



JONATHAN F. MITCHELL
MAYOR

City of New Bedford

ZONING BOARD OF APPEALS

133 William Street, New Bedford
Massachusetts 02740
Telephone: (508) 979.1488
Facsimile: (508) 979.1576

Registry of Deeds Use Only:

CITY CLERKS OFFICE
 NEW BEDFORD, MA
 2016 OCT 25 A 8:41
 CITY CLERK

NOTICE OF DECISION

Case Number:	#4245			
Request Type:	Special Permit			
Address:	331-337 Wood Street			
Zoning:	Residential B Zoning District			
Recorded Owner:	JMP Property & Development, LLC			
Owner's Address:	24 Jocelyn Street New Bedford, MA 02745			
Applicant(s):	JMP Property & Development, LLC			
Applicant's Address:	24 Jocelyn Street New Bedford, MA 02745			
Application Submittal Date	Public Hearing Date(s)		Decision Date	
August 25 th , 2016	October 13 th , 2016		October 13 th , 2016	
Assessor's Plot Number	Lot Number(s)	Book Number	Page Number	Certificate Number
117	26	11697	300	

Special Permit under provisions of chapter 9 comprehensive zoning sections 2400 (nonconforming uses and structures), 2410 (applicability), 2430-2432 (nonconforming structures, other than single and two-family structures) and 5300-5330 & 5360-5390 (special permit); relative to property located at 331-337 Wood Street, assessor's map 117 lot 26 in a residential-B [RB]. To allow the petitioner to convert the existing repair shop on the west side of the first floor to a residential unit as plans filed.

Action: GRANTED, WITH CONDITIONS, for the reasons set forth in the attached decision with the conditions as described in the attached decision. (See Attachment)

A copy of this Decision was filed with the City Clerk of the City of New Bedford on October 25th, 2016. Any person aggrieved by this decision has twenty (20) days to appeal the decision in accordance with the procedures set forth in Section 17 of Chapter 40A of the General Laws of Massachusetts.

October 25, 2016
Date

Allen Decker
Clerk, Zoning Board of Appeals

1.) APPLICATION SUMMARY

The petitioners propose to convert the existing repair shop on the west side of the first floor to a residential unit as plans filed, which requires a Special Permit under provisions of chapter 9 comprehensive zoning sections 2400 (nonconforming uses and structures), 2410 (applicability), 2430-2432 (nonconforming structures, other than single and two-family structures) and 5300-5330 & 5360-5390 (special permit); relative to property located at 331-337 Wood Street, assessor's map 117 lot 26 in a residential B [RB] zoned district.

2.) MATERIALS REVIEWED BY THE BOARD

Plans Considered to be Part of the Application

- Plan Set, drawn by Comprehensive Design-Build Services, stamped received by City Clerk's Office August 25th, 2016, including:
 - Cover Sheet A0.1
 - General Notes A0.2
 - Proposed Site Plan C1.1
 - Existing Conditions EX 1.1
 - Proposed First Floor A2.1
 - Proposed Building Elevations A3.1
- Revised Proposed Site Plan C1.1, drawn by Comprehensive Design-Build Services, stamped received by Planning Department September 23rd, 2016.

Other Documents & Supporting Material

- Completed Petition for a Special Permit Form, stamped received by City Clerk's Office August 25th, 2016.
- Revised Development Impact Statement, stamped received by Planning Department October 13th, 2016.
- Letter to ZBA from the Commissioner of Buildings & Inspectional Services, Danny D. Romanowicz, dated September 2nd, 2016.
- Staff Comments to ZBA from Department of Planning, Housing & Community Development dated September 15th, 2016.
- Letter to ZBA from Councillor At Large Linda Morad, dated September 14th, 2016.

3.) DISCUSSION

On the evening of the October 13th, 2016 meeting, board members: Leo Schick, Horacio Tavares, Robert Schilling, Allen Decker, and Sherry McTigue were present for the public hearing. City of New Bedford staff: Danny D. Romanowicz (Commissioner of Buildings & Inspectional Services) and Jennifer Gonet (Assistant Project Manager, Planning Division) were present during proceedings for the subject case review.

Mr. Decker made a motion, seconded by Ms. McTigue to receive and place on file the communications from the Commissioner of Buildings & Inspectional Services, Danny D. Romanowicz, dated September 2nd, 2016; Staff Comments from the Department of Planning, Housing & Community Development, dated September 15th, 2016; Communication from Councilor At Large Linda Morad dated September 14th, 2016; a revised development impact statement submitted October 13th, 2016; the appeal packet

as submitted; the plan as submitted; and, that the owners of the lots as indicated are the ones deemed by the Board to be affected; and that the action of the Clerk in giving notice of the hearing as stated be and is hereby ratified. With all in favor, the motion carried.

After input from Ms. Gonet, an amendment to the motion was made by Mr. Decker and seconded Ms. McTigue to include a submitted proposed repair renovation [revised site plan] at 331-337 Wood Street, submitted September 23rd, 2016. Motion passed unopposed.

Acting Chair Schick then declared the hearing open.

Representative of the petitioner, Mr. Armando Pereira (227 Union Street New Bedford, MA) of Comprehensive Design Build Services, addressed the board. He stated the property, a two-story structure on the corner of Vernon & Wood Streets, was built in 1925. Mr. Pereira explained that because he had made a mistake one of the street labels indicating Waldo Street where it should have correctly stated Vernon Street, he submitted the revised plan [accepted by the board.].

Mr. Pereira stated a former pinball and vending machine repair company, Adams & Adams, previously occupied part of the building on the subject property. He stated the east side has one residential unit, with a second residential unit above. He stated the proposal would allow the conversion of the repair shop into another residential unit by adding two bedrooms and a kitchen. It was noted that there were additional renovations intended including the installation of a laundry facility in back and some windows on the west side, all of which would stay within the building's existing footprint.

Mr. Pereira stated there are a couple of similar buildings on Wood Street and that historically many buildings did conduct retail business on the first floor. He stated the conversion will better the neighborhood and reduce impacts such as deliveries and parking for employees or customers and noted that a residential unit also lessens the structure's hazard rating. Further he noted the neighborhood has shopping and bus routes accommodating the use.

Mr. Pereira stated there are four available off-street parking spaces double stacked, again lowering any impact to the neighborhood. He stated such a use requires no additional city services and then briefly reviewed the plans for the board noting that the area has single-, three-, and six-family duplexes, and this proposed conversion will, for this reason, fit in.

Mr. Decker noted that a third unit will increase parking requirements, and the applicant will need a parking reduction through the Planning Board. He suggested that their approval could be conditioned on the same. Mr. Pereira indicated the applicant is amenable to the same.

Following the petitioner's testimony, Acting Chair Schick invited to the podium anyone wishing to speak in favor of the application. Mr. John Pereira (24 Jocelyn Street New Bedford, MA), the property owner, was recorded in favor of the petition. No one else in attendance spoke in support of the petition or wished to be recorded in favor of the petition.

Acting Chair Schick invited to the podium anyone wishing to speak in opposition of the petition. No one in attendance spoke in opposition of the petition or wished to be recorded in opposition of the petition.

With no further questions or concerns, Acting Chair Schick closed the hearing. Board members indicated their readiness to vote.

4.) FINDINGS

The Board found that 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 included consideration of each of the following:

- *Social, economic, or community needs which are served by the proposal;*
 - The board found that conversion to a residential use adds needed housing in the immediate area.

- *Traffic flow and safety, including parking and loading;*
 - The board has found that the removal of commercial use reduces the necessary related traffic flow.

- *Adequacy of utilities and other public services;*
 - The Board has found that the proposal is neutral as to those concerns.

- *Neighborhood character and social structures;*
 - The board found that the proposal promotes a proposed use that fits within the neighborhood's character.

- *Impacts on the natural environment;*
 - The Board has found that this proposal is neutral as to those concerns.

- *Potential fiscal impact, including impact on City services, tax base, and employment*
 - The Board has found the application and proposal are neutral as to those concerns.

5.) RELIEF

With respect to the relief requested by the Applicant, the Board has been presented with sufficient information at the hearing to justify the relief described below, subject to the conditions set forth below in Section 6.

The Board grants the Applicant's request for relief from chapter 9 comprehensive zoning sections 2400 (nonconforming uses and structures), 2410 (applicability), 2430-2432 (nonconforming structures, other than single and two-family structures) and 5300-5330 & 5360-5390 (special permit); relative to property located at 331-337 Wood Street, assessor's map 117 lot 26 in a residential-B [RB]. To allow the petitioner to convert the existing repair shop on the west side of the first floor to a residential unit as plans filed.

6.) DECISION

Based on a review of the application documents, testimony given at the public hearing and the findings described above, the Zoning Board of Appeals hereby **GRANTS, WITH CONDITIONS**, the requested Special Permit.

Mr. Decker made a motion, seconded by Ms. McTigue, as follows, to allow the petitioner to convert the existing repair shop on the west side of the first floor to a residential unit as per plans filed, which requires a special permit under the provisions of Chapter 9 comprehensive zoning sections 2400 (concerning nonconforming uses and structures), 2410 (concerning the applicability), 2430-2432 (concerning nonconforming structures, other than single and two-family structures) and 5300-5330 & 5360-5390 (concerning special permit); relative to property located at 331-337 Wood Street, assessor's map 117 lot 26 in a residential-B [RB] zoned district. This petitioner has been found to be in accordance with the City of New Bedford Code of Ordinances, Chapter 9, sections as cited, particularly as it relates to the following conditions: that the board found compliance with said sections and in addition to the foregoing sections, this petition has also been found to be in accordance with City of New Bedford Code of Ordinances, Chapter 9, sections 5300-5330 and 5360-5390, relative to the granting of special permits, because the board found that 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.

In consideration of the following sections, the board found that the social, economic or community needs served by this proposal are that conversion to a residential use adds needed housing in the immediate area.

Concerning traffic flow and safety, including parking and loading, in respect to this, the board found that the removal of commercial use reduces the necessary related traffic flow.

Concerning the adequacy of utilities and other public services, the board found that the application is neutral as to those concerns.

Concerning the neighborhood's character and social structures, the board found that the proposal promotes a proposed use that fits within the neighborhood's character of neighborhood.

Concerning impacts on the natural environment, the board has found this petition neutral as to those concerns.

Lastly, as to potential fiscal impact, including impact on city services, tax base and employment, the board has found that the application and proposal are neutral as to those concerns.

In light of the review of the specifics noted within the motion, the board finding that the material presented is complete, and after its careful consideration of the petitioner's request, the Zoning Board finds the petition satisfactorily meets the basis of the requested relief.

Therefore this motion is made and includes the following conditions:

- The project be set forth according to the plans submitted with the application;
- The Notice of Decision be recorded with the Registry of Deeds;
- A building permit be issued by the Department of Inspectional Services and acted upon within one year;
- The applicant secures the necessary approval from the Planning Board concerning the amount of parking required on site.

On a motion by A. Decker seconded by S. McTigue to grant the requested Special Permit, the vote carried 5-0 with members S. McTigue, A. Decker, L. Schick, R. Schilling, and H. Tavares, voting in the affirmative, no member voting in the negative. (Tally 5-0)

Filed with the City Clerk on:

October 25, 2016

Date

Allen Decker

Allen Decker, Clerk of the Zoning Board of Appeals