



MAYOR
JON MITCHELL

City of New Bedford Department of City Planning

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ZONING BOARD OF APPEALS

ZONING BOARD OF APPEALS
VIRTUAL MEETING
Thursday, September 17, 2020

MINUTES

PRESENT: Leo Schick, (*Chairperson*)
Stephen Brown, (*Clerk*)
Allen Decker
Celeste Paleologos
Leo Choquette (*alternate member*)

ABSENT: Robert Schilling

STAFF: Angela Goncalves, *Assistant Project Manager*
Danny Romanowicz, *Commissioner of Buildings and Inspectional Services*

Ms. Goncalves gave introductory COVID comments. She confirmed this evening's applicants, who provided participants with remote meeting guidelines and protocols. She noted that all of this evening's case materials are available for review and gave the online information for the same.

1. CALL TO ORDER

Chairperson Schick called the meeting of the City of New Bedford Zoning Board to order at 6:08 p.m. Chairperson Schick then explained the meeting process and protocols.

2. PUBLIC HEARINGS:

ITEM 1 – CASE #4394

A motion was made (SB) and seconded (AD) to receive and place on file a letter received from Att. Russell Whynacht requesting continuance, giving the reasons for the same. Letter dated 8/24/20.

ROLL CALL VOTE:

Board Member Schick - Yes

Board Member Paleologos - Yes

Board Member Brown - Yes

Board Member Decker - Yes

Board Member Choquette - Yes

Motion passed 5-0

*Note: These are minutes only. A complete copy of the meeting audio is available on the City of New Bedford website at:
<http://www.newbedford-ma.gov/cable-access/government-access-channel-18/program-schedule/>*

ITEM 2 – CASE #4372 A motion was made (SB) and seconded (AD) to receive and place on file the request for extension communication letter from Att. Christopher Saunders dated 8/20/20.

Ms. Goncalves noted Att. Saunders' readiness to present the matter to the board.

Board members commented on their willingness to grant the request for extension.

Att. Christopher Saunders expressed his willingness to have the board vote in light of their comments.

ROLL CALL VOTE:

Board Member Schick - Yes

Board Member Paleologos - Yes

Board Member Brown - Yes

Board Member Decker - Yes

Board Member Choquette - Yes

Motion passed 5-0

ITEM 3 – CASE #4422

A motion was made (SB) and seconded (CP) to receive and place on file the communication from the Commissioner of Buildings and Inspectional Services dated 8/27/20; staff comments from the Department of City Planning dated 9/24/20; supporting correspondence letters dated 6/5/20 from Ann Barlow; the appeal package as submitted; the plan as submitted; and, that the owners of the lots as indicated are the ones deemed by this board to be the lots affected; and the action of the clerk in giving notice of the hearing as stated be and hereby is ratified.

Motion passed unopposed.

David Sinagra (Cummington Street) stated he is seeking to extend the width of his driveway. He explained his plans, including his present installation of a retaining wall. He referenced his neighbor Ms. Barlow's letter. He further described the details of his request, including that he is looking to go another 5' to the wall.

In response to Board Member Decker, Mr. Sinagra explained his hardship being difficult ingress/egress and future family plans for the area.

Board Member Choquette thanked Mr. Sinagra for obtaining his neighbor's support and his explanations.

In response to Chair Schick, Mr. Sinagra discussed drainage, including his present peat stone and the pitch.

After consultation with Commissioner Romanowicz, Chair Schick extended an invitation for any public to speak or be recorded in favor or opposition.

The hearing was closed.

After board discussion, to include comments from Board member Brown related to an aerial photo, a motion was made (SB) and seconded (CP) to grant a variance under provisions of the City Code of New Bedford relative to property located at 381 Cummington Street, Assessors Map

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127E, Lot 355 in a Residential A zoned district, to allow the petitioner to extend the width of the existing driveway from 12' to 24' with no green space west of the property line, which requires a variance under provisions of Chapter 9, Comprehensive Zoning Sections 2700, 2710, 2750, 2755, 3100, 3110, 2140. Having reviewed this petition, including materials submitted and testimony heard, in accordance with the City of New Bedford Code of Ordinances and M.G.L. Chapter 40A, §10, the board finds that the applicable requirements have been met.

This determination includes consideration of the following:

The board finds there are circumstances related to the soil conditions, shape or topography specifically effecting the land or structure in question, but which do not generally effect the zoning district in which the land or structure is located. In this instance, circumstances are that the shape of the lot is such that to extend the driveway from the side of the house comes within the setback requirements. Two, due to those circumstances especially effecting the land or structure, literal enforcement of the provisions of the zoning ordinance or bylaw would involve substantial hardship, financial or otherwise, to the petitioner or appellant. In this case, the hardship is the applicant will not have ample off-street parking for vehicles during city mandated snow bans. Three, the desirable relief may be granted without nullifying or substantially derogating from the intent or purpose of the zoning ordinance or bylaw. Four, the desirable relief may be granted without substantial detriment to the public good.

With no specific conditions, the following general conditions apply: that the project be set forth according to the plans submitted with the application; that the applicant shall ensure a copy of the Notice of Decision bearing certification from the City Clerk's Office be recorded at the Registry of Deeds; and that the rights authorized by the granting of the 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 the decision was granted or they will lapse.

ROLL CALL VOTE:

Board Member Schick - Yes

Board Member Paleologos - Yes

Board Member Brown - Yes

Board Member Decker - Yes

Board Member Choquette - Yes

Motion passed 5-0

3. ACCEPTANCE OF MINUTES:

A motion was made (CP) to approve the minutes of the 8/20/20 meeting.

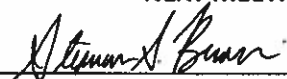
Motion passed unopposed.

Board Member Decker extended his comments and thanks for Chair Schick's service on the board.

4. ADJOURNMENT

The meeting was adjourned at 6:32 p.m.

NEXT MEETING IS SCHEDULED FOR OCTOBER 15, 2020.



Stephen Brown, Clerk

November 19, 2020

Date

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