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DIRECTOR

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August 11, 2016

Councilor Steven Martins, Chairman
Committee on Ordinances
133 Williams Street
New Bedford, MA 02740

RE: PROPOSED REZONING REQUEST
CASE #23-16 HATHAWAY STREET/ASHLEY BOULEVARD

Dear Chairman Martins:

This is to advise you that the Planning Board met on Wednesday, August 10, 2016 to discuss the proposed request for the rezoning of a lot located at the northwest corner of Hathaway Street and Ashley Boulevard identified as being Map 103 Lot 13 from a Mixed Use Business (MUB) zone to a Residence C (RC) zone. The Planning Board does *not* send a favorable recommendation for this particular proposal.

Pedro Fernandes, trustee for property owner Beira Realty Trust, represented the proposed rezoning request before the Planning Board. In his presentation before the board, Mr. Fernandes indicated that the two primary reasons for his request to change the zoning of his property stemmed from his difficulty in securing a commercial tenant for the building located along Ashley Boulevard [formerly Normand's Meat Market] largely related to parking challenges and his interest in using the property for equity in purchasing another residential property elsewhere in the city, a proposition that Mr. Fernandes stated, would necessitate the residential zoning designation.

A letter of support for this request that you had provided to the Planning Board was read into the record in the course of this hearing. Outside of that favorable letter, no one else spoke either in favor of, or in opposition to, this request nor did anyone ask to be recorded in favor of, or in opposition of, the request.

In the course of the Planning Board's review, the members deliberated two key elements of the proposal:

- First, the board considered the existence of a potential "spot zoning" whereby a small area of land is zoned differently than the immediately surrounding property. Board members were unanimous in their finding that the property's current zoning designation of MUB was already consistent with the surrounding property [Ashley Boulevard's zoning is a MUB corridor] and that to change the zoning only for this one lot would be wholly inconsistent with the city's zoning.
- Secondly, the board reviewed the proposed rezoning against a series of rezoning standards it uses to evaluate all such requests so as to ensure its action is consistent with case law. The review of

those standards—uniformity, consistency, surroundings, fiscal impact and discriminating benefit—led the board to acknowledge that the proposed zoning change would result in zoning inconsistent with the surrounding zoning, that such a change would place a higher demand on the city's utilities as well as on-street parking, and that ultimately it would not benefit the neighborhood, only this property owner.

After closing the public hearing and concluding its deliberation on the requested rezoning, a motion was made in the affirmative to recommend that the City Council approve the rezoning of the Hathaway Street/Ashley Boulevard lot changing the zoning from an MUB zone to an RC zone. This motion failed unanimously on a vote of 5-0. As such the Planning Board does not send a favorable recommendation for this proposal.

Sincerely,

A handwritten signature in blue ink, appearing to read "Jennifer Clarke", is written over a light blue rectangular background.

Jennifer Clarke, AICP
Acting City Planner
Deputy Director

cc. Jon Mitchell, Mayor
Danny Romanowicz, Building Commissioner

Mikaela McDermott, City Solicitor
Dennis Farias, City Clerk