



ZONING BOARD OF APPEALS

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CITY OF NEW BEDFORD
 JONATHAN F. MITCHELL, MAYOR

NOTICE OF DECISION

Case Number: #4189				
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			
May 29, 2015	June 25 th , 2015; July 30 th , 2015; August 27 th , 2015			
Decision Date				
August 27 th , 2015				
Assessor's Plot Number	Lot Number(s)	Book Number	Page Number	Certificate Number
74	67	4269	350	

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 67 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/Side Yard), 2750 (Yards in Residential Districts), and 2755 (Side 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Action: Withdrawn without prejudice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 #4188 was filed concurrently with this notice of decision

Mr. Decker stated correspondence had been received by the Board from the Attorney on behalf of the 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 #4189 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