



# Zoning Board of Appeals

## \*AMENDED Agenda

November 14, 2019– 6:00 PM

11/8/2019 1:10:59 PM CITY CLERK

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

### MEETING CALLED TO ORDER

### APPROVAL OF MINUTES

- August 15 meeting minutes
- September 19 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 October 17, 2019. \*The applicant has requested a continuance to the December 12, 2019 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.**

**#4395** Notice is given of a public hearing on the petition of: **Ildefonso Sousa** (135 Cedar Street New Bedford, MA 02740) for a **Variance** under Chapter 9, Comprehensive Zoning Sections 2300 (accessory buildings and uses), 2310 (general), 2330 (accessory structures), 2331 (private garage), 2332 (accessory buildings or structures, including private garages, may occupy in the aggregate not over forty (40) percent of the required rear yard area), 2700 (dimensional regulations), 2710 (general), 2720 (table of dimensional requirements-Appendix B, rear yard-ft., greenspace) 2750 (yards in residence district) and 2753 (rear yard); relative to property located at **135 Cedar Street**, Assessors' map 57 lot 87 in a Residential B [RB] zoned district. The petitioner is proposing to construct a 22'x36' wood carport structure with a metal sheet roof in the yard per plans filed. **Continued Agenda Item from October 17, 2019.**

**#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 October 17, 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 October 17, 2019.**
- #4398** Notice is given of a public hearing on the petition of: **John A. Spencer** (177 Seymour Street New Bedford, MA 02744) 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 **177 Seymour Street**, Assessors' map 5 lot 113 in a Residential A [RA] zoned district. The petitioner is proposing to construct a 12'x30' carport structure per plans filed.
- #4399** Notice is given of a public hearing on the petition of: **J LOMM Inc., C/O John Stone** (86 Nautilus Street, New Bedford, MA 02744) and **Diamond Signs, C/O Derek Fernandes** (535 Ashley Boulevard, New Bedford, MA 02745) for an **Administrative Appeal** under Chapter 9, Comprehensive Zoning Sections 3200 (sign regulations), 3201 (purpose), 3220 (prohibited signs), 3222 (any sign which incorporates moving, flashing, animated or intermittent lighting, excluding public service signs such as those that display time and temperature), 5220 (powers) and 5223 (to hear and decide appeals taken by any person aggrieved by reason of his inability to obtain a permit or enforcement action from any administrative officer under the provisions of M.G.L.A. c. 40A, §§ 7, 8 and 15); relative to property located at **85 MacArthur Drive**, Assessors' map 37 lot 323 in a Mixed Use Business (MUB) zoned district. The petitioners are proposing to install an electronic message board to an existing pylon sign per plans filed.

#### **OTHER BUSINESS**

- Next Scheduled Meeting will be held on Thursday, December 12, 2019

#### **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

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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.