



OFFICE OF PLANNING

CITY OF NEW BEDFORD
JONATHAN F. MITCHELL, MAYOR

April 15th, 2015

Ian M. Comerford, Chairman
Zoning Board of Appeals
133 William Street
New Bedford, MA 02740

Re: Case #4178

Petitioner: Michelle Conlan
7 Westview Street
Westport, MA 02790

Steven Alves
591 County Street
New Bedford, MA 02740

Location: 591 County Street (Map: 58, Lot:149)

Dear Mr. Comerford:

Please be advised that I have reviewed the petition, and submit the following for consideration by the Board.

The petitioner is proposing to operate a dog grooming business as a home occupation at the above location. The dwelling is located within a Mixed Use Business zoning district. The petitioners require a Special Permit for this type of use.

The operation of a dog grooming business within the dwelling does not appear to be a detriment to the public good or create undue burden to the neighborhood. The Board should clarify that this is for dog grooming only, and does not include boarding of animals. The Board should inquire as to the hours of operation; how the applicant proposes to address parking for clients; and how the owners will mitigate the noise impacts on the neighborhood. The Board must ensure that all the conditions as required for Home Occupations by Special Permit (Section 2520) are satisfied; and the criteria for Special Permits (Section 5330) are considered before granting the Special Permit.

Sincerely,

Jill Maclean
City Planner

Enclosed: Code of Ordinances Sections 2520 and 5330

Cc: Danny Romanowicz, Building Commissioner
Dana Rebeiro, Ward 4 City Councilor

2520. Home Occupations by Special Permit. Businesses or professions incidental to and customarily associated with the principal residential use of premises may be engaged in as an accessory use by the owner of that dwelling upon the issuance of a special permit by the Board of Appeals; provided, however, that all of the following conditions shall be satisfied:

2521. The occupation or profession shall be carried on wholly within the principal building, or within a building or other structure accessory thereto, which has been in existence at least five (5) years, without extension thereof.

2522. Not more than thirty (30) percent of the combined floor area of the residence and any qualified accessory structures shall be used in the home occupation.

2523. Only one home occupation may be conducted on the premises.

2524. The home occupation may serve clients, customers, pupils, salespersons, or the like on the premises, if the Board of Appeals determines that the neighborhood will not be detrimentally affected.

2525. Not more than one person not a member of the household shall be employed on the premises in the home occupation.

2526. An unlighted sign of not more than three (3) square feet in area may be permitted. The visibility of exterior storage of materials and other exterior indications of the home occupation, or other variation from the residential character of the premises, shall be minimized through screening and other appropriate devices.

2527. Parking generated by the home occupation shall be accommodated off-street, other than in a required front yard, and such parking shall not occupy more than thirty-five (35) percent of lot area.

2528. The use or storage of hazardous materials in quantities greater than associated with normal household use shall be subject to design requirements to protect against discharge to the environment.

5320. Criteria. Special permits shall be granted by the special permit granting authority, unless otherwise specified herein, only upon its written determination that the benefit to the City and the neighborhood outweigh the adverse effects of the proposed use, taking into account the characteristics of the site and of the proposal in relation to that site. In addition to any specific factors that may be set forth in this Ordinance, the determination shall include consideration of each of the following:

5321. Social, economic, or community needs which are served by the proposal;

5322. Traffic flow and safety, including parking and loading;

5323. Adequacy of utilities and other public services;

5324. Neighborhood character and social structures;

5325. Impacts on the natural environment; and

5326. Potential fiscal impact, including impact on City services, tax base, and employment.