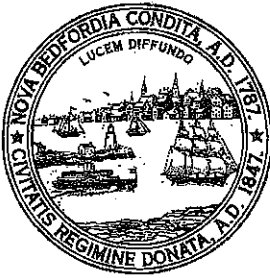


Registry of Deeds Use Only:



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

CITY OF NEW BEDFORD
JONATHAN F. MITCHELL, MAYOR

CITY CLERK
2015 JUL 17 A 9:44
CITY CLERKS OFFICE
NEW BEDFORD, MA

NOTICE OF FINDING

Case Number: 15-15				
Request Type: REPETATIVE PETITION				
Address: 220 - 222 Shaw Street				
Zoning: Residential C				
Recorded Owner: Natalia F. Araujo, Trustee of Shaw Realty Trust				
Applicant: Natalia F. Araujo and Amandio Araujo				
Applicant Address: 123 Nye's Lane, Acushnet, MA 02719				
Application Submittal Date		Public Hearing Date		Decision Date
June 4, 2015		July 8, 2015		July 8, 2015
Assessor's Plot Number	Lot Number(s)	Book Number	Page Number	Certificate Number
110	471	10383	176	

Application: Request by for consideration of a Repetitive Petition application, for an accessory structure exceeding maximum height requirements

Action: Granted

The City of New Bedford Planning Board granted the repetitive petition by finding the revised plan is a significant change from the original plan submittal that had been heard by the Zoning Board of Appeals on March 27, 2014, and subsequently reviewed on May 28, 2015, when the application was sent back to the Planning Board for due consideration on July 8, 2015. The ZBA will hear the request for height variance on July 30, 2015.

A roll call vote was taken and approved Four (4) to Zero (0) with Board Member Duff recused.

Board Member Khalife – Yes
Board Member Cruz – Yes

Board Member Glassman – Yes
Chair Person Dawicki - Yes

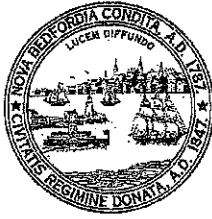
A copy of this Decision was filed with the City Clerk of the City of New Bedford on July 17, 2015. Any person aggrieved by this decision has twenty (20) days to appeal the decision in accordance with the procedures set forth in Section 17 of Chapter 40A of the General Laws of Massachusetts.

7.16.15

Date



Jill Maclean
Jill Maclean, City Planner
Agent for the Planning Board



PLANNING BOARD

CITY OF NEW BEDFORD
JONATHAN F. MITCHELL, MAYOR

July 17, 2015

Mr. Dennis Farias, City Clerk
133 William Street
New Bedford, MA 02740

RE: Finding, Consent for Repetitive Petition
Case # 15 – 15
220-222 Shaw Street (Map 110, Lot 471)

Dear Mr. Farias,

Please be advised that the New Bedford Planning Board held a public hearing on July 8, 2015 to discuss a petition submitted for Planning Board consent to allow an application unfavorably acted upon by the Zoning Board of Appeals within 2 years of said action, on the basis that the proposal contains specific and material changes in the conditions upon which the previous unfavorable action was based.

Application was for New Construction of an accessory structure that has exceeded maximum height requirements due to construction error, located at 220-222 Shaw Street (Map 110, Lot 471), in the Residential C zoning district.

Board Members Colleen Dawicki, Arthur Glassman, Peter Cruz, and Alexander Kahlife were present on the evening of the public hearing. Board Member Kathryn Duff was recused.

City Planner Jill Maclean provided an overview, synopsis of events, and enabling legislation to describe the case before the Board. The Planning Board's objective this evening was to find that the applicant had presented revised plans showing a significant change from the original plan submittal.

On March 27, 2014 the applicant had been denied approval of request for variance from lot relief coverage, side yard setback, and height of an accessory structure under Zoning Board of Appeals case #4121. The project was then redesigned to meet zoning requirements and received a building permit to construct an accessory structure to shelter the applicant's car collection.

As built, the structure exceeded the maximum height standards of eighteen (18) feet according to City code, as documented by City of New Bedford Building Commissioner Danny Romanowicz. The applicant then returned to the ZBA requesting a variance for height approval on May 28, 2015. The application was deemed a repetitive petition, as less than two years had lapsed since the application was first

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2015 JUL 17 A 9:44
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submitted for consideration, and subsequently denied for exceeding maximum height allowance. The ZBA has now sent the application to the Planning Board for the purpose of finding if there was a substantial change from the original plan submittal. If the Planning Board were to acknowledge in finding a substantial, or significant, change between the designs of this accessory structure, the ZBA could again hear the applicant's request for variance from height code violation.

David Silveira of South Coast Architecture (34 Slocum Drive, Dartmouth, MA) represented the applicants, Natalia and Amandio Araujo. Design drawings were revised with the intent to meet height restrictions of eighteen feet, as stipulated by municipal code. There were two errors in construction due to oversight: 1. at the foundation wall, and 2. at the roof line, thereby creating a structure of nineteen feet, as built.

Motion was made to open the public hearing by Board Member Cruz, seconded by Board Member Glassman. No member of the public body spoke or requested to be recorded in favor or opposition to the case.

The public hearing was suspended, and then having no further questions from the Board, the motion was moved to close the public hearing by Board Member Cruz, seconded by Board Member Glassman.

Board Member Cruz made the motion to grant the repetitive petition for **Case #15-15** by Applicants Natalia F. Araujo, Trustee of Shaw Realty Trust, and Amandio Araujo, with a finding by the Planning Board that the revised plan is a significant change from the original plan submittal that had been heard by the Zoning Board of Appeals.

A roll call vote was taken and approved Four (4) to Zero (0) with Board Member Duff recused.

Board Member Khalife – Yes Board Member Glassman – Yes Board Member Cruz – Yes
Chair Person Dawicki - Yes

Sincerely,



Jill Maclean, City Planner
Agent for the Planning Board

Cc: Zoning Board of Appeals
 Danny Romanowicz, Commissioner DIS
 Natalia, Trustee of Shaw Realty Trust, and Amandio Araujo
 Ronald Labelle, Commissioner DPI
 Scott Downing, Executive Secretary, Traffic Commission
 Steven Martins, Ward Two City Councilor