



# Zoning Board of Appeals

## \*AMENDED Agenda

December 12, 2019– 6:00 PM

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New Bedford Main Library, 3<sup>rd</sup> Floor Meeting Room  
613 Pleasant Street, New Bedford, MA

### MEETING CALLED TO ORDER

### APPROVAL OF MINUTES

- November 14 meeting minutes

### SCHEDULED HEARINGS

- #4394** **\*Request for Continuance by the applicant\*** Notice is given of a public hearing on the petition of: **PRL Realty, LLC, Patricia L. Andrade, Wayne G. Tessler & Pauline Massed; Trustee of Suite 5 Real Estate Trust, Elizabeth Silva & Durval Silva; Trustee of Suite 6 Realty Trust** (52-54 Brigham Street, New Bedford, MA 02740), **Cleanslate Centers, C/O Michael Keleher** (12 Cadillac Drive, Brentwood, TN 37027) and **Thomas P. Crotty & Associates PLLC**, (5 Dover Street, Ste 102, New Bedford, MA 02740) for a **Special Permit** under Chapter 9, Comprehensive Zoning Sections 2200 (use regulations), 2210 (general), 2230 (table of use regulations-Appendix A, commercial #25 medical offices, center or clinic) and 5300-5330 & 5360-5390 (special permit); relative to property located at **52-54 Brigham Street**, Assessors' map 39 lot 18A-D,F,H,K in a Mixed Use Business [MUB] zoned district. The petitioners are proposing to operate a medical office space for outpatient treatment per plans filed. **Continued Agenda Item from November 14, 2019. \*The applicant has requested a continuance to the January 16, 2020 Zoning Board of Appeals meeting. The stated reason for the request is to give the applicant the opportunity to review alternatives to the current proposed project.**
- #4396** Notice is given of a public hearing on the petition of: **Gary Juvinall** (11 Salt Creek Road, Dartmouth, MA 02748) for a **Special Permit** under Chapter 9, Comprehensive Zoning Sections 2400 (non-conforming uses and structures), 2410 (applicability), 2420 (nonconforming uses), 2421 (change or substantial extension of the use) and 5300-5330 & 5360-5390 (special permit); relative to property located at **61 Orchard Street**, Assessors' map 46 lot 194 in a Residential A [RA] zoned district. The petitioner is proposing to have the 3<sup>rd</sup> floor apartment brought into legal standing as the 5<sup>th</sup> unit in the building per plans filed. **Continued Agenda Item from November 14, 2019.**
- #4397** Notice is given of a public hearing on the petition of: **Gary Juvinall** (11 Salt Creek Road, Dartmouth, MA 02748) for a **Variance** under Chapter 9, Comprehensive Zoning Sections 3100 (parking and loading), 3110 (applicability) and 3130 (table of parking loading requirements-Appendix C, multifamily (3) or more per structure); relative to property located at **61 Orchard Street**, Assessors' map 46 lot 194 in a Residential A [RA] zoned district. The petitioner is proposing to have the 3<sup>rd</sup> floor apartment brought into legal standing as the 5<sup>th</sup> unit in the building, with no parking per plans filed. **Continued Agenda Item from November 14, 2019.**

- #4400** Notice is given of a public hearing on the petition of: **Carol K. McGlynn** (393 Cummington Street New Bedford, MA 02745) for a **Variance** under Chapter 9, Comprehensive Zoning Sections 2300 (accessory buildings and uses), 2310 (general), 2330 (accessory structures), 2331 (private garage), 2700 (dimensional regulations), 2710 (general), 2720 (table of dimensional requirements-Appendix B, side yard-Ft.), 2750 (yards in residence district) and 2755 (side yard); relative to property located at **393 Cummington Street**, Assessors' map 127E lot 363 in a Residential A [RA] zoned district. The petitioner is proposing to construct a 30'x22' attached two car garage per plans filed.
- #4401** Notice is given of a public hearing on the petition of: **Franklin Hospitality Corp.** (PO Box 248, Westport, MA 02790) for a **Special Permit** under Chapter 9, Comprehensive Zoning Sections 4500-4572 (Downtown Business Overlay District - DBOD) and 5300-5330 & 5360-5390 (special permit); relative to property located at **13-19 Commercial Street, 21-35 Commercial Street, 24 Union Street, SW JFK Highway**, Assessors' map 47 lot 189, 44, 41, 127 in an Industrial A [IA], Mixed Use Business [MUB], Waterfront Historic & DBOD zoned district. The petitioner is proposing to rehabilitate three adjacent commercial buildings and an associated parking lot into a mixed-use development with 28 residential units and 2 commercial units (retail/restaurant) per plans filed.
- #4402** Notice is given of a public hearing on the petition of: **Franklin Hospitality Corp.** (P.O. Box 248, Westport, MA 02790) for a **Special Permit** under Chapter 9, Comprehensive Zoning Sections 2400 (non-conforming uses and structures), 2410 (applicability), 2430 (nonconforming structures, other than single and two family structures), 2431 (reconstructed, extended or structurally changed), 2432 (altered to provide for a substantially different purpose or for the same purpose in a substantially different manner or to a substantially greater extent) and 5300-5330 & 5360-5390 (special permit); relative to property located at **13-19 Commercial Street, 21-35 Commercial Street, 24 Union Street, SW JFK Highway**, Assessors' map 47 lot 189, 44, 41, 127 in an Industrial A [IA], Mixed Use Business [MUB], Waterfront Historic & DBOD zoned district. The petitioner is proposing to rehabilitate three adjacent commercial buildings and an associated parking lot into a mixed-use development with 28 residential units and 2 commercial units (retail/restaurant) per plans filed.
- #4403** Notice is given of a public hearing on the petition of: **Torman Family Realty LLC**, (123 Rockdale Avenue, New Bedford, MA 02740) and **Lockwood/McKinnon Company Inc, C/O Edward J. Corcoran** (1266 Furnace Brook Parkway, Quincy, MA 02169) for a **Special Permit** under Chapter 9, Comprehensive Zoning Sections 2200 (use regulations), 2210 (general), 2230 (table of use regulations-Appendix A, commercial #23 restaurant, fast-food) and 5300-5330 & 5360-5390 (special permit); relative to property located at **123 Rockdale Avenue**, Assessors' map 18 lot 113 in a Mixed Use Business [MUB] zoned district. The petitioners are proposing to raze the existing building and construct a Taco Bell fast food restaurant per plans filed.
- #4404** Notice is given of a public hearing on the petition of: **Torman Family Realty LLC**, (123 Rockdale Avenue, New Bedford, MA 02740) and **Lockwood/McKinnon Company Inc, C/O Edward J. Corcoran** (1266 Furnace Brook Parkway, Quincy, MA 02169) for a **Variance** under Chapter 9, Comprehensive Zoning Sections 3200 (sign

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regulations), 3201 (purpose), 3210 (general regulation), 3250 (regulation governing particular types of signs), 3255 (area restrictions for ground signs) and 3256 (location restriction); relative to property located at **123 Rockdale Avenue**, Assessors' map 18 lot 113 in a Mixed Use Business [MUB] zoned district. The petitioners are proposing to raze the existing building and construct a Taco Bell fast food restaurant per plans filed. Additionally, the petitioners are proposing to install 3 wall signs and a free-standing ground sign which measures 50 SF, 10' to the bottom, 20' to the top of the sign, and within 6' of the front lot line.

#### **OTHER BUSINESS**

- Next Scheduled Meeting will be held on Thursday, January 16, 2020
- Approve 2020 Meeting Schedule

#### **ADJOURNMENT**

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In accordance with the Americans with Disabilities Act (ADA), if any accommodations are needed, please contact **Angela Goncalves at 508-979-1488 ([Angela.Goncalves@newbedford-ma.gov](mailto:Angela.Goncalves@newbedford-ma.gov)) or Mass Relay 711**. Requests should be made as soon as possible but at least **48 hours** prior to the scheduled meeting.

The matters listed are those reasonably anticipated by the Chair to be discussed at the meeting. Not all items listed may, in fact, be discussed. Other items not listed may be brought up for discussion to the extent permitted by law. Massachusetts General Laws, chapter 30A, Section 20(f) requires any person making a video or audio recording of the meeting to notify the Chair at the start of the meeting.