



## CITY OF NEW BEDFORD, MASSACHUSETTS

**MEETING:** COMMITTEE ON ORDINANCES  
**DATE:** SEPTEMBER 29, 2025  
**TIME:** 7:00 P.M.  
**PLACE:** CITY COUNCIL CHAMBERS, ROOM 214

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

**ABSENT:** COUNCILLORS DEREK BAPTISTE; SHAWN OLIVER

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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 read a Communication into the record from Councillor Oliver explaining his absence. The Communication was received and placed on file by Councillor Morad and seconded by Councillor Lopes. The Clerk also informed the Committee that Councillor Baptiste had reached out to him to say that he would not be present at the meeting due to illness.

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The following items were taken up together, without objection:

PUBLIC HEARING, CONTINUED, on a RELATED MOTION, Councillors Morad and Carney, requesting that the City Council order the Committee on Ordinances and the Planning Board to 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.) (August 25, 2025 – Public Hearing continued until September 29, 2025 at 7:00 pm, in City Council Chambers.)

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. (*Communication also contains 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.) (August 25, 2025 – Public Hearing continued until September 29, 2025 at 7:00 pm, in City Council Chambers.)

PUBLIC HEARING, CONTINUED, on a 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.) (August 25, 2025 – Public Hearing continued until September 29, 2025 at 7:00 pm, in City Council Chambers.)

*Abbreviation Identification Chart:*

|     |                       |     |                |
|-----|-----------------------|-----|----------------|
| RA  | Residential A         | RAA | Residential AA |
| RB  | Residential B         | RC  | Residential C  |
| MUB | Mixed Use Business    | IA  | Industrial A   |
| IB  | Industrial B          | IC  | Industrial C   |
| WI  | Waterfront Industrial | DN  | Downtown No    |
| Y   | Yes                   | N   | No             |
| CC  | City Council          |     |                |

The Chair recognized Michael McCarthy, Assistant City Planner, and Anne Louro, Interim Director for the Planning Department, who delivered a presentation highlighting the changes made in the 2024 update to the Use Table.

On motion by Councillor Lopes and seconded by Councillor Giesta, the Committee VOTED: To receive and place on file the presentation packet submitted by the Planning Department.

Ms. Louro explained that this presentation was in response to a request made during the August 25, 2025 Ordinance Committee meeting and that it would cover all instances in the 2024 update to the Table of Principal Use Regulations where the Special Permit Granting Authority (SPGA) had been changed or where the use itself had been expanded or reduced.

Councillor Morad was recognized and stated that she would like to go through the items where changes were made to the approval authority, as she would like to understand the rationale behind the changes. Ms. Louro replied that the presentation would explain the rationale behind those changes.

Mr. McCarthy began the presentation by focusing on changes that had been made to the Special Permit Granting Authority for the following categories:

***Assisted Living Facility/Residence (ALF)***

With the 2024 update, the Special Permit Granting Authority changed from the Board of Appeals to the Planning Board in the MUB zone.

Councillor Morad asked for confirmation that with the 2024 update, this type of entity is not allowed in any zone other than MUB and that in order for it to be permitted, it must go through the Planning Board. She was told that that was correct.

***Independent Living Facility (ILF)***

With the 2024 update, the Special Permit Granting Authority changed from the Board of Appeals to the Planning Board in the following zones: RA, RAA, RB, RC, MUB and WI.

Councillor Giesta asked about the use of the waterfront area. Mr. McCarthy explained that factories abutting the waterfront, such as the Manomet Building, are being used as ILFs and that those mills are in the waterfront district. He was asked if the area was designated waterfront industrial; he replied that he was not sure but he did say that those areas fell within an overlay district, which would allow for such operations.

### ***Motor Vehicle Light Service Station***

With the 2024 update, the Special Permit Granting Authority changed from the City Council to the Board of Appeals in the following zones: MUB, IA, IB, and WI. In zone MUB, “DN” was added.

Councillor Morad asked why the change was made. She was told the change was made to match the Ordinance language under “4850. Special Permit Required”. Ms. Louro explained that if the Council wanted to be the granting authority, they would need to change the Ordinance language as it is presently written.

Councillor Morad questioned Atty. David Gerwatowski, Legal Counsel, pointing out that the Council already approves these special permits. Atty. Gerwatowski explained that as of right now, the granting authority is the Planning Board, and that he did not recall when the Council became the granting authority. He added that if the Council wanted to continue to be the granting authority, they would need to change the Ordinance.

### ***Wireless Communication Facilities (WCF)***

With the 2024 update, the Special Permit Granting Authority changed from the Planning Board to the Board of Appeals in the following zones: RA, RAA, RB, RC, MUB, IA, IB, IC, and WI.

There were no questions.

### ***Restaurant***

It was explained that prior to the 2024 update, for the IC zone, the Special Permit Granting Authority was “SP”. It was unclear what “SP” meant other than Special Permit, and the requests ultimately fell to the Planning Board. With the 2024 update, the Special Permit Granting Authority was changed to the Board of Appeals.

Councillor Morad asked if that precluded a restaurant going through site plan review. She was told it did not.

### ***Work/Live Creative Studio (formerly Live/Work)***

It was explained that this category addressed the residential and work-based needs of creative industry activities that fall within the same building.

With the 2024 update, the Special Permit Granting Authority changed from Board of Appeals to “Y” in the MUB zone, and changed from “N” to “Y” in the following zones: IA, IB, IC and WI.

### ***Grocery Store***

It was explained that the definition of a grocery store had changed, and now specifies that the square footage of gross floor area is not to exceed 15,000.

With the 2024 update, the Special Permit Granting Authority changed from Board of Appeals to “Y” in the following zones: IA, IB and IC.

There were no questions.

### ***Material Salvage and Recycling***

It was explained that the prior table did not allow for such businesses, with the exception of Waterfront Industrial areas. The 2024 update gives the Board of Appeals the authority to grant such permits.

Councillor Choquette was recognized and stated that he disagreed with the permitting decisions going to the Board of Appeals, and believes the permitting authority should be the City Council.

Councillor Lopes was recognized and expressed concern relating to the WI zone. He stated that before MassCEC was using the area, Excel Recycling was located there, and the City had to deal with astronomical noise issues in an area where residential units were not more than a block away. He does not believe these types of businesses should be allowed in WI areas, especially since these areas are pseudo-residential. Councillor Giesta echoed the same concerns.

Councillor Morad was recognized and asked if there was any reason why all the zones in this category could not be an “N”. Ms. Louro explained that the City cannot prohibit the use if that use has been in place prior to 1987. The Councillor asked for confirmation that the Council cannot change all zones to an “N” because there is already a business located somewhere in the City that is operating under this category; Ms. Louro stated that yes, according to MGL, that was correct.

Atty. Gerwadowski was asked to comment on what Ms. Louro had just told the Committee. He replied that he would need to look at the law and could then provide the Committee with an appropriate answer.

Councillor Morad asked if these types of businesses currently in existence are “grandfathered” in. Atty. Gerwadowski replied that generally speaking, when you change a zoning law to change a use and there is already an entity operating under that type of use, the entity would not have to close their doors; it would become what it referred to as a “preexisting non-conforming use”. However, if that business closed and a new applicant wanted to conduct the same type of business, it would not be able to do so. He requested time to review MGL and render an opinion.

Mr. McCarthy continued the presentation and shifted focus to changes that had been made for Expanded and Reduced Uses for the following categories:

#### ***Restaurant***

With the 2024 update, in the IB zone, the “N” was changed to a “Y”.

There were no questions.

#### ***Restaurants, Fast-Food or Take-Out***

With the 2024 update, in zones IB and IC, the “N” was changed to Board of Appeals.

There were no questions.

#### ***Commercial Recreation, Indoor***

With the 2024 update, in zone IB, the “N” was changed to a “Y”.

There were no questions.

### ***Commercial Recreation, Outdoor***

With the 2024 update, in zone IB, the “N” was changed to Board of Appeals.

There were no questions.

### ***Batch Asphalt and Concrete Plants***

With the 2024 update, in zone IC, the “N” was changed to City Council.

There were no questions.

### ***Waterfront Storage and Distribution Facility***

With the 2024 update, in zones IA and IB, the “N” was changed to a “Y”.

Councillor Giesta was recognized and asked why this category was now being allowed in zones where it previously was not. Mr. McCarthy answered that the City has land zoned as IA and IB within its designated port area, and they wanted to allow this type of development in that area. She asked if this would affect the fishing industry; she was told that the Planning Department felt it would be supportive to the fishing industry.

### ***Adult Entertainment Establishment***

With the 2024 update, in zone MUB, City Council was changed to a “N”.

There were no questions.

### ***Hospital / Nursing Home***

It was explained that Hospitals and Nursing Homes were listed separately prior to the 2024 update. They are now a combined category and are only allowed in the MUB zone.

Councillor Burgo was recognized and asked for confirmation that hospitals could not be located anywhere in the City other than within an MUB district; he was told that was correct.

### ***Medical Devices Manufacturing***

With the 2024 update, in zone WI, the “Y” was changed to an “N”.

There were no questions.

With no further questions from the Committee, the Chair explained that once the public hearing is closed, they would compile a list of recommended changes; and that list would be forwarded to the full City Council for consideration. The Chair continued, stating that by the next City Council meeting, Atty. Gerwatowski will have researched the Industrial items under Mass General Law and will have drafted an Ordinance for review. He concluded by saying that at the October meeting, the City Council could call for a new public hearing to be held in the Ordinance Committee, and that those changes could then be forwarded to the Planning Board for their review.

The Chair asked if there was anyone present who would like to speak and/or be recorded in favor of the proposal; there were none. The Chair asked if there was anyone present who would like to speak and/or be recorded in opposition of the proposal; there were none.

On motion by Councillor Gomes and seconded by Councillor Burgo, the Committee VOTED: To close the public hearing.

On motion by Councillor Morad and seconded by Councillor Carney, the Committee VOTED: In Appendix A: Table of Principal Use Regulations, under H. Commercial – Motor Vehicle Uses, for Motor Vehicle Light Service Station – to strike “BA/DN” under zone MUB, and “BA” under zones IA, IB and WI and change to “CC”; and to strike it as well in 4850, Special Permit Required, in the Ordinance wording.

On motion by Councillor Morad and seconded by Councillor Gomes, the Committee VOTED: In Appendix A: Table of Principal Use Regulations, under I. Civic and Institutional, for Wireless Communications Facilities – to strike “BA” under zones RA, RAA, RB, RC, MUB, IA, IB, IC and WI and change to “PB”; and to strike it as well in 4940, Special Permit, in the Ordinance wording.

Councillor Choquette made a motion, which was seconded by Councillor Burgo, that under the categories of Material Salvage and Recycling, Biomass Recycling Facilities and Recycling Collection Facilities, “BA” under zones IA, IB, IC and WI be stricken and changed to “CC”.

On the Question, Councillor Morad was recognized and stated that although she would support the proposed changes, she would prefer to see those zones changed to an “N” rather than “CC”. She recommended that if Atty. Gerwatowski discovers during his research that it is possible to change those zones to an “N”, that is what the Council should do. Councillor Choquette was recognized and agreed with Councillor Morad’s suggestion.

On motion by Councillor Choquette and seconded by Councillor Burgo, the Committee VOTED: In Appendix A: Table of Principal Use Regulations, under J. Industrial – General Industrial Uses, under the categories of Material Salvage and Recycling, Biomass Recycling Facilities and Recycling Collection Facilities, that “BA” under zones IA, IB, IC and WI be stricken and changed to “CC”.

On motion by Councillor Morad and seconded by Councillor Giesta, the Committee VOTED: In Appendix A: Table of Principal Use Regulations, under J. Industrial – General Industrial Uses, for Batch Asphalt and Concrete Plants – to strike “CC” under zones IB and IC and change to “N”.

Councillor Morad asked Atty. Gerwatowski if the Committee could recommend changes on items that were not originally changed by the Planning Board; she was told that they could.

Councillor Morad made a motion, which was seconded by Councillor Giesta, that under the category of Contractors Yard, the “Y” under IA and IB be stricken and changed to an “N”.

On the Question, Councillor Morad was recognized and explained that there are currently several of these yards in residential areas throughout the City operating with no regard for the residents that abut their property. She added that although this Motion would not affect current businesses, it would prevent future businesses from operating this way in residential areas.

Councillor Burgo was recognized, stating that he wanted it to be clear that the Council is still waiting on the determination from Atty. Gerwatowski on whether that is allowable under MGL.

On motion by Councillor Morad and seconded by Councillor Giesta, the Committee VOTED: In Appendix A: Table of Principal Use Regulations, under J. Industrial – General Industrial Uses, for Contractors Yard – to strike “Y” under IA and IB and change to “N”. This Motion passed on a roll call vote of Yeas 7, Nays 2. (Councillors Abreu and Burgo OPPOSED.)

On motion by Councillor Morad and seconded by Councillor Giesta, the Committee VOTED: In Appendix A: Table of Principal Use Regulations, under J. Industrial – General Industrial Uses, under the categories of Freight Terminal and Heavy Materials Sales and Distribution, that “BA” under zones IA, IB, IC and WI be stricken and changed to “CC”.

On motion by Councillor Gomes and seconded by Councillor Carney, the Committee VOTED: To request that Atty. David Gerwatowski, Legal Counsel, research the Industrial items under Massachusetts General Laws and draft an Ordinance for Appendix A: Table of Principal Use Regulations to reflect the following changes:

H. Commercial – Motor Vehicle Uses:

Motor Vehicle Light Service Station – strike “BA/DN” under MUB, and “BA” under IA, IB and WI and change to “CC”; strike it as well in 4850, Special Permit Required, in the Ordinance wording.

I. Civic and Institutional:

Wireless Communications Facilities – strike “BA” under RA, RAA, RB, RC, MUB, IA, IB, IC and WI and change to “PB”; strike it as well in 4940, Special Permit, in the Ordinance wording.

J. Industrial – General Industrial Uses:

Batch Asphalt and Concrete Plants – strike “CC” under IB and IC and change to “N”.

Biomass Recycling Facility – strike “BA” under IA, IB, IC and WI and change to “CC”.

Contractors Yard – strike “Y” under IA and IB and change to “N”.

Freight Terminal – strike “BA” under IA, IB, IC and WI and change to “CC”.

Heavy Materials Sales and Distribution – strike “BA” under IA, IB, IC and WI and change to “CC”.

Material Salvage and Recycling Facility – strike “BA” under IA, IB, IC and WI and change to “CC”.

Recycling Collection Facility – strike “BA” under IA, IB, IC and WI and change to “CC”.

The Chair thanked Ms. Louro and Mr. McCarthy of the Planning Board for their presentation and their clear and concise reports.

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WRITTEN MOTION, Councillor Gomes, requesting, that the Committee on Ordinances review the mobile Food Truck Ordinance, Section 15-72, the locations where these trucks are allowed to operate, the use of their power generators and also the noise that affects the quality of life in the neighborhoods and areas that the food trucks are operating in. (Matter ID #0853) (Referred – May 23, 2024.)

Councillor Gomes was recognized and explained that the issue of oversized and loud generators to operate food trucks has been addressed, and requested that the item be referred to the full City Council for No Further Action.

On motion by Councillor Gomes and seconded by Councillor Burgo, the Committee VOTED: To recommend that the City Council take **“NO FURTHER ACTION”** on the WRITTEN MOTION, Councillor Gomes, requesting, that the Committee on Ordinances review the mobile Food Truck Ordinance, Section 15-72, the locations where these trucks are allowed to operate, the use of their power generators and also the noise that affects the quality of life in the neighborhoods and areas that the food trucks are operating in.

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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) (April 22, 2025 – tabled)

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

On motion by Councillor Lopes and seconded by Councillor Carney, the Committee VOTED: To receive and place on file an informational packet submitted by José Gouveia, Director of the Personnel Department.

Mr. Gouveia was recognized and explained that since the Committee last met, he had followed up on the number of people who have taken maternity leave in order to give him an idea of what the City would be looking at, taking into consideration that it would vary from year to year. In his research, he determined going beyond maternity leave, if every employee was to be paid one week of leave, it would be close to \$1.4 million. As it relates to maternity leave, as of this year, there are eight, with an average of twelve weeks being used. On paternity leave, there are fourteen so far this year. On average, the cost for both numbers would be between \$360,000 – \$450,000.

Mr. Gouveia went on to say that as the Committee makes a decision, there are three things to keep in mind: the first being affordability, the second being the fairness of the program (should critical illness time off be considered as well) and thirdly, there is a legal component to this as well, and the guidelines and parameters of the law need to be followed.

Councillor Pereria asked Mr. Gouveia for confirmation that in regard to overtime costs, and not the actual cost of implementing the policy that he had just spoken of, this occurs now when employees take time off under unpaid FMLA. He was told yes. The Councillor went on to say that if it was a paid incentive, it would likely be used more. He was told that that was correct and that there would be two factors that would increase prolonged leave as well as the number of people who choose the option. The Councillor asked what the length of time was that the estimated costs would apply to. He was told it would be for the entire duration of the FMLA program, which is twelve weeks.

Councillor Burgo was recognized and stated that he understood that allowing for such payments should be available to all, but that is not feasible. He went on to say that what is feasible is funding the parental leave for parents with newborns or those who are adopting. The Councillor said that in his opinion, the money to be allocated to be able to offer a parental leave payment would only add to the City's ability to retain current and future employees.

The Chair asked Atty. Gerwatowski if he could draft an Ordinance to afford the parental leave benefit. He said that he would do so.

On motion by Councillor Burgo and seconded by Councillor Giesta, the Committee VOTED: To request that Atty. David Gerwatowski, Legal Counsel, draft a Parental Leave Ordinance that would grant employees paid parental leave for up to six weeks at full pay and an additional six weeks at 75% pay, to be used in the first year of a child's birth or adoption.

Councillor Giesta was recognized and requested that her name be added to the Motion. The Chair stated that he would allow it.

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

The meeting adjourned at 8:53 p.m.

ATTEST:

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Denis Lawrence Jr.  
Clerk of Committees