



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: #4188 | | | | |
| Request Type: Variance | | | | |
| Address: 120-122 Oakdale Street | | | | |
| Zoning: Residential B Zoned District | | | | |
| Recorded Owner: Rockdale West LLC | | | | |
| Applicant: Rockdale West LLC c/o Attorney Christopher Saunders | | | | |
| Applicant Address: One Lakeshore Center Bridgewater, MA | | | | |
| Application Submittal Date | | Public Hearing Date(s) | | Decision Date |
| May 29, 2015 | | June 25 th , 2015; July 30 th , 2015; August 27 th , 2015 | | August 27 th , 2015 |
| Assessor's Plot Number | Lot Number(s) | Book Number | Page Number | Certificate Number |
| 74 | 68 & 95 | 4269 | 350 | |

CITY CLERKS OFFICE
 NEW BEDFORD, MA
 2015 SEP 10 A 9:15
 CITY CLERK

Applicant requested permission to withdraw without prejudice a petition for a Variance under provisions of Chapter 9 Comprehensive Zoning relative to property located at 120-122 Oakdale Street, Assessor's Map 74, Lot 68 & 95 in a Residential B Zoned District; to allow the petitioner to demolish a fire-damaged building and rebuild a two-family dwelling as depicted in plans filed, which would require a Variance under Chapter 9 Comprehensive Zoning Sections 2700 (Dimensional Regulations), 2710 (General), 2720 (Table of Dimensional Regulations-Appendix B- Minimum Lot size/Frontage/Rear Yard), 2750 (Yards in Residence Districts) and 2753 (Rear Yards).

Action: Withdrawn without prejudice

A copy of this decision was filed with the City Clerk of the City of New Bedford on September 10th, 2015.

Sept. 10, 2015
 Date

Allen Decker
 Clerk, Zoning Board of Appeals

1.) MATERIALS REVIEWED BY THE BOARD

- Letter to the ZBA from Attorney Christopher T. Saunders requesting permission to withdraw the subject application without prejudice, dated August 27th, 2015, date stamped received by the Division of Planning August 27th, 2015.

2.) DISCUSSION

On the evening of June 25th, 2015 Board Members I. Comerford, A. Decker, J. Walsh, R. Schilling, and H. Tavares were present for the subject case review. Also in attendance were the following city staff: Danny D. Romanowicz (Commissioner of Buildings & Inspectional Services), Jill Maclean (City Planner), Kreg Espinola (Assistant City Solicitor), and Jennifer Gonet (Assistant Project Manager).

Mr. Comerford informed those present that the Rockdale West matter, Case #4188 and Case #4189, would not be heard this evening¹.

Mr. Decker moved to take out of order Cases #4188 and #4189. Mr. Decker stated the board was in receipt of correspondence dated this day from the attorney for the petitioner requesting a continuance for both cases to the next meeting. He then made a motion seconded by Mr. Schilling, that cases #4188 and #4189, petitioner Rockdale West, LLC, be continued to the next scheduled meeting on July 30, 2015. Motion passed unopposed.

On the evening of the July 30th, 2015 public hearing, Board Members I. Comerford, A. Decker, R. Schilling, L. Schick, and H. Tavares were present for the subject case review. City of New Bedford staff: Danny D. Romanowicz (Commissioner of Buildings & Inspectional Services), Kreg Espinola (Assistant City Solicitor), and Jennifer Gonet (Assistant Project Manager) were also present.

Mr. Decker stated correspondence had been received in regards to cases #4188 and #4189 relative to property located at 120-122 Oakdale Street from the attorney on behalf of petitioner requesting a continuance to the August 27th, 2015 meeting date. Mr. Decker made a motion to receive and place on file the correspondence, as well as grant the request for continuance to the August 27th, 2015 meeting. Motion was seconded by Mr. Schick. Motion passed unopposed.

On the evening of the August 27th, 2015 public hearing Board members J. Mathes, A. Decker, R. Schilling, J. Walsh and L. Schick were present for the subject case review. Alternate Board Member H. Tavares was available and ready to serve on Cases #4188 & 4189 hearings. As the clerk confirmed the presence of a quorum, Mr. Decker indicated Mr. Tavares would not need to step in to serve on the case hearing. Mr. Tavares exited the premises.

¹ A separate notice of decision for Case #4189 was filed concurrently with this notice of decision

Mr. Decker stated correspondence had been received by the Board from the Attorney on behalf of petitioner requesting the petitioner be allowed to withdraw Cases #4188 and #4189 without prejudice. Mr. Decker then made a motion to allow the petitioner to withdraw without prejudice the two cases, motion seconded by Mr. Schick. On a roll call vote the motion passed unopposed.

DECISION

Zoning Board of Appeals hereby **allows the petitioner to withdraw Case #4188 without prejudice.**

On a motion by A. Decker seconded by L. Schick to **allow the petitioner to withdraw without prejudice** the vote carried 5-0; with members J. Walsh, A. Decker, R. Schilling, L. Schick and J. Mathes voting in the affirmative, no members voting in the negative.
(Tally 5-0)

Filed with the City Clerk on:

Sept. 10, 2015
Date

Allen Decker
Allen Decker, Clerk of the Zoning Board of Appeals