to order, took attendance and explained that the meeting was being recorded and live-streamed. The Clerk had not received any Communications from the Councillors, but had been informed that Councillors Gomes and Oliver would be arriving late to the meeting.

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PUBLIC HEARING on a COMMUNICATION, Mayor Mitchell, to City Council, submitting AN ORDINANCE, amending Chapter 9, Section 4000, establishing the Clasky Common Transit Oriented Development Overlay District (CC-TOD) and Section 1200, for Definitions, Appendix A – Table of Principal Use Regulations, and Appendix B – Table of Dimensional Regulations. (Referred to the Committee on Ordinances and the Planning Board.) (Matter ID #0201) (Referred – February 27, 2025.) (Duly advertised in The Standard-Times on Tuesday, April 08, 2025 and Tuesday, April 15, 2025.)

AN ORDINANCE, amending Chapter 9, Section 4000, establishing the Clasky Common Transit Oriented Development Overlay District (CC-TOD) and Section 1200, for Definitions, Appendix A – Table of Principal Use Regulations, and Appendix B – Table of Dimensional Regulations. (Matter ID #0202) (Referred – February 27, 2025.)

COMMUNICATION, Jennifer Carloni, Director, City Planning, to Councillor Ryan J. Pereira, Chairman, Committee on Ordinances, advising that the Planning Board held a public hearing on Wednesday, April 09, 2025 to discuss a request made by the City Council for the Planning Board to review and make a recommendation regarding the establishment of a new overlay district under a new Section 4200C to encourage mixed-use development within proximity to the commuter rail station and comply with the requirements of the MBTA Communities Act, MGL Chapter 40A, Section 3A, and to amend Chapter 9, Section 1200, for Definitions, Appendix A – Table of Principal Use Regulations, and Appendix B, Table of Dimensional Regulations; the Planning Board voted to send a **FAVORABLE RECOMMENDATION** for the rezoning request. (Received – April 16, 2025.)

On motion by Councillor Abreu and seconded by Councillor Burgo, the Committee VOTED: To receive and place on file a copy of the Communication, provided by Jennifer Carloni, Director, Planning Department, advising that the Planning Board voted to send a **FAVORABLE RECOMMENDATION** for the rezoning request.

Councillor Pereira opened the Public Hearing.

The Chair recognized Jennifer Carloni, Director, Planning Department. Ms. Carloni noted that this request is similar to the recently approved Kings Highway Overlay District. The proposed district would cover the Clasky-Common area. This new Transit Oriented Development Overlay District under Section 4200C aims to promote mixed-use development near the commuter rail station, complying with the MBTA Communities Act, MGL, Chapter 40A, Section 3A. It also seeks to amend Chapter 9, Section 1200, including updates to the Definitions Appendix A – Table of Principal Use Regulations and Appendix B – Table of Dimensional Regulations. Additionally, she informed the Committee that on April 9, 2025, the Planning Board voted to recommend the zoning request favorably.

Councillor Abreu inquired about the inclusion of three sub-districts in the plan. Ms. Carloni clarified that District A encompasses the west side of Route 18, known as the transportation area to Wamsutta Street, which has the lowest parking requirement of 0.75 spaces and elevated height allowances. District B encompasses the east side of Purchase Street, where the parking requirement is set at one vehicle, with a maximum allowable height of 165 feet for residential structures. Meanwhile, District C mandates a minimum of one parking space and has a maximum height limit of 40 feet.

Councillor Abreu inquired about interest in the Clasky-Common Overlay area. Ms. Carloni confirmed that there was notable interest, particularly along the Kings Highway Overlay District. The Councillor expressed satisfaction that the request would not displace residents from their neighborhoods.

Councillor Baptiste raised concerns about potential parking overflow into residential areas south of Willis Street and near the train tracks, fearing that this might lead commuters to choose neighborhoods over paid parking options. Ms. Carloni acknowledged the existing zoning challenges, where industrial, mixed-use, and residential areas intersect. She believes that adopting the overlay plan could help alleviate these concerns. The Councillor also asked about the number of vacant properties along the Purchase Street corridor, to which Ms. Carloni replied that she was uncertain.

Councillor Lopes inquired whether a 1:1 parking requirement was considered for all proposed areas. Ms. Carloni responded that the intention was to make the areas competitive, referencing the overlay district plans from other communities, such as Brockton, as part of their strategy.

Councillor Morad followed up by asking when the Kings Highway Overlay District received approval, to which she was informed it was in December. She then questioned if there had been any significant activity in the area. Ms. Carloni noted that while there hasn't been much interest yet, it typically takes time to attract attention. Councillor Morad expressed concerns regarding the recommended parking ratios, suggesting they could negatively impact residential neighborhoods. Ms. Carloni clarified that the existing parking ratios do not meet the correct standards.

Councillor Choquette asked about the lack of interest in the Kings Highway Overlay District. He was informed that it often takes time for information to circulate, but Ms. Carloni expressed optimism that development will eventually happen, noting it is merely a matter of time.

Councillor Oliver inquired why the Hicks-Logan area was not included in this overlay proposal. He was informed that the Hicks-Logan area is designated as its own district, which is why the proposal concludes at Wamsutta Street. They continue to await development in that area as it was adopted approximately two years ago. Ms. Carloni mentioned that DPI has secured a RAISE Grant, which will allow a design aimed at improving the infrastructure to make the area more appealing for development.

Councillor Morad noted that Appendix A, under the table of uses in the document, indicates that Residential A allows two-family / two-household attached dwellings. She expressed her belief that this does not reflect the current situation. In response, Ms. Carloni clarified that this language was established when the Council adopted the use table. She added that the table presented is an update only for the Clasky-Common district and confirmed that the approved use table does allow for duplexes in a Residential A area. Ms. Carloni explained that the new table of uses received Council approval in December of 2024.

Councillor Pereira inquired why the reduced parking requirement was in place for the area east of Route 18, noting its potential for development and the possibility for increased parking. Ms. Carloni explained that the minimum parking requirement is flexible, allowing developers the option to add more parking spaces if they choose. Councillor Pereira then asked whether the overlay would affect the designated port area, to which he was assured it would not.

Atty. David Gerwatowski, Legal Counsel, was recognized. Councillor Morad asked if he had reviewed the usage table. Atty. Gerwatowski confirmed that he had examined the table as currently presented. It outlines the three areas within the overlay districts, but he noted that the existing Ordinance, specifically sections two and three, amends the regulations by adding a column indicating the permitted uses within those districts. However, section seven of chapter nine amends the use regulations by removing the existing table and replacing it with a new one attached for reference. He pointed out that the breakdown shared at this meeting includes two-family homes in the Residence A district, although he could not recall if this change was made in December, as mentioned by Ms. Carloni. Atty. Gerwatowski clarified that the current online Ordinance permits only single-family dwellings in Residential A areas, which is what is presently documented. He suggested that while the Council may have made this change, he does not remember it occurring, and there are discrepancies between the Ordinance and the information the Committee is reviewing. He emphasized that the chart presented to the Committee tonight is not what is on the chart found online. Councillor Morad thanked Atty. Gerwatowski for his review and stated her discomfort with the usage as described, mentioning that she did not recall the approval of the new chart.

Councillor Pereira inquired about the reason for changing the entire use table rather than simply adding to it. Ms. Carloni explained that the main reason for presenting the complete use table for discussion this evening is that amendments can sometimes lead to inaccuracies in updates. She noted that the use table Ordinance was adopted by the City Council on November 26, 2024, and subsequently approved by the Mayor on December 5, 2024. Additionally, Ms. Carloni has spoken with City Clerk Dennis Farias regarding the timing and process of Muni-Code updates, and she understands that these updates occur bi-annually.

Councillor Carney expressed her belief that the vote in November was intended for the Kings Highway overlay district and not for changes to the uses chart. Ms. Carloni clarified that the usage amendment was distinct from the Kings Highway amendment, though she noted that the Council has the authority to make any changes they deem necessary to the uses chart.

The Chair then moved to advance the Public Hearing. He asked if there was anyone present who wished to speak and/or be recorded in favor of the proposal; there was no one. He asked if there was anyone present who wished to speak and/or be recorded in opposition to the proposal; there was no one. After a brief discussion among the Committee Members, it was decided to continue the public hearing.

On motion by Councillor Lopes and seconded by Councillor Gomes, the Committee VOTED: To continue the PUBLIC HEARING to Wednesday, May 28, 2025 at 7:00 pm, in City Council Chambers.

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WRITTEN MOTION, Councillor Gomes, requesting, that the New Bedford Health Department take action to enforce the City Code of Ordinances, Section 12-38, and that the Health Department send notices to and inspect fast food businesses with drive-thru service, giving said establishments 30 days to comply with said Ordinance; this City Ordinance requests that trash receptacles be placed before and after drive-up windows and that the receptacles be covered properly; and further, that the Health Department take action against businesses found to not be in compliance, and that the Committee on Ordinances enact a possible fine for those businesses. (To be Referred to the Health Department and the Committee on Ordinances.) (Matter ID #0854) (Referred – May 23, 2024.) (June 20, 2024 – RETURNED UNSIGNED by the Mayor.)

Councillor Gomes expressed his concern regarding fast food establishments that are mandated to have two stationary trash receptacles near their drive-up windows, one before and one after the window, for proper waste disposal. He inquired whether the Board of Health and the Building Department could enforce this requirement and suggested implementing fines for those establishments that fail to comply with the Ordinance.

Joseph Carvalho, Environmental Health Director, was recognized and stated that they will begin to include checks on trash receptacles as a part of their routine inspections. He added that generally the drive-up inspections at various establishments occur twice a year and that the request will be integrated into their standard inspection process.

Councillor Gomes inquired whether the establishments have prior notice of inspection visits, to which he received the response that they did not; the visits are conducted without prior notice.

Councillor Morad noted that when the Ordinance was initially adopted, it included provisions allowing the Health Department to close drive-up services if establishments were found to be non-compliant. She inquired if Mr. Carvalho was aware of this, to which he confirmed that he was. She further explained that if an establishment is informed of its non-compliance and is subsequently found to still be non-compliant upon follow-up, the Health Department has the authority to close that part of the business. Mr. Carvalho responded that this measure would be considered a last resort, as they would first provide adequate time for the establishments to install the necessary receptacles.

Councillor Carney inquired about the timeframe the Health Department allows establishments to comply with their instructions. She learned that the duration varies based on the severity of the issue. Immediate action is required for unsafe conditions, while less critical matters are given a specific timeline to comply. Additionally, it was noted that restaurants are inspected three times a year.

The Chair recognized Danny Romanowicz, Commissioner, Department of Inspectional Services, and inquired whether the Building Department informs developers about the Ordinance regarding trash receptacles for new establishments. He confirmed that they do. Additionally, Mr. Romanowicz noted that the department conducts annual visits to ensure compliance. The Commissioner also mentioned that there is an existing fine of \$100.00 for non-compliance.

On motion by Councillor Gomes and seconded by Councillor Lopes, the Committee VOTED: To recommend that the City Council take **“NO FURTHER ACTION”** on the WRITTEN MOTION at this time.

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WRITTEN MOTION, Councillors Burgo, Pereira, Abreu, Carney, Oliver, Lima, Baptiste, Gomes and Morad, requesting, that the Committee on Ordinances explore the enactment of an Ordinance or City policy to establish parental paid leave to provide compensation for a period of time for City employees in the event of an addition of a child to the employee’s immediate family to allow for the proper care of and bonding with the child. (Matter ID #1429) (Referred – August 17, 2023.) (November 20, 2023 – Judi Keating will secure monies and numbers on instituting a program; tabled) (March 25, 2024 – remain on the table)

On motion by Councillor Lopes and seconded by Councillor Abreu, the Committee VOTED: To remove the matter from the table.

The Chair recognized Jose Gouveia, Director of Personnel. Mr. Gouveia indicated that he has conducted some preliminary research in response to the request and will present a formal report to the Committee for their review once it is finalized. However, he wanted to share some of his initial findings regarding this matter.

Mr. Gouveia noted that he examined data from 2021, a year impacted by the pandemic, and 2022, when conditions began to change. His goal was to identify which departments were most affected by parental leave in comparison to others. He discovered that the larger departments, specifically Fire, Police, DPI, and DFFM, experienced the most significant impacts. At present, employees can take up to 12 weeks of FMLA leave, but only 6 of those weeks are paid. Over the past four years, most employees have utilized between 6 to 10 weeks of FMLA leave, resulting in costs exceeding \$1 million. The FMLA usage breakdown for the City shows that 26% is for general use, 49% for employee illness, 18% for family member illness, 1% for loss of a child, and 6% for parental leave. The City offers short-term and long-term disability leave, which can be utilized in cases of critical illness, but these do not extend FMLA benefits.

Additionally, Mr. Gouveia mentioned that he is in the process of contacting two new vendors who may assist with the FMLA extension requests outlined in this Motion. He will provide updates to the Committee as he receives information from these vendors.

Councillor Pereira thanked Mr. Gouveia for his presentation. He noted that while he understands the Council may not achieve a total of 12 weeks of paid leave, he believes that an additional two weeks would be beneficial in helping to attract new employees to the City and provide parents with essential time to bond with their newborns.

Robert Ekstrom, Chief Financial Officer, was recognized and explained that if the Council were to approve a two-week paid leave for new parents, it would not incur additional costs for the department. Employee salaries have already been budgeted, so the primary concern would be managing coverage for those on leave. While this represents an indirect cost, it could potentially lead to overtime challenges, as in the Fire Department for example.

Councillors Lopes and Pereira requested that Mr. Ekstrom provide a report to the Committee members estimating the indirect departmental costs associated with two weeks of paid parental leave using the information presented. Mr. Ekstrom noted that, according to Mr. Gouveia's comments this evening, he should be able to accommodate this request once he reviews all the data presented at this meeting.

Councillor Pereira requested that Mr. Gouveia provide a report summarizing the information shared at the meeting to the Committee. He also suggested that any vendor updates received prior to the next meeting be shared with the Committee members, allowing them to prepare questions in advance.

Councillor Burgo noted that although one of the initial sponsors of this Motion is no longer serving on the Council, the Administration should note that there are still eight Councillors who consider this matter a priority.

On motion by Councillor Abreu and seconded by Councillor Carney, the Committee VOTED: To table the matter at this time.

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Councillor Burgo made a motion to adjourn, which was seconded by Councillor Abreu.

The meeting adjourned at 8:28 p.m.

ATTEST:

Denis Lawrence Jr.
Clerk of Committees