



# Zoning Board of Appeals

## Agenda

May 28, 2020 6:00 – 9:00 PM

VIA CONFERENCE CALL

To Participate, Dial 978-990-5000, Access Code 527115

5/13/2020 8:16:41 AM CITY CLERK

**Please note:** Due to the COVID- 19 outbreak, Governor Baker issued an Executive order prohibiting gathering of 10 or more people, effective March 24, 2020. Further, Mayor Mitchell closed City Hall to public access, effective March 17, 2020. This effectively means that boards and commissions may not meet in person with the public during the time that these state and city orders are in effect. However, pursuant to a March 12 executive order issued by Governor Baker that relaxed the requirements of the Open Meeting Law, boards and commissions may meet **entirely remotely**.

The Zoning Board of Appeals will hold an Advertised Public Hearing on **Thursday, May 28, 2020 at 6:00 via conference call**. To participate, dial 978-990-5000 on any phone, Access code 527115 and the chair will direct you in the call to online materials available for viewing. This public hearing will review on the following appeals as set forth under the provisions of the City Code of New Bedford:

### MEETING CALLED TO ORDER

### APPROVAL OF MINUTES

- April 23, 2020 meeting minutes

### SCHEDULED HEARINGS

**#4415** Notice is given of a public hearing on the petition of: **Zhang Zi Q, C/O New York Buffet Inc**, (1015 Pecan Lake Court, Stillwater, OK 74074), **Yearly Grind II Realty, LLC** (3021 Acushnet Avenue, New Bedford, MA 02745) and **Bowditch & Dewey, LLP, C/O Brian S. Grossman** (200 Crossing Blvd., Suite 300, Framingham, MA 01702) for a **Special Permit** under Chapter 9, Comprehensive Zoning Sections 2200 (use regulations), 2210 (general), 2230 (table of principle use regulations-Appendix A, commercial #23 restaurant, fast food) and 5300-5330 & 5360-5390 (special permit); relative to property located at **888 Ashley Blvd.**, Assessors' map 127C lot 134 in a Mixed Use Business [MUB] zoned district. The petitioner proposes to construct a Dunkin Restaurant with a drive window per plans filed. **Continued Agenda Item from April 23, 2020.**

**#4417** Notice is given of a public hearing on the petition of: **Zhang Zi Q, C/O New York Buffet Inc**, (1015 Pecan Lake Court, Stillwater, OK 74074), **Yearly Grind II Realty, LLC** (3021 Acushnet Avenue, New Bedford, MA 02745) and **Bowditch & Dewey, LLP, C/O Brian S. Grossman** (200 Crossing Blvd., Suite 300, Framingham, MA 01702) for a **Special Permit** under Chapter 9, Comprehensive Zoning Sections 3200 (sign regulations), 3201 (purpose), 3220 (prohibited signs), 3222 (any sign which incorporates moving, flashing, animated or intermittent lighting, excluding public service signs such as those that display time and temperature), 5220 (powers) and 5223 (to hear and decide appeals taken by any person aggrieved by reason of his inability to obtain a permit or enforcement action from any administrative officer under the provisions of M.G.L.A. c. 40A, §§ 7, 8 and 15); relative to property located at **888 Ashley Blvd.**, Assessors' map 127C lot 134 in a Mixed Use Business [MUB] zoned district. The petitioner proposes the installation of an electronic message menu board per plans filed.

**#4394** Notice is given of a public hearing on the petition of: **PRL Realty, LLC, Patricia L. Andrade, Wayne G. Tessler & Pauline Massed; Trustee of Suite 5 Real Estate Trust, Elizabeth Silva & Durval Silva; Trustee of Suite 6 Realty Trust** (52-54 Brigham Street, New Bedford, MA 02740), **Cleanslate Centers, C/O Michael Keleher** (12 Cadillac Drive, Brentwood, TN 37027) and **Thomas P. Crotty & Associates PLLC**, (5 Dover Street, Ste 102, New Bedford, MA 02740) for a **Special Permit** under Chapter 9, Comprehensive Zoning Sections 2200 (use regulations), 2210 (general), 2230 (table of use regulations-Appendix A, commercial #25 medical offices, center or clinic) and 5300-5330 & 5360-5390 (special permit); relative to property located at **52-54 Brigham Street**, Assessors' map 39 lot 18A-D,F,H,K in a Mixed Use Business [MUB] zoned district. The petitioners are proposing to operate a medical office space for outpatient treatment per plans filed. **\*This item has been continued by request of the applicant to June 18, 2020\***

**#4412** Notice is given of a public hearing on the petition of: **Ocean View Realty Trust**, (680 Acushnet Avenue, New Bedford, MA 02740), and **Pearl Street Solar Roof, LLC** and **Pearl Street Solar Canopy, LLC** (405 Atlantis Road, Suite E115, Cape Canaveral, FL 32920) for a **Variance** under Chapter 9, Comprehensive Zoning Sections 2700 (dimensional regulation), 2710 (general), 2720 (table of dimensional requirements – Appendix B, front yard-Ft. & side yard-Ft.); relative to property located at **1 Pearl Street**, Assessors' map 72 lot 172 & 173 in an Industrial B [IB] zoned district. The petitioners are proposing to install solar panels on the existing industrial building roof and construct two free standing carport canopies with solar panels within the front and side setback of the property per plans filed. **\*This item has been continued by request of the applicant to June 18, 2020\***

#### **OTHER BUSINESS**

- Next Scheduled Meeting will be held on Thursday, June 18, 2020

#### **ADJOURNMENT**

---

In accordance with the Americans with Disabilities Act (ADA), if any accommodations are needed, please contact **Angela Goncalves at 508-979-1488** ([Angela.Goncalves@newbedford-ma.gov](mailto:Angela.Goncalves@newbedford-ma.gov)) or **Mass Relay 711**. Requests should be made as soon as possible but at least **48 hours** prior to the scheduled meeting.

The matters listed are those reasonably anticipated by the Chair to be discussed at the meeting. Not all items listed may, in fact, be discussed. Other items not listed may be brought up for discussion to the extent permitted by law. Massachusetts General Laws, chapter 30A, Section 20(f) requires any person making a video or audio recording of the meeting to notify the Chair at the start of the meeting.