



CITY OF NEW BEDFORD, MASSACHUSETTS

MEETING: COMMITTEE ON ORDINANCES
DATE: AUGUST 25, 2025
TIME: 7:00 P.M.
PLACE: CITY COUNCIL CHAMBERS, ROOM 214

PRESENT: COUNCILLORS RYAN PEREIRA, CHAIR; IAN ABREU; DEREK BAPTISTE; SHANE BURGO (7:04); NAOMI CARNEY; LEO CHOQUETTE; MARIA GIESTA; BRIAN GOMES; JOSEPH LOPES; LINDA MORAD; SHAWN OLIVER

ABSENT: NO ONE.

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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.

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Item #3 was taken out of order without objection.

WRITTEN MOTION, Council President Burgo and Councillors Gomes, Morad and Pereira, requesting that the Committee on Ordinances meet to discuss removing the City Council as a Granting Authority for Special Permits as they pertain to Automotive Sales and/or Rentals, Body Repair, General Repair and Light Service, by amending Chapter 9, Appendix A, Section H – Commercial Motor Vehicle Uses. (Matter ID #0153) (Referred – February 13, 2025.)

The Chair recognized City Clerk Dennis Farias who explained the reason for the motion before the members that it was the result of a conversation between the Council Office and himself as to how to better streamline functions and services. As a result of these discussions the one item that kept coming up was the Special Permitting process.

Clerk Farias explained that the process begins with an applicant obtaining and submitting paperwork from the Department of Inspectional Services. If that application is denied by the Department of Inspectional Services, the applicant would then come to the City Council office with a request for a Special Permit. The fee is between \$700.00 and \$900.00. Once the Council receives the request, it will be sent to the Committee on Appointments and Briefings. If the Special Permit is approved by the Committee, it will be placed on the City Council agenda for a vote. If this passes in Council, the application will be sent to the Mayor's Office. The Mayor has ten days to sign the Special Permit application. The signed application is then sent to the City Clerks' office where it is held for a twenty-day appeals period. Once done, it is sent back to the City Council for final processing. If you are the business owner that could be considered a long time to receive a Special Permit.

Mr. Farias said the Licensing Board has their own process. It is the Licensing Board who does the investigative work behind the request. They do the CORI checks, as well as background checks on the property for which the request has been made. The Licensing Board has a fee structure of \$300.00 annually. The license to conduct business is reviewed annually.

Councillor Abreu asked Mr. Farias if he felt the City Council would be giving up its authority if changes were made. He was told that City Council would lose its direct authority over the special permitting process, but he said there might be a way they could change the Ordinance to give the City Council some final oversight.

Councillor Oliver asked what would cause the Special Permit request to come before the Council. Mr. Farias said that it is his understanding if a petition is denied, or the project does not conform to current zoning, the applicant would have to go through the special permitting process. The Councillor asked what determines the \$700 to \$900 fee range for the permitting process. He was told it was based on the size of the property. Mr. Farias informed Councillor Oliver that there is an instructional booklet given to anyone seeking a Special Permit and it takes them through the entire process.

Councillor Morad asked if the Council office does any investigative work other than accept the paperwork and call for the hearing. She was told that that was correct.

The Chair recognized Danny Romanowicz, Commissioner, Department of Inspectional Services.

Councillor Morad asked Commissioner Romanowicz to explain why a project would be rejected and be required to go through the special permit process. The Commissioner explained when an application arrives in his department, he looks at the Use Table. The Use Table determines whether or not a Special Permit is needed. When it comes to anything related to motor vehicles, the City Council is responsible for granting a Special Permit. He informed the Committee that the zoning language was changed back in 2003.

The Chair asked Commissioner Romanowicz if a Special Permit gave the owner the right to use the land for the sale of vehicles and repairs, while the Licensing Board grants the license to operate the business. Commissioner Romanowicz said that was correct.

Councillor Oliver asked if quality of life issues are taken into consideration during the permitting process. Commissioner Romanowicz replied yes, there are steps with the permitting process which must be reviewed. Councillor Oliver asked does the City Council, in granting the Special Permit, have the ability to deny or alter a request. He was told that was correct.

Councillor Burgo asked Commissioner Romanowicz if once a permit is granted, would the City Council have the ability to reverse the decision. Commissioner Romanowicz said the Council could reverse the decision if there were multiple complaints against the property and after his staff had investigated the matter. Commissioner Romanowicz can request that the owner appear before the Board. The City Council does have the right to take the permit away from the owner. The Commissioner also stated that the Licensing Board is able to recall a Special Permit as well.

Councillor Oliver asked Commissioner Romanowicz if the permitting process coming before the Council allows the public to have another opportunity for input, through the Public Hearing process. He was told yes, absolutely.

Councillor Giesta asked how long the process is when a person comes to the Department of Inspectional Services requesting a Special Permit. The Commissioner said they speak to the applicant in the office, and all applicants know what they need to do before they leave. They are able to call or return to the Department of Inspectional Services should they have additional questions.

Councillor Baptiste asked if there have ever been any problems with the way the process is currently implemented. Since the Ordinance change in 2003, there have only been a few concerns the Commissioner replied.

The Chair recognized Attorney David Gerwatowski, Legal Counsel to the New Bedford City Council.

The Chair asked Atty. Gerwatowski to clarify what the current Council's role is and what the Licensing Board's role is. Atty. Gerwatowski said that the Special Permit request is about the use of the land. The Licensing Board would more than likely wait until the City Council hears the item to see if any restrictions are put on the permit before granting the license.

Councillor Oliver made a motion to take NO FURTHER ACTION on the matter which was duly seconded by Councillor Choquette.

Councillor Burgo made a motion to Table the matter which was duly seconded by Councillor Morad. A motion to Table takes precedence over the previous motion.

On motion by Councillor Burgo and seconded by Councillor Morad, the Committee VOTED: To Table the matter. This motion FAILED on a roll call vote of Yeas 4, Nays 7, with Councillors Burgo, Gomes, Morad and Pereira IN FAVOR.

A roll call vote was taken on the original motion by Councillor Oliver and seconded by Councillor Choquette, that the Committee VOTED: To recommend that the City Council take "**NO FURTHER ACTION**" on the matter. This motion PASSED on a roll call vote of Yeas 8, Nays 3 with Councillors Burgo, Morad and Pereira OPPOSED.)

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Item #4 was taken out of order without objection.

WRITTEN MOTION, Councillor Lopes, requesting that the Committee on Ordinances review and consider revisions to the current Body Art Ordinance, specifically Section 4000 – Special Regulations, Section 4200 – Body Art, with the goal of updating the current provisions of the Ordinance to reflect the current industry concerns. (To be Referred to the Committee on Ordinances and the Planning Board.) (Matter ID #1152) (Referred – June 26, 2025.)

On motion by Councillor Lopes and seconded by Councillor Gomes, a Communication from the Planning Board regarding their Public Hearing to review the Body Art Ordinance was received and placed on file.

The Chair recognized Stephanie Sloane, Director of the Health Department.

Councillor Lopes stated that the Planning Board was in favor of removing the distance language in the Body Art Ordinance but leaving the language of not allowing two tattoo establishments within the same parameter. Councillor Lopes asked Ms. Sloane if the Board of Health had any concerns if that were to be adopted.

Ms. Sloane said the Board of Health did not have any objection to changing the language.

Councillor Morad asked if there had been any concerns in permitting these establishments. She was told no. Councillor Morad asked how many licenses are currently issued. Ms. Sloane stated she did not know off hand but would provide that figure to the Committee.

The Chair recognized Michael McCarthy, Assistant City Planner, who provided a synopsis of the Planning Board meeting which resulted in a recommendation of approval of the proposed Ordinance change as it related to distance between tattoo establishments and Churches, specifically store front Churches, but believed the distances between schools should be left up to the City Council.

Councillor Oliver asked what the thought process was when the limitations were written into the original Ordinance. It was explained that at the time there was a social stigma in place towards tattoo establishments and those who visited them. However, this has changed over time, and many people have body art.

Councillor Pereira asked if the City Planner's office receives a lot of applications to open up tattoo establishments. He was told normally not more than one a year. Councillor Pereira asked if any other communities had distance restrictions and later repealed those distance restrictions. Mr. McCarthy was unable to provide the Councillor with an answer.

Councillor Pereira stated that he had a concern that it would create an unfair advantage for those current establishments who had secured their licenses prior to the request to change the Ordinance language now.

Councillor Oliver asked Commissioner Romanowicz if an applicant wants to open a tattoo establishments do they have to come before the Department of Inspectional Services first with their proposed location and how many have been rejected. Commissioner Romanowicz said applicants did have to come before the Department of Inspectional Services, and about a half dozen have been rejected since the inception of the current Ordinance.

Councillor Baptiste asked Assistant Planner McCarthy if the rules that are currently in place are old and in need of updating. He was told that the perception of such establishments has changed over time. The Board agreed there should be a change, which is why they sent their approval recommendation to the City Council.

Councillor Morad asked Mr. McCarthy for clarification on whether the Planning Board was recommending the removal of the distance language as well as where such a business may be located. She was told that the Board's focus was primarily on the distance language between tattoo parlors and Churches, specifically store front Churches. The Board decided that if Churches are in Mixed-Use Business areas, that they believed the distance language as it relates to Churches could be changed.

Councillor Lopes asked Atty. Gerwatowski if the Committee is able to amend the Ordinance to remove the distance language from Church language, but leave schools and childcare operations language, whether that is doable. He was told that it was doable and that the Councillor should move to strike the word Church anywhere it appears within the Ordinance.

Councillor Burgo stated that based on what he has heard on this item, that it is not a big issue which needs to be changed at this time.

On motion Councillor Lopes and seconded by Councillor Gomes, the Committee VOTED: to recommend to the City Council that in Section 4220 Separation/Distance the words "or church" be stricken from the current Ordinance. This motion FAILED on a roll call vote of Yeas 3, Nays 8, with Councillors Gomes, Lopes and Oliver IN FAVOR.)

On motion by Councillor Morad and seconded by Councillor Giesta, the Committee VOTED: To recommend that the City Council take "**NO FURTHER ACTION**" on the matter at this time. This passed by a voice vote.

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Items #1, #1a and #2 were taken up together without objection.

PUBLIC HEARING on a RELATED MOTION, Councillors Morad and Carney, requesting that the City Council order the Committee on Ordinances and the Planning Board hold Public Hearings relative to the Definitions, Section 1200 of the City Code and Appendix A; Table of Principal Use Regulations. (Referred from the Committee on Ordinances – May 28, 2025.) (Matter ID #1031) (Referred – June 12, 2025.) (Duly advertised in The Standard-Times on Monday, August 11, 2025 and Monday, August 18, 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, July 09, 2025, to discuss a request made by the City Council for the Planning Board to hold a public hearing relative to the Definitions and Appendix A; Table of Principal Use Regulations, Section 1200 of the Zoning Code (Chapter 9); given that the request was to hold a public hearing and not to specifically make a recommendation, the Board chose to include their general comments from the public hearing in the City Planner's letter, and submit it to the Council for their consideration.

On motion by Councillor Morad and seconded by Councillor Lopes, the Committee VOTED: To receive and place on file a copy of the Communication, provided by Michael McCarthy, Assistant City Planner, Planning Department, containing a presentation titled "*Zoning Overview: Use Table*" dated June 16, 2025; *Addendum A: Detailed Summary of Zoning Use Table Changes*; and *Addendum B: Use Table, as amended on May 28, 2025.*) (Received – July 25, 2025.)

RELATED MOTION, Councillors Morad, Carney, Oliver, Baptiste, Giesta, Pereira, Gomes and Lopes, requesting, that the Committee on Ordinances hold a meeting within the next thirty (30) days where a formal presentation by City Planner Jennifer Carloni and City Solicitor Eric Jaikes will detail all changes to Coding, Definitions and Principal Uses that were made to the Table of Principal Use Regulations previously adopted by the City Council on November 26, 2024. (Referred from Committee – May 28, 2025.)

On motion by Councillor Burgo and seconded by Councillor Oliver, the Public Hearing was opened.

On motion by Councillor Burgo and Councillor Oliver, a Communication and Power Point Presentation titled "Case #25-28: Public Hearing on Changes to the Table of Uses" submitted by Assistant City Planner Michael McCarthy was received and placed on file.

The Chair recognized Assistant City Planner Michael McCarthy who provided the Committee with an overview of the Department of City Planning, Zoning Overview: Use Table. This was a power-point presentation. The presentation described how zoning works, including zoning districts, Table of Principal Uses, (Use Table), Table of Dimensional Regulations (Dimensional Table) Table of Parking & Loading Requirements, (Parking Table).

The following terms were updated in the Table of Use:

RED the old/existing se/Green the new use definitions.

1. Existing Use Term changed to New Use Term Proposed.
2. Single Family Dwelling to Single Household-Detached Dwelling
3. Two Family Dwelling to Two Household-Attached Dwelling
4. Multi-family Townhouse (3 stories) to Townhouse/Rowhouse

5. Multi-family Garden (4 stories) Multi-Household-Attached Dwelling
Multi-family Mid-rise (12 Stories)
Multi-family High-rise (18 stories)
6. Bed and Breakfasts to Bed and Breakfast or Inn
“NEW” Hostel
7. Hotel, Motel or Inn to Hotel or Motel, Hotel or Motel- Large, Extended Stay
Hotel or Motel.
8. Body Art Establishment
9. “NEW” Moving Services
“NEW” Maintenance and Repair of Consumer Goods
“NEW” Property Maintenance and Repair Service
10. Animal clinic or hospital; with ancillary animal boarding to Veterinarian,
Commercial Kennel, Animal Clinic or Hospital.
11. Retail stores and services not elsewhere set forth:
 1. Weaponry Store
 2. Packaged Liquor Store
 3. Building/Home Supplies and Equipment
 4. Drug Paraphernalia Store
 5. Pet Store
 6. Convenience Store
 7. Grocery Store
 8. Supermarket
12. Restaurant:
 1. Restaurant
 2. Bar or Tavern
 3. Brewpub
 4. Neighborhood Café
 5. Food Hall or Public Market
 6. Microbrewery, etc., with taking room
 “NEW” Brewery, Distillery, Cidery, Winery

 “NEW” Caterer/Wholesale Food Productions
13. Broadcast and/or Recording Studio:
 1. Artisan Production and Creative Studio
 2. Museum
 3. Shared-Creative Workspace and Arts Education
14. Convention Center to Conference and Convention Center
15. Health Club to Commercial Recreation Indoor
 1. Flat Floor Event Space
 2. Arena
 3. Sports Complex
16. Motor Vehicle Sales and Rental to Motor Vehicle Rental and Motor Vehicle
Sales and Service.
 “NEW” Car Sharing Parking Facility
 “NEW” Commercial Structured Parking Facility
 “NEW” Dispatch Service
 “NEW” Moving-Vehicle Share Parking Facility
17. Hospital, Nursing or Convalescent Home to Hospital or Nursing Home
18. Essential Services to Public Utility Facility and Public Utility Services

- “NEW” Community Center
19. Wholesale, warehouse, self-storage, mini-warehouse or distribution facility to:
 1. Freight Terminal
 2. “NEW” Recycling Collection Facility
 3. “NEW” Biomass Recycling Facility
 4. “NEW” Garbage Incineration
 5. “NEW” Commercial Dry Cleaning and Laundry Services
 20. Light Manufacturing to Seafood Packaging and Distribution
 - “NEW” Shipyard, Boat Yard, Shipbuilding, Boatbuilding
 - “NEW” Marine Trade
 - “NEW” Aquatic Equipment Rental
 - “NEW” Waterfront Storage and Distribution Facility
 21. Fish Processing to Seafood Handling and Processing.

Councillor Morad asked Mr. McCarthy what the difference was between a Town House and a Row House. She was told it dealt with depth, which is defined by architectural terminology. Row Houses would be structures that are connected similarly to a brownstone. Town Houses are constructed vertically. Mr. McCarthy also stated that the number of town houses in a row would be regulated by the location’s density in the Use Table.

Councillor Morad asked that the term Hostel be defined. Mr. McCarthy explained that it is an establishment offering shared sleeping accommodation for a fee, with access to communal facilities like a kitchen, bathroom and lounge for thirty days or less. It would be sort of a smaller-scale hotel, dormitory in style with on-site staff and affiliated with a national or international hostel organization.

Councillor Giesta asked for clarification as to what a Brew Pub is and what a Neighborhood Café is. Mr. McCarthy stated, a Brew Pub would be similar to the Moby Dick Brewery located in Downtown New Bedford. The Neighborhood Café is a café under 2000 square feet and does not offer take-out and has a limited selection of food items for sale. Councillor Giesta asked about seating at a café. She was told a café has limited seating. Mr. McCarthy gave Destination Soups Downtown as a good example. If a business wished to have seating outside, they would have to secure a permit from the City.

Councillor Morad asked that Mr. McCarthy define Food Halls and Public Markets. Mr. McCarthy replied that there would be an indoor food court or space where food products are made by local kitchens and their wares are sold. The product is prepared somewhere else and sold at the establishment.

Councillor Choquette asked if a business was looking to create a recyclables company that collected bottles and cans, what use would that fall under on the new Use Table. He was told it would fall under Recycling Collection Facility. Councillor Choquette asked if that was the only thing such a building could come under. He was told yes.

Councillor Morad asked when light manufacturing was discussed, did the pre-existing language on what is and is not allowed remain the same. Mr. McCarthy stated to his knowledge it did. He gave as an example assisted living facilities. Previously the Use Table included the Board of Appeals, but the designating authority is actually the Planning Board, so that is the change that was made. In his estimation nothing was changed that took away any language. Councillor Morad asked Mr. McCarthy to provide the Committee with a list of the items in the Use Table that are now assigned to the City Council as it relates to the granting of Special Permits as well as any granting uses that were expanded to include the City Council.

Councillor Baptiste asked if the new use chart takes into consideration buildings that had old store fronts which are now being converted into residential spaces. He went on to say that this is a major change to neighborhoods, but zoning has not kept up with this change and could result in hotels and similar structures popping up in areas that should not have them.

Anne Louro of the Planning Department was recognized and stated that the Councillors concern is relative to commercial corridors throughout the City which are zoned Mixed-Use Business going back decades. The Table of Uses that the City is presenting now is the footprint of the City's zoning going forward and is very general. The Planning Department very shortly will be presenting to the City Council an initiative called form-based code to address the Councillors' concerns. This initiative will zone to the form of the building contextually to its neighborhood.

Councillor Abreu asked where short-term rentals fall within the new Use Chart, for example, Airbnb's. Mr. McCarthy stated that Planning was advised by the Solicitor's Office that this was not a particular use that would be addressed by zoning. They are not sure where it would fall within the zoning uses as it is not a business, it is conducted by the homeowner and there is a licensing requirement to rent your property out.

Councillor Giesta questioned the language relating to light manufacturing, reading that the goal is to keep recreational uses out of the working waterfront. Councillor Giesta asked Mr. McCarthy to confirm that is the intent. He stated it was the intent but that the language deals with recreational aquatic rental equipment that would become a Board of Appeals issue to conduct such a business. You will need a Special Permit from the Board of Appeals to conduct such a business in a waterfront industrial area.

Councillor Giesta asked for an explanation as to what Infill Zoning meant. She was told if there was a lot that did not currently conform to the dimensional standards of that zoning district and can't be developed because it doesn't meet the lot size requirement and you couldn't build something that was usable, that would fall under the Infill Zoning category. The new language would allow for certain exceptions if you met the form and setbacks and size of the lots on either side of you.

There were no further questions. The Chair informed the body that he did speak to Atty. Gerwatowski about any changes the body would like to make to the proposal. If any changes were necessary, the Committee would have to readvertise and hold a new Public Hearing. It was suggested that this particular hearing be continued, in order for the Planning Department to provide the Committee with changes that it is not aware of.

Councillor Morad asked Mr. McCarthy if he could provide the Committee with any changes not covered in the meeting within the next 45 days. Mr. McCarthy said that he could.

The Chair informed the Committee that he had a Committee on Ordinances meeting scheduled for Monday, September 29th. The Chair asked if the questions could be answered by that date. Mr. McCarthy said yes.

On motion by Councillor Morad and seconded by Councillor Abreu, the Committee VOTED: To Continue the Public Hearing to Monday, September 29, 2025, at 7:00 p.m., in City Council Chambers.

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Items #5, 5a, 5b, 6 and 7 were not read into the record and NO FURTHER ACTION was taken.

COMMUNICATION, Mayor Mitchell, to City Council, submitting AN ORDER, accepting the provisions of M.G.L., Chapter 40, Section 57, and AN ORDINANCE amending Chapter 10, Section 10-45 of the City Code, pertaining to local licenses and permits; denial, revocation or suspension for failure to pay municipal taxes or charges. (Matter ID #0797) (Referred – May 24, 2018.) (February 24, 2025 – tabled)

AN ORDER, (Matter ID #0798) (Referred – May 24, 2018.) (February 24, 2025 – tabled)

AN ORDINANCE, (Matter ID #0799) (Referred – May 24, 2018.) (February 24, 2025 – tabled)

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RELATED MOTION, Councillors Gomes and Lopes, requesting, that the Committee on Ordinances take a look at the current Abutter Lots Program and Ordinance, to see what improvements can be made to acquiring and moving these properties onto the tax roll; and further, that the Committee meet with the Tax Title Attorney to give the City Council an explanation as to why the process is so complicated to roll over these vacant and abutting lots from the City onto the tax roll which would improve the look and the quality of these neighborhoods throughout the City; and further, that any lots that abut non-owner occupied property, that the City hold a public auction for those lots to dispose of surplus properties. (Matter ID #1498) (Referred – September 13, 2018.) (November 13, 2018 – tabled) (May 08, 2023 – tabled) (March 13, 2024 – tabled for 60 days) (May 20, 2024 – remain on the table)

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AN ORDER, Councillor Morad, ORDERED, that pursuant to M.G.L. c. 44 sec. 53F ½, an Enterprise Fund is hereby accepted and established for all Emergency Medical Services effective on July 1, 2025 (FY 2026) to be known as the Emergency Medical Services Enterprise Fund and that all receipts, revenues and funds from any source derived from activities relating to the enterprise shall be deposited into said fund to support services of the enterprise; further that any general or special revenue balances for Emergency Medical Services are hereby authorized to be transferred to the enterprise fund upon its' establishment. (To be Referred to the Committee on Ordinances, Chief Financial Officer Ekstrom and EMS Director Thomas.) (Matter ID #1009) (Referred – June 13, 2024.) (March 31, 2025 – tabled 90 days)

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

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

The meeting adjourned at 8:58 p.m.

ATTEST:

Denis Lawrence Jr.
Clerk of Committees