



ZONING BOARD OF APPEALS

City Hall, Room 303
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New Bedford, MA 02740
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Registry of Deeds Use Only:

CITY OF NEW BEDFORD
JONATHAN F. MITCHELL, MAYOR

NOTICE OF DECISION

Case Number: #4201				
Request Type: Special Permit				
Address: 100 Bellevue Street				
Zoning: Residential B Zoned District				
Applicant/Owner: Eileen Medeiros and Kevin Medeiros				
Applicant Address: 100 Bellevue Street New Bedford, MA 02744				
Application Submittal Date	Public Hearing Date			
August 3 rd , 2015	September 17 th , 2015			
Decision Date				
September 17 th , 2015				
Assessor's Plot Number	Lot Number(s)	Book Number	Page Number	Certificate Number
8	141			108078

Special Permit under Chapter 9 Comprehensive Zoning sections 3100 (Parking and Loading), 3110 (Applicability), 3149 (Special Permits for vehicular access to a building accessed from a public way that does not constitute frontage of the lot), 5300-5330 & 5360-5390 (Special Permits); relative to property located at 100 Bellevue Street, Assessor's Map 8, Lot 141 in Residential B Zoned District. To allow the petitioner to install a driveway from a public way that does not constitute frontage of the lot as plan 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 September 30th, 2015. 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.

9-30-2015
Date

Acting Clerk, Zoning Board of Appeals

CITY CLERK'S OFFICE
NEW BEDFORD, MA
2015 SEP 30 P 12:38
CITY CLERK

1.) APPLICATION SUMMARY

The petitioner is proposing to install a driveway from a public way that does not constitute frontage of the lot as plan filed, which requires a Special Permit under Chapter 9 Comprehensive Zoning sections 3100 (Parking and Loading), 3110 (Applicability), 3149 (Special Permits for vehicular access to a building accessed from a public way that does not constitute frontage of the lot), 5300-5330 & 5360-5390 (Special Permits). The petition is relative to property located at 100 Bellevue Street, Assessor's Map 8, Lot 141 in Residential B Zoned District.

2.) MATERIALS REVIEWED BY THE BOARD

Plans Considered to be Part of the Application

- Site Plan, drawn by unknown, date stamped by City Planning department August 3rd, 2015

Other Documents & Supporting Material

- Completed Petition for a Special Permit Form, Stamped Received by City Clerk's Office August 3rd, 2015.
- Letter to ZBA from the Commissioner of Buildings & Inspectional Services, Danny D. Romanowicz, dated August 28th, 2015.
- Staff Comments to ZBA from City Planning Division, dated September 14th, 2015.

3.) DISCUSSION

Board Members: L. Schick, J. Walsh, R. Schilling, and H. Tavares were present on the evening of the public hearing. City of New Bedford Staff: Danny D. Romanowicz (Commissioner of Buildings & Inspectional Services), Kreg Espinola (City Solicitors Office), and Jennifer Gonet (Assistant Project Manager Planning) were present during proceedings for the subject case review.

Mr. Walsh, acting Clerk, motioned to receive and place on file the communications from Commissioner and Inspector of Buildings, Danny D. Romanowicz, dated August 28th, 2015; the Communication from the Office of City Planner dated September 14th, 2015; 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. Motion seconded by Mr. Schilling. With all in favor, the motion carried. Acting Chairperson Schick then declared the hearing open.

Petitioner: Mr. Kevin Medeiros (100 Bellevue Street) presented his petition before the board. Mr. Medeiros explained the property is a corner lot and the driveway is proposed on Mina Street. Mr. Medeiros proposed the driveway on Mina Street for the following reasons. He explained it is not economically feasible to have a driveway on the frontage, there is more room on Mina Street, and it is further from the corner. He further noted no one parks on Mina Street and the family uses the back door. Mr. Medeiros felt the proposal would not impact city services; it would help the City when it snows by having cars off the street in order to plow.

Following the petitioner's testimony, Acting Chairperson Schick invited to the podium anyone wishing to speak in favor of the application. Ward Six City Councilor Joseph Lopes (75 Dudley Street New Bedford) spoke in support of the petition. Councilor Lopes added that a side yard driveway already exists on Mina Street, and he felt the petition would be an improvement to the property and increase the tax base. At Large City Councilor Linda Morad (4162 Acushnet Avenue New Bedford, MA) was recorded in favor. No one else in attendance spoke in support of the petition or wished to be recorded in favor of the petition.

Acting Chairperson 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 stated questions or concerns, Acting Chairperson Schick declared the hearing closed.

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 proposal neutral in regards to social, economic, or community needs.
- *Traffic flow and safety, including parking and loading;*
 - The Board found the proposal provides for an increase in off street parking.
- *Adequacy of utilities and other public services;*
 - The Board found that the adequacy of utilities and other public service were neutral as proposed.
- *Neighborhood character and social structures;*
 - The Board found that proposal was in conformance with the neighborhood.
- *Impacts on the natural environment;*
 - The Board found the impacts from the proposal on the natural environment to be neutral.
- *Potential fiscal impact, including impact on City services, tax base, and employment*
 - The Board found that the proposal will increase the tax base.

Additionally, the Board found in accordance with City of New Bedford Code of Ordinances Chapter 9 Section 3149, said vehicular access promotes a public benefit and is not detrimental to public health and safety.

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 a Special Permit under Chapter 9 Comprehensive Zoning sections 3100 (Parking and Loading), 3110 (Applicability), 3149 (Special Permits for vehicular access to a building accessed from a public way that does not constitute frontage of the lot), 5300-5330 & 5360-5390 (Special Permits); relative to property located at 100 Bellevue Street, Assessor's Map 8, Lot 141 in Residential B Zoned District. To allow the petitioner to install a driveway from a public way that does not constitute frontage of the lot as plan filed.

6.) THE FOLLOWING CONDITIONS AND RESTRICTIONS SHALL APPLY

- a. The project shall be set forth according to plans submitted with the application;
- b. That the applicant shall ensure that a copy of this decision, bearing the certification of the City of New Bedford Clerk's Office, is recorded in the Registry of Deeds;
- c. And that the rights authorized by the granted Special Permit must be exercised, by issuance of a Building Permit by the Department of Inspectional Services and Acted upon within one year from the date they were granted or they will lapse.

7.) DECISION

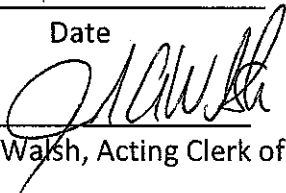
Based on a review of the application documents, testimony given at the public hearing and the findings described above, the Zoning Board of Appeals hereby **GRANTS, WITH CONDITIONS**, the requested Special Permit.

On a motion by J. Walsh, seconded by R. Schilling to grant the requested Special Permit, the vote carried 4-0 with members H. Tavares, J. Walsh, R. Schilling, and L. Schick, voting in the affirmative, no member voting in the negative. (Tally 4-0)

Filed with the City Clerk on:

9-30-2015

Date



John Walsh, Acting Clerk of the Zoning Board of Appeals