



**ZONING BOARD OF APPEALS**

City Hall, Room 303  
133 William Street,  
New Bedford, MA 02740  
(508)979-1488  
www.newbedford-ma.gov

Registry of Deeds Use Only:

CITY OF NEW BEDFORD  
JONATHAN F. MITCHELL, MAYOR

**NOTICE OF DECISION**

Case Number: #4205				
Request Type: Special Permit				
Address: 244 Union Street/ 3 South Second Street				
Zoning: Mixed Use Business Zoned District & Downtown Business Overlay District				
Applicant: Jeff Cardoza				
Owner: 244 Union Street LLC c/o Steven Romsey				
Applicant Address: 18 Anthony Street Acushnet, MA 02743				
Owner Address: 9 Beach Drive Little Compton, RI 02837; formerly 9 Green Street Fairhaven, MA 02719				
Application Submittal Date	Public Hearing Date			
August 17 <sup>th</sup> , 2015	September 17 <sup>th</sup> , 2015			
Decision Date	September 17 <sup>th</sup> , 2015			
Assessor's Plot Number	Lot Number(s)	Book Number	Page Number	Certificate Number
46	28	6603	91	

Special Permit under provisions of Chapter 9 Comprehensive Zoning Sections 4500-4560 & 4563-4572 (Downtown Business Overlay District), and 5300-5330 & 5360-5390 (Special Permit); relative to property located at 244 Union Street/3 South Sixth Street, Assessor's Map 46 Lot 28 in a Mixed Use Business Zoned district. To allow the petitioner to construct a residential apartment on the second floor 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 September 30<sup>th</sup>, 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

[Signature]  
Acting Clerk, Zoning Board of Appeals

CITY CLERK  
2015 SEP 30 P 12:39  
CITY CLERKS OFFICE  
NEW BEDFORD, MA  
Page 1 of 4

### **1.) APPLICATION SUMMARY**

The petitioner is proposing to construct a residential apartment on the second floor as plans filed, which requires a Special Permit under provisions of Chapter 9 Comprehensive Zoning Sections 4500-4560 & 4563-4572 (Downtown Business Overlay District), and 5300-5330 & 5360-5390 (Special Permit). The petition is relative to property located at 244 Union Street/3 South Sixth Street, Assessor's Map 46 Lot 28 in a Mixed Use Business Zoned District.

### **2.) MATERIALS REVIEWED BY THE BOARD**

#### **Plans Considered to be Part of the Application**

- Site Plan and Interior Layout plan, drawn by unknown, Stamped received by City Clerk's Office August 17<sup>th</sup>, 2015.

#### **Other Documents & Supporting Material**

- Completed Petition for a Special Permit Form, Stamped Received by City Clerk's Office August 17<sup>th</sup>, 2015.
- Letter to ZBA from the Commissioner of Buildings & Inspectional Services, Danny D. Romanowicz, dated August 28<sup>th</sup>, 2015.
- Staff Comments to ZBA from City Planning Division, dated September 17<sup>th</sup>, 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), 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 28<sup>th</sup>, 2015; the Communication from the Office of City Planner dated September 17<sup>th</sup>, 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. Jeff Cardoza (18 Anthony Street Acushnet, MA) presented the petition to the Board. He explained the second floor is proposed to be converted into an apartment by adding a kitchen. The space is currently office space so it already has a bathroom, electrical, etcetera. He further explained the third floor is a residential apartment and the first floor will remain commercial/retail in use. The Board indicated their familiarity with the building and asked general questions about the apartment and building.

Following the petitioner's testimony, Acting Chairperson Schick invited to the podium anyone wishing to speak in favor of the application. Mr. Steven D. Romsey (formerly of 9 Green Street Fairhaven, MA; currently residing at 9 Beach Drive Little Compton, RI), property owner, spoke in favor of the petition. Mr. Romsey explained he had tried to rent the office space for about four

years but there is too much office space available in the area. Therefore, he wishes to change the second floor to an apartment. He stated the current intent is as an apartment for him, but he may wish to rent it in the future. 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 increases the availability of market rate residential units in the city.
- *Traffic flow and safety, including parking and loading;*
  - The Board found the proposal to be neutral in regards to traffic flow and safety, including parking and loading.
- *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 character and social structures.
- *Impacts on the natural environment;*
  - The Board found the impacts from the proposal on the natural environment as neutral.
- *Potential fiscal impact, including impact on City services, tax base, and employment*
  - The Board found that the proposal will increase the tax base.

And, in accordance with City of New Bedford Code of Ordinances Chapter 9 Section 4572, the Board found that the proposed project protects the City's heritage by minimizing removal or disruption of historic, traditional or significant uses, structures or architectural elements.

**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 provisions of Chapter 9 Comprehensive Zoning Sections 4500-4560 & 4563-4572 (Downtown Business Overlay District), and 5300-5330 & 5360-5390 (Special Permit); relative to property located at 244 Union Street/3 South Sixth Street, Assessor's Map 46 Lot 28 in a Mixed Use Business Zoned district. To allow the petitioner to construct a residential apartment on the second floor as plans 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**

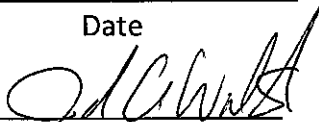
Based on a review of the application documents, testimony given at the public hearing and the findings described above, the Zoning Board of Appeals hereby **GRANTS, WITH CONDITIONS**, the requested Special Permit.

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