



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: | | #4202 | | |
| Request Type: | | Special Permit | | |
| Address: | | 57 Parker Street | | |
| Zoning: | | Residential B Zoned District | | |
| Applicant/Owner: | | Deborah E. Druan and David Koshiol | | |
| Applicant Address: | | 11 Blackhall Court Marion, MA 02738 | | |
| Application Submittal Date | | Public Hearing Date | | Decision Date |
| August 25 th , 2015 | | September 17 th , 2015 | | September 17 th , 2015 |
| Assessor's Plot Number | Lot Number(s) | Book Number | Page Number | Certificate Number |
| 71 | 161 | 7298 | 49 | |

Special Permit under Chapter 9 Comprehensive Zoning Section 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 57 Parker Street, Assessor's Map Plot 71, Lot 161 in a 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 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 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

[Signature]
Acting Clerk, Zoning Board of Appeals

CITY CLERKS OFFICE
NEW BEDFORD, MA
2015 SEP 30 P 12:38
CITY CLERK
Page 1 of 4

1.) APPLICATION SUMMARY

The petitioner is proposing to install a driveway from a public way that does not constitute frontage of the lot as plans filed which will require a Special Permit under Chapter 9 Comprehensive Zoning Section 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 57 Parker Street, Assessor's Map Plot 71, Lot 161 in a Residential B Zoned District.

2.) MATERIALS REVIEWED BY THE BOARD

Plans Considered to be Part of the Application

- Site Plan, drawn by unknown, not dated.

Other Documents & Supporting Material

- Completed Petition for a Special Permit Form, Stamped Received by City Clerk's Office August 25th, 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. David Koshiol (11 Blackhall Court Marion, MA 02738), owner of the property, presented to the Board. Mr. Koshiol explained it is a two-family property on a corner lot. He explained the need for the driveway is due to there being no on-street parking allowed directly around the house. The back side of the property has more room for the parking than the frontage. The front side yard is small and has trees the petitioner does not wish to remove. Additionally, Cottage Street is wider and would be a safer place to go in and out of the driveway from. The driveway would reduce the parking on the street by removing cars from the street.

Following the petitioner's testimony, Acting Chairperson Schick 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.

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 Section 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 57 Parker Street, Assessor's Map Plot 71, Lot 161 in a 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 plans filed which will require a Special Permit.

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

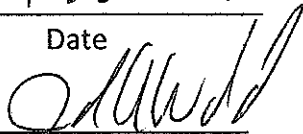
Based on a review of the application documents, testimony given at the public hearing and the findings described above, the Zoning Board of Appeals hereby **GRANTS, WITH CONDITIONS**, the requested Special Permit.

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