



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, January 21, 2021

#### MINUTES

**PRESENT:** Laura Parrish, (*Chairperson*)  
Celeste Paleologos, (*Vice Chairperson*)  
Stephen Brown, (*Clerk*)  
Allen Decker  
Robert Schilling

**ABSENT:** None

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

Ms. Goncalves confirmed participants and petitioners that were present and provided all participants with remote meeting guidelines and protocols.

#### **1. CALL TO ORDER**

Chairperson Parrish called the meeting of the City of New Bedford Zoning Board to order at 6:09 p.m. Chairperson Parrish then explained the meeting process and protocols and requirements.

#### **2. PUBLIC HEARINGS:**

##### **ITEM 1 – CASE #4400:**

A motion was made (SB) and seconded (RS) to receive and place on file the request for extension communication letter from Carol McGlynn dated 11/16/20, which he summarized as a one year variance extension request.

Chairperson Parrish requested a roll call vote.

#### **ROLL CALL VOTE:**

Board Member Parrish - Yes  
Board Member Brown - Yes  
Board Member Decker - Yes

Board Member Paleologos - Yes  
Board Member Schilling - 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/>*

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RECORDS OFFICE  
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**ITEM 2 – CASE #4432:**

A motion was made (SB) and seconded (CP) to receive and place on file the communication from the Commissioner of Building & Inspectional Services dated 12/30/20; staff comments from the Department of City Planning dated 1/8/21; the appeal package as submitted; the plan as submitted; and, that the owners of the lots as indicated are the ones deemed by the board to be the lots affected; and, that the action of the clerk in giving notice of the hearing as stated shall be and is hereby ratified.

**ROLL CALL VOTE:**

Board Member Parrish - Yes

Board Member Paleologos - Yes

Board Member Brown - Yes

Board Member Schilling - Yes

Board Member Decker - Yes

**Motion passed 5-0**

The hearing was declared open. The petitioner was invited to present.

Att. Richard Manning addressed the board on behalf of the applicant, Three Headed Dog, LLC. He introduced attendant David Tremblay, sole owner, and operator. Att. Manning referred the Chair to memorandum copies filed. He then summarized the Shawmut Avenue property history and their plan to repair boats. The property is located in a residential B zoned district and formerly hosted Peters Transmissions. Att. Manning provided details and photos of the same, which he termed a prior non-conforming use. He continued with additional history of the property and use.

Att. Manning explained that Mr. Tremblay had purchased the building and the land; inventory, equipment, boats, et cetera, were included in the sale. He provided details and photos to the board. Att. Manning suggested that since the former owner's death, someone has made continued commercial use of the property. Att. Manning described the non-residential building details, including office space, loading bays, et cetera.

Att. Manning stated they seek a special permit under Section 2430 to change the prior non-conforming use to the present/intended commercial use of a boat repair or marine shop as stated. He noted this is a one-man operation presently but expects to potentially hire 1-2 employees. Att. Manning gave normal hours of operation as 8:30 a.m. – 1:00 p.m. or possibly open till 5:00 p.m. He noted possibly some Saturday hours. He stated all work will be performed indoors and no deliveries will be received and with only light foot traffic, as there are no sales on premises.

Att. Manning addressed the special permit criteria, including site characteristics, community needs and economic benefits, traffic flow and safety, adequacy of utilities, et cetera, which they had met.

In response to Chairperson Parrish's invitation to speak or be recorded in favor, Att. Manning noted that Mr. Tremblay, the owner, can be recorded in favor of the petition.

In response to Chairperson Parrish's invitation to speak or be recorded in favor, Councilor Maria Giesta stated that, while not in opposition, she knows Mr. Tremblay as a great businessman and good person with good intentions for the city.

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There was no response to Chairperson Parrish's invitation to speak or be recorded in opposition.

Board Member Brown commented on Att. Manning's comprehensive report, which could be used as a template to these applications. He stated that having never been used for residential purposes and its prior use to fix cars, he sees the project as an improvement.

The hearing was declared closed.

Chairperson Parrish concurred with Board Member Brown, as did Board Member Decker.

There being no further discussion, a motion was made (SB) and seconded (RS) to grant a special permit under provisions of the City Code of New Bedford, relative to property located at 87 Shawmut Avenue, Assessors' map 70 lot 34 in a Residential B [RB] zoned district, to allow the petitioner to change the use of the existing structure to a Marine Repair Shop to repair small boats and pleasure craft, per plans filed, which requires a Special Permit under Chapter 9, Comprehensive Zoning Sections 2400, 2410, 2420, 2421, 2422, and 5300-5330 & 5360-5390.

In accordance with the City of New Bedford Code of Ordinances Chapter 9, Section 5320, the benefit to the city and the neighborhood outweighs the adverse effect of the proposed use, taking into account the characteristics of the site and of the proposal in relation to that site. Including consideration of the following: social, economic and community needs which are served by the proposal, traffic flow and safety, including parking and loading, adequacy of utilities and other public services, neighborhood character and social structure, and impact on the natural environment.

With no specific conditions, the general conditions are as follows: 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 Parrish - Yes

Board Member Paleologos - Yes

Board Member Brown - Yes

Board Member Schilling - Yes

Board Member Decker - Yes

**Motion passed 5-0**

Board Member Decker had a brief question for the applicant.

**ITEM 3 – CASE #4433:**

A motion was made (SB) and seconded (RS) to receive and place on file the communication from the Commissioner of Building & Inspectional Services dated 12/30/20; staff comments from the Department of City Planning dated 1/8/21; the appeal package as submitted; the plan as submitted; and, that the owners of the lots as indicated are the ones deemed by the board to be the lots affected; and, that the action of the clerk in giving notice of the hearing as stated shall be and is hereby ratified.

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Motion was unopposed.

The hearing was declared open. The petitioner was invited to present.

Rui Batista, owner and resident of 168 Princeton Street, addressed the board, explaining his 15 year history with the property. He stated he is seeking relief on a 1' buffer, which would allow for construction of a driveway. He explained the parking problem and vehicle damage.

In response to Chairperson Parrish's invitation to speak or be recorded in favor, Councilor Maria Giesta, a neighbor, stated she supports his request, attesting to the parking issue. She stated Mr. Batista's neighbor Sam Vasconcellos, who could not attend this evening due to work, had asked Councilor Giesta to speak on his behalf stating he supports Mr. Batista's request. She noted Mr. Vasconcellos requested that no damage be done to his foundation and expressed his concern regarding water problems.

There was no response to Chairperson Parrish's invitation to speak or be recorded in favor.  
There was no response to Chairperson Parrish's invitation to speak or be recorded in opposition.

Board Member Brown inquired as to a note related to property's elevation and a retaining wall. He also inquired as to first responder access to the rear east side of the property.

Mr. Batista agreed to the need for a retaining wall at the beginning of the driveway. He explained the same including his plans to address the matter. Mr. Batista did not feel access to the property will be any different than today.

There was discussion on a condition for the retaining wall. There was consultation with Commissioner Romanowicz on the matter, wherein he expressed his concerns and the requirements, in addition to emergency access and vehicle ingress/egress.

Board Member Brown consulted with Commissioner Romanowicz. There was further discussion on the matter with Chairperson Parrish.

Councilor Giesta commented on the homes in the neighborhood and associated driveways similar to that which Mr. Batista seeks. She again noted neighbor Vasconcellos' support.

Chairperson Parrish discussed the retaining wall with Commissioner Romanowicz.

Mr. Batista again noted the retaining wall will not go the entire driveway length, and further described the same.

The hearing was declared closed.

After board discussion on the matter, including similar driveways in the neighborhood, street parking issues, abutter comments as represented, potential neighbor water problems, et cetera, a motion was made (SB) and seconded (RS) to grant administrative appeal under provisions of the City Code of New Bedford, relative to property located at 168 Princeton Street, Assessors' map 110 lot 424 in a Residential B [RB] zoned district, to allow the petitioner to construct a driveway

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per plans filed. Motion to grant administrative appeal; that the appeal be granted per the Administrative Appeal process under provisions of Chapter 9, Comprehensive Zoning Sections 2700, 2710, 2750, 2755, 2756, 3100, 3110, 3150 and 5220 and 5223. Having reviewed this petition in light of the City of New Bedford Code of Ordinances under Chapter 9, Sections 5220 and 5223, the board finds the following facts:

- The proposal would include safety of petitioner
- The proposal would not negatively impact the safety of the public and would provide off-street parking and alleviate congestion.

With the following condition:

- That the proposal must include a retaining wall per recommendation of the building inspector.

**ROLL CALL VOTE:**

Board Member Parrish - Yes

Board Member Paleologos - Yes

Board Member Brown - Yes

Board Member Decker - Yes

Board Member Schilling - Yes

**Motion passes 5-0**

**ITEM 4 – CASES #4434/#4435:**

There was no response to Chairperson Parrish's call for Cases #4434/#4435. After consultation with Ms. Goncalves and board discussion, to include a call to the petitioner, a motion was made (SB) and seconded (RS) to continue the matters to the February 18, 2021 meeting.

**ROLL CALL VOTE:**

Board Member Parrish - Yes

Board Member Paleologos - Yes

Board Member Brown - Yes

Board Member Decker - Yes

Board Member Schilling - Yes

**Motion passes 5-0**

**3. ACCEPTANCE OF MINUTES:**

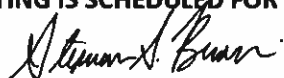
A motion was made (CP) and seconded (RS) to approve the minutes of the November 12, 2020 meeting. Motion passed unopposed.

A motion was made (CP) and seconded (RS) to approve the minutes of the October 15, 2020 meeting. Motion passed unopposed.

**4. ADJOURNMENT**

The meeting was adjourned at 7:04p.m

**NEXT MEETING IS SCHEDULED FOR THURSDAY, FEBRUARY 18, 2021**



Stephen Brown, Clerk

2/26/21

Date