



MAYOR  
JON MITCHELL

PLANNING DIRECTOR  
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## City of New Bedford Department of City Planning

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### ZONING BOARD OF APPEALS

ZONING BOARD OF APPEALS  
VIRTUAL MEETING  
Thursday, June 17, 2021

#### MINUTES

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

**ABSENT:** None

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

OFFICE OF THE CITY CLERK  
NEW BEDFORD, MA  
2021 AUG 31 PM 2:46  
CITY CLERK

Ms. Goncalves gave meeting conditions and protocols, and then took a roll call of those present.

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

Chairperson Parrish called the meeting of the City of New Bedford Zoning Board to order. Chairperson Parrish then explained the meeting process, protocols and requirements.

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

**ITEM 1 – CASE #4447:** Petition of: Mark Wilson (88 Miller Street, Rear, Middleborough, MA 02346) for a Special Permit under Chapter 9, Comprehensive Zoning Sections 1200 (lot frontage of a lot line coinciding with the sideline of a street which provides both legal rights of vehicular access and actual physical vehicular access to the lot, said line to be measured continuously along a single street for the entire width of the lot. Vehicular access to a building site on the lot shall be exclusively through the legal frontage of the lot), 3100 (parking and loading), 3110 (applicability), 3140 (location and layout of parking and loading facilities), 3149 (special permit-vehicular access to a building accessed from a public way does not constitute frontage of a lot) and 5300- 5390 (special permit); relative to property located at 1078 June Street, Assessors' Map 136A Lot 728, in a Residential A [RA] zoned district. The petitioner is seeking approval for the construction of a second driveway located on Sassaquin Avenue per plans filed.

*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/>*

A motion was made (SB) and seconded (CP) regarding Case #4447 to receive and place on file the communication from the Commissioner of Buildings & Inspectional Services dated 5/28/21; staff comments from the Department of City Planning dated 6/9/21; 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. **Motion passed unopposed.**

Chairperson Parrish declared the hearing open.

Rich Riccio, Field Engineering, on behalf of the applicant, explained the second driveway proposal and displayed the same. He noted the gravel access way and displayed the site location and proposed driveway location. He explained the need for the special permit and the frontage location in an effort to improve this abandoned rundown property.

Mr. Riccio addressed the requirements the board will consider, including parking and loading, traffic access improvement, adequacy of utilities and associated improvements, natural environment impact improvements, et cetera. He welcomed questions.

Board Member Decker discussed the June Street frontage parking. He discussed the proposed driveway length and width with Mr. Riccio. Board Member Decker inquired as to any neighbor contact regarding the infiltration trench and driveway sloping. Mark Wilson, owner, spoke of a recent meeting with neighbors. Board member Brown confirmed that the project had gone through inspectional services.

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.

There being no further comments or questions, the hearing was declared closed.

Board Member Decker consulted with Commissioner Romanowicz relative to the driveway width, setbacks, and the second access issue.

After brief board discussion, a motion was made (SB) and seconded (AD) to grant a special permit under provisions of the City Code of New Bedford, relative to property located at 1078 June Street, Assessors' Map 136A Lot 728, in a Residential A [RA] zoned district, to allow the petitioner to construct a second driveway located on Sassaquin Avenue per plans filed, which requires a special permit under Chapter 9, Comprehensive Zoning Sections 1200, 3100, 3110, 3140, 3149 and 5300-5390.

In accordance with the City Code 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.

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With no specific conditions, general conditions apply 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 Decker – Yes

Board Member Schilling – Yes

**Motion passed 5-0**

**ITEM 2 - CASE #4448** Petition of: Highwayview, LLC (867 Middle Road, Acushnet, MA 02743), Lockwood/McKinnon Co Inc, C/O Edward J. Corcoran, Esq (1266 Furnace Brook Parkway, Quincy, MA 02169) for an Administrative Appeal 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 (Power: the Board of Appeals shall have and exercise all the powers granted to it by M.G.L.A. c. 40A, c. 40B, and c. 41 and by the ordinance. The boards powers are as follows: 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 87 Coggeshall Street, Assessors' map 93 lot 264 in a Mixed Used Business [MUB] zoned district. The petitioner proposes to replace an existing menu board with a digital menu board per plans filed.

A motion was made (SB) and seconded (RS) regarding Case #4448 to receive and place on file the communication from the Commissioner of Buildings & Inspectional Services dated 5/28/21; staff comments from the Department of City Planning dated 6/9/21; 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. **Motion passed unopposed.**

Chairperson Parrish declared the hearing open.

Att. Ned Corcoran on behalf of the building owner Lockwood/McKinnon, he introduced the owner. He explained the project history and discussed the location and its surroundings, including namely the drive-thru location/ordering menu board and its features. He then discussed the proposed menu board and its features as well.

Att. Corcoran described and discussed the request as a current technology update, as well as by law intents and protections as to distractions and the difference of their proposed static lighted menu board.

Board Member Decker confirmed the identical size of the proposed sign. Board Member Decker also confirmed the absence of display of "crawler" messages. There was brief discussion on lighting brightness and menu change intervals.

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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.

There being no further comments or questions, the hearing was declared closed.

Board Member Brown discussed an application reference he cites in the decision, that being the available technology at the time the legislation was created that would be a considered fact.

A motion was made (SB) and seconded (CP) to grant an administrative appeal in Case # 4448, under provisions of the City Code of New Bedford, to Highwayview, LLC (867 Middle Road, Acushnet, MA 02743), Lockwood/McKinnon Co Inc, C/O Edward J. Corcoran, Esq (1266 Furnace Brook Parkway, Quincy, MA 02169 relative to property located at 87 Coggeshall Street, Assessors' map 93 lot 264 in a Mixed Used Business [MUB] zoned district, to grant the petitioner an appeal to replace the existing menu board with a digital menu board per plans filed. Motion to approve the administrative appeal that the appeal of a petitioner be granted per the administrative appeals process under provisions of Chapter 9, Comprehensive Zoning Sections 3200, 3201, 3220, 3222, 5220; 5223, the Board of Appeals shall have and exercise all the powers granted to it by M.G.L.A. c. 40A, c. 40B, and c. 41 and by the ordinance.

Having reviewed this petition, in light of the City New Bedford Code of Ordinances under Chapter 9, Section 5220 and 5223, the board finds the following facts: The proposal will replace existing drive-thru menu with a digital menu board. The intended menu board, not a "sign", the menu board represented the contemporary technology and will not be visible from outside the site or make a distraction. The LED screen will not incorporate moving, flashing or intermittent lighting.

**ROLL CALL VOTE:**

Board Member Parrish – Yes

Board Member Paleologos - Yes

Board Member Schilling – Yes

Board Member Decker – Yes

Board Member Brown - Yes

**Motion passed 5-0**

**3. NEW BUSINESS:**

There was discussion on next month's in-person meeting and location.

**4. ADJOURNMENT:**

Chairperson Parrish adjourned the meeting at 6:39 p.m. Whereupon proceedings concluded.

**NEXT MEETING SCHEDULED FOR THURSDAY, JULY 15, 2021**



Stephen Brown, Clerk

August 31, 2021

Date