



JONATHAN F. MITCHELL
MAYOR

City of New Bedford
ZONING BOARD OF APPEALS

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ZONING BOARD OF APPEALS
NEW BEDFORD CITY HALL – 3rd Floor
WILLIAM STREET
NEW BEDFORD, MA
Thursday, April 12, 2018

MINUTES

PRESENT: Debra Trahan (*Chairperson*)
Allen Decker (*Clerk*)
Leo Schick
Robert Schilling
John Walsh (Present for Cases 4217, 4317, 4318, 4319)
Stephen Brown (Present for Cases 4320, 4321)

ABSENT: Stephen Brown (Absent for Cases 4217, 4317, 4318, 4319)
John Walsh (Absent for Cases 4320, 4321)

STAFF: Danny Romanowicz, *Commissioner of Inspectional Services*
Kirsten Bryan, *Acting City Planner*

1. CALL TO ORDER

Chairperson Trahan called the meeting of the City of New Bedford Zoning Board to order at 6:08 p.m. Clerk Decker read the hearing procedures.

Board Member Walsh notified the board that he would need to exit the meeting at 7:30 p.m.

2. PUBLIC HEARINGS

ITEM 1 – Case #4217 - Request for Extension. The YWCA Southeastern Massachusetts, Inc. requests an extension of the Zoning Board of Appeals' decision approving Case #4217 for a special permit with conditions recorded February 18, 2016 and subsequently granted a one year extension on March 1, 2017; relative to property located 20 South Sixth Street, assessors' map 46, lot 69. The applicant seeks an extension of the decision for an additional one year period due to technical issues in permitting.
Continued agenda item from February 15, 2018.

Board Member Decker disclosed that Attorney Deshaies has directly represented Mr. Decker's employer. As such, he recused himself.

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CITY CLERKS OFFICE
NEW BEDFORD, MA
2018 JUN 15 A 8:43
CITY CLERK

Attorney Marc Deshaies noted that an extension was requested almost a year ago. The special permit was granted for one year and the organization was trying to acquire funding. He added that they had, in January, filed another request for extension. Subsequently, a building permit was issued per plans submitted. The applicant is concerned there may be a day or two gap, and are seeking a six month extension relating back to the January filing. Mr. Deshaies stated they expect to break ground on April 24, 2018.

A motion was made (JW) and seconded (RS) to approve.
Motion passed unopposed.

Board Member Decker rejoined the meeting.

Chairperson Trahan noted receipt of a letter from Councilor Morad in favor of the previous extension request.

ITEM 2 - Case # 4317 - Petition of Moniz Properties, Inc. c/o Daniel Moniz (70 Lambeth Street New Bedford, MA) and Poyant Signs, Inc. c/o Stephanie Poyant Moran (125 Samuel Barnet Blvd) for a Variance under Chapter 9 Comprehensive Zoning sections 3200 (sign regulations), 3210 (purpose), 3250 (regulations governing particular types of signs), 3254 (ground sign), 3255 (area restrictions for ground signs), and 3256 (location restrictions); relative to property located at 1169 Braley Road, assessor's map 136A, lot 927 in a Mixed Use Business District [MUB] zoned district. The petitioner proposes to install a pylon sign as plans filed. Continued agenda item from February 15, 2018.

A motion was made (AD) and seconded (JW) that the following be received and placed on file: communication from the Commissioner of Buildings and Inspectional Services dated 1/29/18; communication from the Office of the City Planner dated 2/15/18; the appeal package as submitted; the plan as submitted; and, that the owners of the lots as indicated are the ones deemed by this board to be the lots affected; and the action of the clerk in giving notice of the hearing as stated be and hereby is ratified.
Motion passed unopposed.

Stephanie Poyant Moran of Poyant Signs, on behalf of the client Dunkin Donuts, stated they had already appeared before the Planning Board for site plan review as required. Ms. Poyant Moran stated that as a result they have reduced the sign height to meet the code of 15'. Ms. Poyant Moran stated they have also agreed on a 6' setback, and are appearing before the board regarding square footage only. She noted an outstanding issue remains with regard to sign location on the property, and stated they will do a certified site plan once passing this hearing. She stated the sign is to be located as far west on the property as possible and still be visible.

Ms. Poyant Moran described the area and stated they are seeking approval of a 37 sq. ft. sign to ensure readability from the highway off-ramp, giving drivers time to decide to pull in. She explained the factors necessary to accomplish this, such as lettering height, et cetera.

In response to Chairperson Trahan, Ms. Poyant Moran stated the sign will not flash and will have static LEDs meeting regulations.

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There was no response to Chairperson Trahan's invitation to speak or be recorded in favor.

In response to Chairperson Trahan's invitation to speak or be recorded in opposition, Allan Wolstenholme (Whitlow Street) said he was not expressing opposition, but a point of information, such as the brightness of the sign face in daytime and evening in candelas or nits.

There was no response to Chairperson Trahan's further invitation to speak or be recorded in opposition.

Ms. Poyant Moran stated she could provide the answer back to the board. In response to Chairperson Trahan, Ms. Poyant Moran stated that the proposed sign's illumination was no different than any other sign they install.

In response to Board Member Schilling, Ms. Poyant Moran said the sign is perpendicular to the road. She also noted the sign would only be lit at night.

In response to Board Member Decker, Ms. Poyant Moran supplied a date of 4/22/97. Ms. Poyant Moran stated that another gas station/food store is expected to open nearby, and Dunkin Donuts is looking to catch the attention of those coming off the highway.

The hearing was closed.

After brief board discussion, including Planning Board approval and the issue of square footage, a motion was made (AD) and seconded (JW) to grant a variance under the provisions of the City Code of New Bedford relative to property located at 1169 Braley Road, assessor's map 136A, lot 927 in a Mixed Use Business District [MUB] zoned district to allow the petitioner to install a pylon sign as plans filed, which requires a variance under the provisions of Chapter 9 Comprehensive Zoning sections 3200, 3210, 3250, 3254, 3255, and 3256.

In accordance with City of New Bedford Code of Ordinances Chapter 9, Section 5220, the following elements have been taken under consideration: That circumstances related to the soil conditions, shape or topography of such land or structures, and especially effecting the land or structure in question, but which do not generally effect the zoning district in which the land or structure is located. In this case, the shape of the lot and existing abutting structures and existing information road signs make the size of the proposed sign a necessity; Literal enforcement of the provisions of the ordinance involve substantial hardship. In this case, without the size as requested, the traveling public would not easily locate the business or know that it was there or open for business; The desirable relief may be granted without substantial detriment to the public good, and without nullifying or substantially derogating from the intent or purpose of the zoning ordinance or bylaw.

Therefore, with no specific conditions, but with the following general conditions: that the project be set forth according to the plans submitted with the application; that the same be recorded at the Registry of Deeds; and that a building permit be issued by the Department of Inspectional Services and acted upon within one year.

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Roll-call vote as follows:

Chairperson Trahan – Yes

Board Member Walsh – Yes

Clerk Decker – Yes

Board Member Schilling – Yes

Board Member Schick – Yes

Motion passes 5-0

A motion was made (JW) and seconded (RS) to consolidate Cases #4318 and #4319.
Motion passed unopposed.

ITEM 3 - #4318/#4319 – Petition of Paul T. Tetrault, Trustee of the Paul T. Tetrault and Susan L. Tetrault Living Trust (1070 Tobey Street New Bedford, MA) and Poyant Signs, Inc. c/o Stephanie Poyant Moran (125 Samuel Barnet Blvd) for a Variance under Chapter 9 Comprehensive Zoning sections 3200 (sign regulations), 3210 (purpose), 3250 (regulations governing particular types of signs), 3254 (ground sign), and 3255 (area restrictions for ground signs); relative to property located at 4317 Acushnet Avenue, assessor's map 136A, lot 55 in a Mixed Use Business District [MUB] zoned district. The petitioner proposes to install a ground sign with an EMC (electronic message cabinet) as plans filed. Continued agenda item from February 15, 2018.

Regarding Case #4318, a motion was made (AD) and seconded (JW) that the following be received and placed on file: communication from the Commissioner of Buildings and Inspectional Services dated 1/29/18; communication from the Office of the City Planner dated 4/12/18; the appeal package as submitted; the plan as submitted; and, that the owners of the lots as indicated are the ones deemed by this board to be the lots affected; and the action of the clerk in giving notice of the hearing as stated be and hereby is ratified.
Motion passed unopposed.

Regarding Case #4319, an administrative appeal, a motion was made (AD) and seconded (LS) that the following be received and placed on file: communication from the Commissioner of Buildings and Inspectional Services dated 1/29/18; communication from the Office of the City Planner dated 4/12/18; the appeal package as submitted; the plan as submitted; and, that the owners of the lots as indicated are the ones deemed by this board to be the lots affected; and the action of the clerk in giving notice of the hearing as stated be and hereby is ratified.
Motion passed unopposed.

Stephanie Poyant Moran stated the petitioner is seeking to use the existing sign structure, currently 43.82 sq. ft., including a manual reader board portion. The proposal includes the refacing and painting of that sign, which consists of the top cabinet. Ms. Poyant Moran demonstrated the same on her photos. She stated the request includes an electronic message center which would replace the reader board. The message center would show public service announcements, including daily time and temperature. She noted the sign will not flash or scroll, and explained the static screen changes every ten seconds, per Highway Safety standards. Ms. Poyant Moran stated the request is that the bottom portion of the sign will be on from 6:00 a.m. to 10:00 p.m. She stated the sign would not be different from other area signs, such as Walgreens.

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In response to Chairperson Trahan, Ms. Poyant Moran stated she does not know the brightness, but the model to be used in made in the United States and has built in dimmers.

In response to Board Member Schilling, Ms. Poyant Moran confirmed there was no flashing, scrolling or video, and further explained what is meant by "flashing."

In response to Board Member Walsh, Ms. Poyant Moran stated that there are 25 sq. ft. allowed by code. She stated the existing sign was approved at 43.82 sq. ft. and the new sign would increase the square footage by 11.52 sq. ft. She also noted that both building signs will be removed, which represents 48 sq. ft. of signage. In response to Board Member Walsh, Ms. Poyant Moran stated that the sign would increase in height 29", but is still within code.

In response to Chairperson Trahan's invitation to speak or be recorded in favor, Jennifer Tetreault Ciesielski, Vice President of Tetreault Insurance, stated she was presenting her parents. Ms. Tetreault Ciesielski stated that the project is a big investment for the business in replacing their current sign, which has been there since 1994. She stated that messages would be related to their products and services, in addition to community service messages. She explained the old sign is hard to change and this improvement will add to the business.

In response to Board Member Decker, Ms. Tetreault Ciesielski stated the property is commercially zoned and a neighboring business also has a lit sign. She explained this sign is more conducive to their business type with different financial products and discounts to highlight, rather than a business with a single product to sell.

Chairperson Trahan requested the speaker delineate a hardship related to a denial of the request.

Ms. Tetreault Ciesielski explained that such a large investment would make no sense to replace the existing sign with a non-modernized sign.

In response to Chairperson Trahan, Ms. Tetreault Ciesielski stated there may be five neighborhood houses that would see the sign, as they do the other four signs present in the neighborhood. She explained the message change time is not as important as the ability to get message out to their client base.

Board Member Walsh confirmed with Ms. Tetreault Ciesielski that her position was that the new sign would be more financially feasible than taking down the old sign and build an entirely new sign. Ms. Tetreault Ciesielski agreed using the existing structure to add the new sign to make it more economically feasible.

In response to Chairperson Trahan's invitation to speak or be recorded in favor, City Councilor Linda Morad asked the board to consider that the business has been in operation since 1984 on the site. Councilor Morad stated the business owner wants to reinvest in the property and modernize their sign. She agreed it would not make financial sense to invest in an antiquated sign. Councilor Morad noted this was not unique to the neighborhood. She requested the board favorably consider the project and felt the owner was willing to work with the board.

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There was no response to Chairperson Trahan's further invitation to speak or be recorded in favor.

In response to Chairperson Trahan's invitation to speak or be recorded in opposition, Allan Wolstenholme (Whitlow Street) stated he is opposed to the sign in the configuration that flashes every ten seconds. Mr. Wolstenholme noted a study of the United States that he had compiled regarding sign regulations. He gave examples, including Fairhaven, which he represents allows changes every one hour, and Houston, Texas at every five minutes. Mr. Wolstenholme stated that it is detrimental to the city aesthetics when there are a bunch of such signs. He expressed his research and objections to such a short time change. Mr. Wolstenholme recommended that the petition should not be allowed unless the change was at least five minutes, and that the night brightness is a maximum of 150 candelas per square meter. He had no objection to time and temperature changing every three seconds. He noted the DeMello sign on Union Street, which he feels flashes too much and is too bright. Mr. Wolstenholme feels the brightness should be specified.

In response to Chairperson Trahan's invitation to speak or be recorded in opposition Karen D. Boutin, (1018 Ivers Street), abutter to the subject property stated she truly does not believe in this petition being allowed. Ms. Boutin stated that you can see the Southern Mass Credit Union lights all the way from Tarkiln Hill Road. She stated she feels it will be a distraction to drivers and does not want it. She feels it's unfair to people who spend time outside in their yard.

There was no response to Chairperson Trahan's invitation to speak or be recorded in opposition.

Ms. Poyant Moran stated they are willing to hear any suggestions from the board, but the ten second change represents the Massachusetts state regulation. She noted they are open to change on the time change, as well as the sign hours. She also noted that light output can be adjusted, but stated such signs are used by the state to direct traffic on our highways. She again mentioned the petitioner will be removing 36 sq. ft. of signage, which translates to 36 sq. ft. of lighting as well.

In response to Board Member Schilling, Ms. Tetrault Ciesielski stated she felt five minutes was too long. She also noted that being commercially zoned, therefore, they pay a much higher tax rate for their property.

After discussion on the subject, Ms. Tetrault Ciesielski gave an example of a message the sign could potentially read which was, "Have you thought about your life insurance lately" with a picture of a family.

Ms. Poyant Moran gave an example of time and temperature changing every three seconds and message every twenty seconds.

In rebuttal, Mr. Wolstenholme stated there will be more signs in the future, and drivers will have a hard time reading many signs changing every ten seconds. He stated again that he felt five minutes was reasonable.

The hearing was closed.

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In response to Board Member Walsh, Mr. Romanowicz stated he has to appeal any sign that comes in that flashes or scrolls, with the exception of public service.

A motion was made (JW) and seconded (RS) to grant the appeal.

Roll-call vote as follows:

Chairperson Trahan – No

Board Member Walsh – Yes

Clerk Decker - Yes

Board Member Schilling - Yes

Board Member Schick – Yes

Motion passes 4-1

With regard to the variance, after discussion, including timing changes, nighttime candelas or nits, impact on neighbors, sign hours, motion content, and an offer by the applicant to provide information on the standards and operations, a motion was made (AD) and seconded (JW) to grant a variance under the provisions of the City Code of New Bedford, relative to property located at 4317 Acushnet Avenue, assessor's map 136A, lot 55 in a Mixed Use Business District [MUB] zoned district, to allow the petitioner to install a ground sign with an EMC (electronic message cabinet) as plans filed, which requires a variance under Chapter 9 Comprehensive Zoning sections 3200, 3210, 3250, 3254, and 3255.

In accordance with City of New Bedford Code of Ordinances Chapter 9, Section 5220, the board finds that due to circumstances related to the soil conditions, shape or topography of such land or structures, and especially effecting the land or structures in question, but not generally effect the zoning district in which the property is located. In this case, the sign size is needed to continue to draw the attention of the traveling public, given the property's location in relation to a curve in the existing street. Literal enforcement of the provisions of the ordinance or by-law would involve substantial hardship, financial or otherwise to the petitioner. In this case, economic hardship would be suffered by the applicant without the variance being allowed for the new signage as proposed. The desirable relief may be granted without substantial detriment to the public good, and without nullifying or substantially derogating from the intent or purpose of such ordinance or bylaw.

With the following conditions:

The operation of the message center portion of the sign is limited from 7:00 a.m. to 8:00 p.m. with message changes occurring no more frequently than every thirty seconds;

That the project be set forth according to the plans submitted with the application and that it be recorded at the Registry of Deeds, and a building permit be issued by the Department of Inspectional Services and acted upon within one year.

Roll-call vote as follows:

Chairperson Trahan – No

Board Member Walsh – Yes

Clerk Decker - Yes

Board Member Schilling - Yes

Board Member Schick – Yes

Motion passes 4-1

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At 7:42 p.m. Board Member Walsh exited the meeting and Board Member Brown joined the board.

ITEM 4 – Case #4320 - Petition of Bristol Building LLC (758 Purchase Street New Bedford, MA) and Rocco Andreotti (28 Avon Street Everett, MA) 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 office, Center, or Clinic), and 5300-5330 & 5360-5390 (special permit); relative to property located at 768 Purchase Street, assessors' map 53 lot 132A, in a Mixed Use Business [MUB] zoned district. The petitioners propose renovations to add a dental office as plans filed. Continued agenda item from March 15, 2018.

A motion was made (AD) and seconded (LS) that the following be received and placed on file: communication from the Commissioner of Buildings and Inspectional Services dated 2/23/18; communication from the Office of the City Planner dated 3/12/18; the appeal package as submitted; the plan as submitted; and, that the owners of the lots as indicated are the ones deemed by this board to be the lots affected; and the action of the clerk in giving notice of the hearing as stated be and hereby is ratified.

Motion passed unopposed.

The hearing was declared open.

Srinivas Desaneedi explained he felt the property was a good location to open a dental office.

In response to Board Member Decker, Mr. Desaneedi stated all insurances would be accepted, including Mass Health, so it would be for everyone, with no age limit. He stated the Health Clinic has a six-month waiting period.

In response to Chairperson Trahan, Mr. Desaneedi stated his office would be on the ground floor, and there was further discussion on the exact location. Mr. Desaneedi stated there would not be exterior changes, except for an awning. He stated the hours would be from 8:00 a.m. to 7:00 p.m., though start up hours would be from 10:00 a.m. to 6:00 p.m. He responded there would initially be one dental professional on-site, and a second dentist as needed. He stated the facility has four chairs. He responded that there is off-street and public parking.

In response to Chairperson Trahan's invitation to speak or be recorded in favor, Edson Rego, (49 Gellette Road, Fairhaven, MA) stated they would appreciate being able to fill the space, which has been empty for a long time.

Board Member Brown confirmed that Mr. Desaneedi had been in contact with the Board of Registration.

There was no response to Chairperson Trahan's further invitation to speak or be recorded in favor.

There was no response to Chairperson Trahan's invitation to speak or be recorded in opposition.

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In response to Board Member Decker, Mr. Desaneedi confirmed that the existing utilities are in place.

The hearing was closed.

After brief board discussion, a motion was made (AD) and seconded (LS) to grant a special permit under provisions of the City Code of New Bedford, relative to property located at 768 Purchase Street, assessors' map 53 lot 132A, in a Mixed Use Business [MUB] zoned district, to allow the petitioner to renovate an existing space to add a dental office as per plans filed, which requires a special permit under the provisions of Chapter 9 Comprehensive Zoning sections 2200, 2210, 2230 Appendix A, and 5300-5330 & 5360-5390.

In accordance with City of New Bedford Code of Ordinances Chapter 9, Section 5320, the benefit to the city and the neighborhood outweighs the adverse effects of the proposed use, taking into account the characteristics of the site, and the proposal in relation to that site. Determination includes consideration of each of the following: the proposed use addresses a social, economic or community need of the city. In this case, the proposal provides dental services for the community which are lacking. As concerns traffic flow and safety, including parking and loading, the building has an existing variance for parking but it is expected that much of the use of the proposed use will be by pedestrians. As concerns the adequacy of utilities and other public services, the existing utilities are sufficient on-site for the proposed use. As concerns the neighborhood's character and social structures, the proposed use fits with the character of the neighborhood. As concerns the impact on the natural environment, the proposed use is neutral. Lastly, as concerns the potential fiscal impact, including the impact on city services, the tax base and employment, the proposed use fills a space that has been vacant for a long time. Therefore, with no specific conditions, but with the following general conditions: that the project be set forth according to the plans submitted with the application and that it be recorded at the Registry of Deeds, and a building permit be issued by the Department of Inspectional Services and acted upon within one year.

Roll-call vote as follows:

Chairperson Trahan – Yes

Board Member Brown – Yes

Clerk Decker - Yes

Board Member Schilling - Yes

Board Member Schick – Yes

Motion passes 5-0

ITEM 5 – Case #4321 - Petition of Timothy P. Horan (32R Hillman Street New Bedford, MA) and Peter M. Horan (34 Bakersville Road S. Dartmouth, MA) for a Special Permit under Chapter 9 Comprehensive Zoning sections 2400 (nonconforming uses & structures), 2410 (applicability), 2420-2422 (nonconforming uses), and 5300-5330 & 5360-5390 (special permit); relative to property located at 785-787 Rockdale Avenue assessors' map 49, lot 47 in a Residential B [RB] zoned district. The petitioners propose to change the use on the 1st floor from a medical office to a professional law office with a residential apartment on the 2nd and 3rd floor as plans filed. Continued agenda item from March 15, 2018.

A motion was made (AD) and seconded (LS) that the following be received and placed on file: communication from the Commissioner of Buildings and Inspectional Services dated 2/23/18; communication from the Office of the City Planner dated 3/12/18; the appeal package as submitted; the plan as submitted; and, that the owners of the lots as indicated are the ones deemed by this board to be the lots affected; and the action of the clerk in giving notice of the hearing as stated be and hereby is ratified. Motion passed unopposed.

Tim Horan, Upton Way, Mattapoisett, stated he had purchased his father's building, which had a 1st floor medical office. He stated he hopes to open a law office in the building. In response to Board Member Decker, Mr. Horan stated the 2nd floor is and will remain residential. He also responded that he has twelve parking spots.

There was no response to Chairperson Trahan's further invitation to speak or be recorded in favor.

In response to Chairperson Trahan's invitation to speak or be recorded in opposition, Cathryn F. Brower, a long time abutter to the subject property, stated she has concerns about the applicant following his father's habit of not being a reasonable property owner. She cited prior examples to support her opinion.

Ms. Brower submitted paperwork to the board dated 3/20/69, which was read into the record.

Ms. Brower stated the documents filed by Mr. Horan were ambiguous, noting that Page 5 reads lawyers in the plural. She stated her concern is that Rockdale Avenue is probably the second busiest intersection, and she calls it "Rockdale Speedway" due to the installation of the Mill Street lights. She noted the driveways in each of the neighboring homes, and stated the former doctor's patients blocked her driveway and parked on her sidewalk. She expressed concern about the traffic the building would draw, and the maintenance of the property for safety.

Clerk Decker stated he appreciated the history of the prior use of the property, and prompted Ms. Brower to address her issues regarding the current proposed use.

Ms. Brower stated she wants restrictions that people must use the parking lot and leave street parking for residents. Ms. Brower explained that she wants permits pulled for work being done, stating that plumbing and gas work has been done within the past three weeks. Board Member Decker advised Ms. Brower that her previously mentioned comments were beyond the board's purview.

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Ms. Brower stated she wants the law office restricted to two lawyers at most and that the second floor apartment not be made into a third floor apartment.

Clerk Decker noted the proposal is for professional office space on the 1st floor and one or two apartments above. Mr. Romanowicz stated it could be cottage style with the 2nd and 3rd floors combined.

Mr. Horan stated the present plan is for the law office to contain himself, with a second attorney coming in time. He stated the 1st floor contains three separate offices and added that the law office will have a much smaller use and volume than his father's medical office.

In response to Board Member Schick, Mr. Horan stated there are twelve parking spaces, and noted that though a public street he will install a sign to have his clients use the lot.

Ms. Brower stated she is bothered by cigarette smoke coming into her home. She wanted to be assured that there would not be electronic signage on the site.

Mr. Horan stated the existing sign will remain as is, with the exception of refacing. Mr. Horan stated he recognized that some of the concerns expressed are not before the board, but he does want to be a good neighbor. He stated he feels the use is a good one for the area.

There was no response to Chairperson Trahan's further invitation to speak or be recorded in favor or opposition.

The hearing was closed.

Board Member Decker confirmed with Mr. Romanowicz that off-street parking is adequate for the proposed use.

After board discussion, a motion was made (AD) and seconded (LS) to grant a special permit under provisions of the City Code of New Bedford, relative to property located at 785-787 Rockdale Avenue assessors' map 49, lot 47 in a Residential B [RB] zoned district, to allow the petitioner to change the use on the 1st floor from a medical office to a professional law office with a residential apartment on the 2nd and 3rd floor as per the plans filed, which requires a special permit under the provisions of Chapter 9 Comprehensive Zoning sections 2400, 2410, 2420-2422, and 5300-5330 & 5360-5390.

In accordance with City of New Bedford Code of Ordinances Chapter 9, Section 5320, the benefit to the city and the neighborhood outweighs the adverse effects of the proposed use, taking into account the characteristics of the site, and of the proposal in relation to that site. This determination includes consideration of each of the following: the social, economic or community needs served by the proposal. In this case, the proposed use serve community needs by providing legal services not otherwise available in the immediate area. As concerns traffic flow and safety, including parking and loading, the proposed use provides parking needs that are adequate as proposed. As concerns the adequacy of utilities and other public services, the proposed use has adequate utilities as proposed. As concerns the neighborhood character and social structures, the proposed use fits with the character of the neighborhood. As

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proposed, the impacts on the natural environment are neutral. As concerns the potential fiscal impact, including the impact on city services, the tax base and employment, the proposed use actually result in less of an impact on city services, while keeping the property contributing to the tax base and employment.

Therefore, with no specific conditions, but with the following general conditions: that the project be set forth according to the plans submitted with the application and that it be recorded at the Registry of Deeds, and a building permit be issued by the Department of Inspectional Services and acted upon within one year.

Roll-call vote as follows:

Chairperson Trahan – Yes

Board Member Brown – Yes

Clerk Decker - Yes

Board Member Schilling - Yes

Board Member Schick – Yes

Motion passes 5-0

3. APPROVAL OF MINUTES

A motion was made (LS) and seconded (AD) to approve the meeting minutes of March 15, 2018.

Motion passed unopposed.

Board Member Decker then abstained as he was not at the meeting.

4. ADJOURNMENT:

A motion was made (LS) and seconded (AD) to adjourn at 8:27 p.m.

Motion passed unopposed.

ATTEST.



Allen Decker, Clerk



Date

NEXT MEETING SCHEDULED FOR APRIL 23, 2018

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