

1.) APPLICATION SUMMARY

The petitioner proposes to create a driveway with a curb cut on Hollyhock Street as plans filed, which requires a Special Permit under chapter 9 comprehensive zoning sections 1200 (Definitions-lot, and frontage of), and 5300-5330 & 5360-5390 (special permits); relative to property located at 99 Field Street, assessor's map 27 lot 54 in a residential-B [RB] zoned district.

2.) MATERIALS REVIEWED BY THE BOARD

Plans Considered to be Part of the Application

- Site Plan, titled "Proposed Conditions", drawn by unknown, not dated

Other Documents & Supporting Material

- Completed Petition for a Special Permit Form, stamped received by City Clerk's Office June 20th, 2016.
- Letter to ZBA from the Commissioner of Buildings & Inspectional Services, Danny D. Romanowicz, dated June 30th, 2016.
- Staff Comments to ZBA from City Planning Division dated July 15th, 2016.

3.) DISCUSSION

On the evening of the July 21st, 2016 meeting, board members: Deb Trahan, Allen Decker, Sherry McTigue, Leo Schick, and Robert Schilling 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 Mr. Schick, to receive and place on file the communications from the Commissioner of Buildings & Inspectional Services, Danny D. Romanowicz, dated June 30th, 2016; Staff Comments from the Department of Planning, Housing & Community Development, dated July 15th, 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 it hereby is ratified. With all in favor, the motion carried.

Chair Trahan then declared the hearing open.

The petitioner, Mr. William St. Pierre (99 Field Street New Bedford, MA 02740) appeared before the board and indicated that he was seeking a special permit to put a driveway in the back of his residence where there currently is no driveway. The reason for that, he explained, was because currently there was a concrete patio in the rear of the property that would be easier to convert into a driveway. The front has shrubs and the front yard area he would prefer not to have to dig up in order to keep a yard area for the house. He detailed the proposal as being for an 18'x32' driveway which would take four cars off of the street. Mr. St. Pierre noted that this would make the house have greater appeal for renters and would additionally increase the property value.

Mr. Decker clarified that the petition noted that just a little bit more concrete was to be added to the existing concrete area in the back. Mr. St. Pierre confirmed that this was correct; noting that by adding

a bit more concrete he would be able to fit more cars. Mr. Decker also asked whether city planning staff expressed any concerns about delineating the end of the petitioner's parking area and their rear neighbor's walkway when the plans were initially presented to them. Mr. St. Pierre stated not at that time, but in reading the staff comments he thought that adding a fence would make sense and be a great idea as a condition. Mr. Decker clarified it didn't have to be a fence but some sort of delineation. Mr. St. Pierre acknowledged his understanding of this by reiterating that any sort of safety barrier would be relevant. In continuing his questioning, Mr. Decker asked if the petitioner proposed concrete up to the rear property line. Mr. St. Pierre said while this was not part of the proposal, he clarified by stating that the existing concrete pad is already up to the rear property line but that the parking area would not include that area. He stated just the 18' would be for a parking area. Ms. McTigue asked if the little structure in the rear would be staying and the petitioner indicated that it would remain.

Following the petitioner's testimony, Chair Trahan invited to the podium anyone wishing to speak in favor of the application. No one in attendance spoke in support of the petition or wished to be recorded in favor of the petition.

Chair Trahan 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, Chair Trahan closed the hearing.

Mr. Decker asked if the board should condition the approval to also note that no parking is allowed within 4 feet of the rear property line. Chair Trahan indicated yes it should be included and that the petitioner had read the staff comments and agreed with them. To which Mr. St. Pierre indicated his agreement.

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 the driveway will serve the community by removing cars from having to use street parking.

- *Traffic flow and safety, including parking and loading;*
 - The board has found the removal of cars from parking on the street will improve traffic flow and reduce the load or need on available street parking.

- *Adequacy of utilities and other public services;*
 - The Board has found that this proposal is neutral as to those issues.
- *Neighborhood character and social structures;*
 - The board found creation of the driveway fits with the character of the neighborhood.
- *Impacts on the natural environment;*
 - The Board has found that this proposal is neutral as to that issue.
- *Potential fiscal impact, including impact on City services, tax base, and employment*
 - The Board has found the creation of the driveway may increase the value of the property thereby increasing the City's tax base.

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 1200 (Definitions-lot, and frontage of), and 5300-5330 & 5360-5390 (special permits); relative to property located at 99 Field Street, assessor's map 27 lot 54 in a residential-B [RB] zoned district. To allow the petitioner to create a driveway with a curb cut on Hollyhock Street 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 approve the Special Permit to allow the petitioner to create a driveway with a curb cut on Hollyhock Street as plans filed, which requires a Special Permit under chapter 9 comprehensive zoning sections 1200 (concerning definitions-lot, and the frontage thereof), and 5300-5330 & 5360-5390 (concerning special permits); relative to property located at 99 Field Street, assessor's map 27 lot 54 in a residential-B [RB] zoned district. Having reviewed this petition in light of the City of New Bedford Code of Ordinances Chapter 9 Comprehensive Zoning sections 1200, 5300-5330, and 5360-5390 the board finds that in respect to these sections it's willing to grant relief from section 1200. 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 concerning section 5321 social, economic, or community needs which are served by this proposal; that the board found the driveway will serve the community by removing cars from having to use street parking. Concerning 5322 on traffic flow

and safety, including parking and loading; the board has found the removal of cars from parking on the street will improve traffic flow and reduce the load or need on available street parking. In regards to 5323 concerning adequacy of utilities and other public services; the Board has found that this proposal is neutral as to those issues. 5324 concerning neighborhood character and social structures; the board found creation of the driveway fits with the character of the neighborhood. 5325 concerning the impacts on the natural environment; the Board has found that this proposal is neutral as to that issue. 5326 concerning the potential fiscal impact, including impact on city services, tax base, and employment; the Board has found the creation of the driveway may increase the value of the property thereby increasing the city's tax base. In light of its review of the specifics noted within this motion, the board's finding that the material presented is complete and its careful consideration of the petitioner's request, the Zoning Board of Appeals finds that the petition satisfactorily meets the basis of the requested relief, with the following conditions:

- a. That the project be set forth according to the plans submitted with the application.
- b. That the notice of decision be recorded at the Registry of Deeds and
- c. A building permit be issued by the Department of Inspectional Services and acted upon within one year from the date of this decision.
- d. The project will include fencing or other delineation of the parking area for safety.
- e. Parking use will not be allowed within four feet of the rear property line.

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

Filed with the City Clerk on:

Aug. 4, 2016
Date

Allen Decker

Allen Decker, Clerk of the Zoning Board of Appeals