



ZONING BOARD OF APPEALS

City Hall, Room 303
 133 William Street,
 New Bedford, MA 02740
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CITY OF NEW BEDFORD
 JONATHAN F. MITCHELL, MAYOR

NOTICE OF DECISION

Case Number: #4167	
Request Type: Special Permit	
Address: 619-621 Summer Street	
Zoning: Mixed Use Business Zoned District	
Recorded Owner: J. Moniz Realty, LLC	
Applicant: J. Moniz Realty, LLC c/o Joseph F. Moniz	
Applicant Address: 100 Adams Street New Bedford, MA 02746	
Application Submittal Date	Public Hearing Date
December 10 th , 2014	January 22 nd , 2015
Decision Date	
January 22 nd , 2015	
Assessor's Plot Number	Lot Number(s)
90	161
Book Number	Page Number
9402	219

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Application:

Special Permit under provisions of Chapter 9, Comprehensive Zoning Sections 2300 (Accessory Building & Uses), 2301 (General), 2325 (Special Permits for Joint Use of Off-Street Parking Facilities) and 5300-5330 & 5360-5390 (Special Permits); relative to property located at 619-621 Summer Street, Assessor's Map Plot 90 Lot 161 in a Mixed-Use-Business Zoned District. To allow the petitioner to change the use to a residential use, converting the space into two (2) units with one (1) bedroom 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 February 3rd, 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.

February 3, 2015
 Date

Allen O'Donoghue
 Clerk, Zoning Board of Appeals

1.) APPLICATION SUMMARY

The petitioner is proposing to change the use to a residential use, converting the space into two (2) units with one (1) bedroom as plans filed, and which will require a Special Permit under Chapter 9, Comprehensive Zoning Sections 2300 (Accessory Building & Uses), 2301 (General), 2325 (Special Permits for Joint Use of Off-Street Parking Facilities) and 5300-5330 & 5360-5390 (Special Permits); relative to property located at 619-621 Summer Street, Assessor's Map Plot 90 Lot 161 in a Mixed-Use-Business 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 Variance Form, Stamped Received by City Clerk's Office December 10th, 2014.
- Letter to ZBA from the Commissioner of Buildings & Inspectional Services, dated December 23rd, 2014.
- Letter to ZBA from City Planner Jill Maclean, dated January 9th, 2015.

3.) DISCUSSION

Board Members I. Comerford, J. Mathes, A. Decker, D. Trahan, and R. Schilling were present on the evening of the public hearing.

City of New Bedford Staff Danny D. Romanowicz (Commissioner of Buildings & Inspectional Services), and Jennifer Gonet (Assistant Project Manager) were present during proceedings for the subject case review.

A .Decker read and motioned to receive and place on file the communications from Commissioner and Inspector of Buildings, Danny D. Romanowicz, dated December 23rd, 2014; to have the appeal be received and placed on file; to have the plan be received and placed on file; that the owners of the lots as indicated are the ones deemed by the Board to be affected; and that the Communication from the Office of City Planner dated January 9th, 2015 be received and placed on file. Motion seconded by J. Mathes. With all in favor, the motion carried.

Chairperson Comerford then declared the hearing open (Case #4166 & Case #4167 were heard concurrently).

The Petitioner: Joseph F. Moniz, of J. Moniz Realty, LLC (100 Adams Street New Bedford, MA 02746) described the reasoning for the requested relief. Mr. Moniz explained he had bought the property four (4) years ago and from his experience it isn't a high visibility

area for a business. He stated he had a tenant in the building for a period of time but explained since he has had difficulty renting it and therefore wishes to change over the use to residential. He also stated he thinks his neighbors might like the residential use better. Chairperson I. Comerford asked how long the units have been vacant. Mr. Moniz said it has been not filled for approximately two and a half (2 ½) years.

Following the petitioner's testimony, Chairperson I. Comerford invited to the podium anyone wishing to speak in favor of the application. No one else in attendance spoke in support of the petition or wished to be recorded in favor of the petition.

Chairperson I. Comerford 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.

Chairperson I. Comerford asked if the Board members had any questions or concerns for the petitioner. Chairperson I. Comerford stated he agreed that the neighbors would appreciate it. A. Decker stated the proposed use is an allowed use in the district. A. Decker asked if there were any proposed changes to the exterior of the building. Mr. Moniz stated some windows and cosmetic upgrades but no structural changes to the property.

With no further stated questions or concerns, Chairperson I. Comerford declared the hearing closed.

4.) FINDINGS

The Board found that the applicant met all the requirements listed under Chapter 9, Comprehensive Zoning Sections 2300 (Accessory Building & Uses), 2301 (General), 2325 (Special Permits for Joint Use of Off-Street Parking Facilities) and 5300-5330 & 5360-5390 (Special Permits).

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 provisions of Chapter 9, Comprehensive Zoning Sections 2300 (Accessory Building & Uses), 2301 (General), 2325 (Special Permits for Joint Use of Off-Street Parking Facilities) and 5300-5330 & 5360-5390 (Special Permits); to allow the petitioner to change the use to a residential use, converting the space into two (2) units with one (1) bedroom as plans filed.

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 petition for a Special Permit.

On a motion by J. Mathes seconded by D. Trahan to grant the requested Special Permit, the vote carried 5-0 with members D. Trahan, A. Decker, R. Schilling, I. Comerford and J. Mathes voting in the affirmative, no member voting in the negative. (Tally 5-0)

Filed with the City Clerk on:

February 3, 2015

Date

Allen Decker

Allen Decker, Clerk of the Zoning Board of Appeals