

**ZONING BOARD OF APPEALS  
NEW BEDFORD CITY HALL – Room 306  
WILLIAM STREET  
NEW BEDFORD, MA  
Thursday, February 18, 2016**

CITY CLERK  
700  
CITY HALL  
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CITY CLERK

**MEETING MINUTES**

**PRESENT:** James Mathes (*Acting Chairman*)  
John Walsh (*departed at 6:43pm*)  
Debra Raffa-Trahan  
Robert Schilling  
Sherry McTigue

**ABSENT:** Allen Decker (*at start, arrived at 6:45pm*)

**STAFF:** Dan Romanwicz, *Commissioner of Buildings and Inspectional Services*  
Jennifer Gonet, *Assistant Project Manager*

**1. CALL TO ORDER**

Chair Mathes called the meeting of the City of New Bedford Zoning Board to order at 6:02 p.m.

**2. ROLL CALL**

A formal roll call was conducted confirming members present as stated above.

Chairman Mathes explained the process and procedures for those in attendance.

**SCHEDULED HEARINGS**

**ITEM 3 - CASE #4217**

**Public hearing on the petition of: YWCA of Southeastern Massachusetts Inc. c/o Gail Fortes (20 South Sixth Street New Bedford, MA) and Marc R. Deshaies, Esq. (115 Orchard Street New Bedford, MA) who have submitted a petition for a Special Permit under provisions of Chapter 9 comprehensive zoning sections 2400 (nonconforming uses and structures), 2410 (applicability), 2430-2432 (nonconforming structures, other than single- and two-family structures), and 4500-4572F (Downtown Business Overlay District DBOD); relative to property located at 20 South Sixth Street, assessor's map 46, lot 69 in a Mixed Use Business [MUB] zoned district and Downtown Business Overlay District [DBOD]. The petitioner proposes to expand the existing structure to enable it to provide needed social**

**services and daycare, meeting rooms for programs services and single resident occupancy units on the upper floors as plan**

With respect to Case #4217, a motion was made (JW) and seconded (DT) that the following be received and placed on file: the communication dated 1/4/16 from the Commissioner of Buildings & Inspectional Services; communication from the Office of the City Planner dated 2/12/16; communication from City Councilor Linda Morad dated 2/11/16; the appeal package; the plans 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.

Chairman Mathes declared the hearing open.

Att. Marc Deshaies explained the three parts of the special permit being sought this evening; namely, the expansion of the prior non-conforming structure, permission for single resident occupancy units under the Downtown Business Overlay District, and a request for reduction of dimensional requirements and green space.

Att. Deshaies reviewed the details of the expansion under 2430 related to the current building involved in the project. He explained the evolution of the YWCA organization and its outreach to the community. He stated the organization is looking to locate its program services and administration under one site. He then described the details of the proposed two-story additional building, which will have no elevator, but will be ADA compliant.

Att. Deshaies noted the existence of a restriction on the property under the Mass Historical Society and stated all work proposed will be reviewed by them. He stated again that the first matter to be determined is whether the expansion and alteration are more detrimental to the neighborhood than what exists presently.

Att. Deshaies noted the property is located in a mixed use business district and the DBOD. He referenced meetings between Mr. Romanowicz and the Planning Board office to address the plan for residential units, which he stated basically consists of a bedroom, and, in light of the lack of definition in our by-laws, is therefore allowed under the state building code.

Att. Deshaies addressed the third part of the special permit, namely a reduction in setback requirements from 10' to 6.72', a reduction from 12' to 8', and in the rear from 10' to 6', and the front from 20' to 14.58'. Additionally, he stated they are seeking a reduction in green space from 35% to 23%, as well as a blanket waiver on off-street parking. He stated there are currently 15 spaces leased on a lot south of the building, and have a projected increase of 10 on-site employees upon completing the project.

Att. Deshaies stated they do not expect excessive noise during the construction phase that will impact the neighborhood, and welcomed construction time restrictions from the board. He noted operation hours from 8:00am to 6:00 pm.

Att. Deshaies noted trees to be removed in the project and stated that working with DPI will result in the planting of new trees and the reconstruction of sidewalks to include a grass ribbon. He stated the applicant will consult an arborist to look into trimming existing trees in an effort to keep them. He again stated they are working with the state and local Historic Commissions.

Mr. Mathes stated the board had received the planning board conditions.

In response to questions from Ms. Trahan, Att. Deshaies estimated a construction phase of twelve months. He stated the resident rooms are for women in transition, aged eighteen and older, and is permanent housing.

In response to Mr. Mathes' invitation to speak or be recorded in support, Julie Parker, Wood Street, Swansea, stated she was Vice President of the Board of Directors. She reiterated the project will bring YWCA services under one roof, and will provide an opportunity for more services for the New Bedford Community. She expressed her full support of the project.

There was no response to Mr. Mathes' further invitation to speak or be recorded in favor. There was no response to Mr. Mathes' invitation to speak or be recorded in opposition.

Chairman Mathes closed the hearing.

There being no discussion among board members, a motion was made (JW) and seconded (DT) to grant a special permit on Case #4217, under provisions of the city code of New Bedford to the YWCA of Southeastern Massachusetts Inc. c/o Gail Fortes (20 South Sixth Street New Bedford, MA) and Marc R. Deshaies, (115 Orchard Street New Bedford, MA) relative to property located at 20 South Sixth Street, Assessor's Map 46, Lot 69 in a mixed use business zone district and DBOD to allow the petitioner to expand the existing structure to enable it to provide needed social services and daycare, meeting rooms for program services and single resident occupancy units on the upper floors as plan filed requiring a special permit under provisions of Chapter 9 Comprehensive Zoning Sections 2400, 2410, 2430-2432, and 4500-4572F.

In accordance with City of New Bedford Code of Ordinances, Chapter 9, Section 5320, the benefit to the city and the neighborhood outweighs the adverse effects of the proposed use, taking into account the characteristics of the site and of the proposal in relation to that site. This determination includes consideration of the following: the social, economic, or community needs served by the proposal; and according to the applicant, the proposal will

provide an afterschool daycare center and learning facilities in the immediate downtown area of the city where none exist presently. There is a need for childcare services in the area of the subject property. Second, traffic flow and safety, including parking and loading. According to the applicant, the property is located adjacent to School Street on the south and South Sixth Street on the west, with no change in traffic flow on said streets. The property currently houses the administrative office of the petitioner, and there is no off-street parking and no ability to generate off-street parking on the property. There is adequate on-street parking for the petition's proposed use of the property. Next, adequacy of utilities and other public services. The property is serviced by utilities, both public and private, including water and sewer. Next, the neighborhood character and social structures. The property is located in the area of 19<sup>th</sup> and 20<sup>th</sup> century homes that have been converted to professional offices or used as multi-family properties. The petitioner's proposal is to expand the existing structure to enable it to provide needed social services and daycare to the community in general and the downtown area in particular. Next, the impacts on the environment. Impacts in this case are neutral. Potential fiscal impact. The petitioner is a 501CE tax exempt entity and thus the project is neutral. All municipal services exist at the property and adequately service the needs at the property, including a fire and sprinkler system, and as such there will be no detrimental impact on city services. The number of employees will increase, as new program services will be delivered at the property by the petitioner. Also, according to the City of New Bedford Code of Ordinances Chapter 9, Section 4500-4572F the Board finds the proposed project complies with the requirements and that the proposed project does not cause substantial detriment to the neighborhood after considering the following potential consequences: noise during construction and operational phases, pedestrian/vehicular traffic, environmental harm, and visual impact caused by the character and scale of the proposed structures. Where relief for parking requirements have been sought, the applicant has demonstrated that reasonable efforts have been made to comply with parking requirements. The conversion of the existing structure the Zoning Board of Appeals finds that the proposed project protects the city's heritage by minimizing removal or destruction of historic, traditional or significant uses, structures or architectural elements, whether these exist on the site or on adjacent properties. With the following conditions: That the project be set forth according to plans submitted with the application, and that it be recorded at the Registry of Deeds and a building permit be issued by the Department of Inspectional Services and acted upon within one year.

Mr. Mathes commended the leadership and staff of the YWCA for bringing this complicated project forward and offered his kudos.

Roll-call vote as follows:

Board Member Walsh - Yes

Board Member Trahan - Yes

Chairman Mathes – Yes

Board Member McTigue – Yes

Board Member Schilling – Yes

Passed 5-0

Proceedings recessed briefly at 6:43 pm  
(Board Member Walsh exited the meeting and Clerk Allen Decker entered the meeting)  
Proceedings reconvened at 6:50 pm

**ITEM 4 - CASE #4219**

**Public hearing on the petition of: Marcel Vieira (7 Eastland Terrace New Bedford, MA) and Attorney Richard J. Manning Jr. (167 William Street New Bedford, MA) who have submitted a petition for a Variance under provisions of Chapter 9 comprehensive zoning sections 2700 (dimensional regulations), 2710 (general), 2720 (table of dimensional regulations-appendix-B, height of buildings-# of stories); relative to property located at 7 Eastland Terrace, assessors map 74, lot 10 in a residential-a [RA] zoned district. The petitioner is seeking the approval needed to obtain the necessary permits for the finished basement as plans filed.**

A motion was made (AD) and seconded (DT) that the following be received and placed on file: the communication dated 1/29/16 from the Commissioner of Buildings & Inspectional Services; communication from the Office of the City Planner dated 2/12/16; correspondence from Councilor Kerry Winterson dated 2/4/16, noting an attendance conflict, but expressing his support of the application; 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

Chairman Mathes opened the hearing.

Att. Richard Manning, 167 Williams Street, submitted pictures which he then described. He stated that some years ago, his client, Mr. Vieira hired a contractor to complete some additional living space in the basement. Att. Manning stated that after paying some \$20,000 two rooms were created along with a kitchen area and bath.

A motion was made (AD) and seconded (DT) to receive the photos. Motion passed unopposed.

Att. Manning stated that his client, Mr. Vieira, thought the contractor had properly permitted the work performed. He noted there is no separate basement entrance, but a rear bulkhead allowing access. He stated the basement renovation issues were discovered through a rental Mr. Vieira made after moving out of the property and the Section 8 tenant inspection revealed the renovation problem.

Att. Manning stated his client, who now again resides in the property, was unaware of the issue and is not seeking to create a two-family. He noted that under zoning three stories of habitable space now exist instead of the 2.5 permitted, which, absent a variance, would require his client to rip out the \$20,000.00 worth of basement renovations that were done, a financial hardship. He submitted the shape of Mr. Viera's lot makes any duplication impossible because of setback requirements. Att. Manning reiterated the outside of the house will remain the same, a single family. He stated this was an innocent homeowner who unknowingly created the situation. He agreed the wiring and plumbing will have to be inspected, and if not to code requirements will have to be complied with.

There was no response to Mr. Mathes' invitation to speak or be recorded in favor.

There was no response to Mr. Mathes' invitation to speak or be recorded in opposition.

Chairman Mathes closed the hearing.

There was board discussion regarding past instances where it was conditioned that the building department can make an inspection every two years to confirm there has been no conversion in the use. The petitioner was agreeable to the condition. Mr. Romanowicz noted that condition will be listed on the permit given.

Ms. Trahan explained that with no egress, insurance companies can deny payment when there are problems and these illegal renovations exist.

There was further board discussion about additional conditions, as well as the problem often created often when the homeowner shifts responsibility to a contractor rather than themselves.

A motion was made (AD) and seconded (DT) to grant Appeal #4219, a motion for Variance under provisions of the City Code of New Bedford to Marcel Vieira (7 Eastland Terrace New Bedford, MA) and Attorney Richard J. Manning Jr. (167 William Street New Bedford, MA) relative to property located at 7 Eastland Terrace, Assessors map 74, Lot 10 in a residential-A [RA] zoned district, to allow the petitioner to seek the approval needed to obtain necessary permits for the finished basement as plans filed, which requires a Variance under provisions of Chapter 9 comprehensive zoning sections 2700, 2710, and 2720 Appendix-B. The board finds first that there are circumstances related to the soil conditions, shape or topography which especially affect the land or structure in question, but which do not generally effect the zoning district in which the land or structure is located. These circumstances are that the lot is undersized, and adding to the existing structure for living space is not possible. Second, due to those circumstances especially affecting the land or structure, literal enforcement of the provisions of the zoning ordinance or by-law would involve substantial hardship, financial or otherwise, to the petitioner or appellant. The hardship in this case is that removal would be expensive and the homeowner would lose

the benefit of the existing finished basement area that he believed had been done properly by the contractor he hired. Desirable relief may be granted without nullifying or substantially derogating from the intent or purpose of the zoning ordinance or by-law, and that desirable relief may be granted without substantial detriment to the public good. With the following conditions: that at the discretion of the city's Building Inspector's Office, there may be inspections of the premises as to its use every two years, and that the project be set forth according to plans submitted with the application, and that it be recorded at the Registry of Deeds and a building permit be issued by the Department of Inspectional Services and acted upon within one year.

Roll-call vote as follows:

Board Member Schilling - Yes  
Chairman Mathes – Yes  
Clerk Decker– Yes

Board Member Trahan - Yes  
Board Member McTigue – Yes

Passed 5-0

**ITEM 5 - CASE #4220**

**Public hearing on the petition of: DPM Development Corporation (70 Lambeth Street New Bedford, MA) who has submitted a petition for a Variance under provisions of Chapter 9 comprehensive zoning, sections 2700 (dimensional regulations), 2710 (general), 2720 (table of dimensional regulations-appendix-b, minimum lot size & minimum frontage); relative to property located at NW corner of Meadow Street and Acushnet Avenue (also known as NS Meadow Street), assessor's map 137 lot 279 in a mixed-use-business [MUB] zoned district. The petitioner proposes to erect a 28' feet x 28' feet single family dwelling as plans filed.**

A motion was made (AD) and seconded (DT) that the following be received and placed on file: the communication dated 1/29/16 from the Commissioner of Buildings & Inspectional Services; communication from the Office of the City Planner dated 2/12/16; the appeals 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 a hearing as stated be and hereby is ratified.

Motion passed unopposed.

Chairman Mathes opened the hearing.

Steve Gioiosa, of Sitec Engineering, Faunce Corner Road, addressed the board on behalf of Dan Moniz of DPM Development. He displayed the 5,400 s.f. parcel of land on the plans, and the frontage on both Acushnet Avenue and Meadow Street. He stated the lot complies

as a legal commercial lot in the district, and noted the existence of other commercial businesses in the area.

Mr. Gioiosa stated the applicant is seeking to be more compatible with the neighborhood of single family homes, though residential use adds restrictions the applicant would not have to deal with in the commercial use he is permitted. Mr. Gioiosa stated that with a lot size of 5,400 s.f. and 60 s.f. of frontage, the applicant is seeking relief on the dimensional requirements.

Mr. Gioiosa then discussed residential setbacks, building footprint and green space requirements. He then displayed the proposed plans and stated they were well below the footprint requirements, well above the green space requirements, and had greater setbacks than required. He stated the subject property has been before the ZBA in the past. He noted that previous input from neighbors has led the applicant to relocate the driveway entrance.

Mr. Gioiosa noted by way of topography the sloping of the land and grade changes which he stated creates a hardship on a commercial development of the site. He stated building a house will require very little grade change and will be a significant reduction in environmental impact, as well as density and intensity on the lot. He stated that with regard to any detrimental effect on the neighborhood, the proposed residential project is a better fit in the neighborhood, eliminating the impervious area, lighting and the potential dumpster, all normally associated with a commercial use. He noted the project creates a residence smaller than two of the abutters. He requested the board's consideration.

Ms. McTigue noted correspondence received from an abutter.

A motion was made (AD) and seconded (SM) to receive and place on file correspondence of 2/18/16 by Clifton Hathaway.

Motion passed unopposed.

In response to Mr. Schilling, Mr. Gioiosa stated the finished home would be put on the market.

There was no response to Mr. Mathes' invitation to speak or be recorded in favor.

In response to Mr. Mathes' invitation to speak or be recorded in opposition, Alex Oliveira, 4371 Acushnet Avenue, noted a driveway easement on the western side. He stated there is already a water issue and he was concerned about any leveling of sloping ground. He stated it was close to his property and he is opposed. He also noted his concern about any increase in traffic.



There was no response to Mr. Mathes' further invitation to speak or be recorded in opposition.

Chairman Mathes invited rebuttal. Mr. Gioiosa stated the easement area referred to on the western edge of the property will remain undisturbed. He stated that the roof runoff and site drainage will be directed into an on-site recharge system, per DPI requirements. Mr. Gioiosa stated that drainage towards the neighbor had been taken into account in the grading plan, and a swale will be created. He stated that a single family home will generate less traffic than a commercial enterprise.

Mr. Oliveira declined the opportunity for rebuttal.

Mr. Mathes inquired if planning staff had required the development of a landscaping plan and if the applicant was amenable to such a condition. Mr. Gioiosa welcomed the condition.

Chairman Mathes closed the hearing.

A motion was made (AD) and seconded (DT) to grant Appeal #4220, a motion to grant a variance under provisions of the City Code of New Bedford to DPM Development Corporation (70 Lambeth Street New Bedford, MA) relative to property located on the NW corner of Meadow Street and Acushnet Avenue (also known as NS Meadow Street), Assessor's map 137 Lot 279 in a mixed-use-business [MUB] zoned district to allow the petitioner to erect a 28' feet x 28' feet single family dwelling as per plans filed, which requires a variance under provisions of Chapter 9 comprehensive zoning, Sections 2700, 2710, 2720 Appendix-B.

The board finds first that there are circumstances related to the soil condition, shape or topography which especially affect the land or structure in question, but which do not generally effect the zoning district in which the land or structure is located. The circumstances are that the topography of the specific lot is such that it would require significant grading to support a commercial use, and a residential use resulting in much less of a grading. Second, that due to those circumstances especially affecting the land or structure, literal enforcement of the provisions of the zoning ordinance or by-law would involve substantial hardship, financial or otherwise, to the petitioner or appellant. In this case, literal enforcement would result in extensive land alteration significant additional lot coverage by the building for commercial use due to ADA compliance, and much less green space than as proposed. Third, the desirable relief may be granted without nullifying or substantially derogating from the intent or purpose of the zoning ordinance or by-law, and that desirable relief may be granted without substantial detriment to the public good. With the following conditions: that a landscaping plan be developed in consultation with the planning department a part of the permitting process, that the project be set forth according to plans submitted with the application, and that it be recorded at the Registry of

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Deeds and a building permit be issued by the Department of Inspectional Services and acted upon within one year.

Roll-call vote as follows:

Board Member Schilling – Yes

Board Member Trahan - Yes

Chairman Mathes – Yes

Board Member McTigue – Yes

Clerk Decker– Yes

Passed 5-0

**ITEM 6 - CASE #4221**

**Public hearing on the petition of: Marco D. Sousa (2 Merrimac Avenue New Bedford, MA) who has submitted a petition for a Variance under provisions of Chapter 9, comprehensive zoning section 2700 (dimensional regulations), 2710 (general), 2720 (table of dimensional regulations appendix-b, side yards), 2750 (yards in residential districts) and (side yards); relative to property located at 2 Merrimac Avenue, assessor's map 72, lot 218 in a residential-b [RB] zoned district. The petitioner proposes to erect a 14' x 12' addition as plans filed.**

A motion was made (AD) and seconded (DT) that the following be received and placed on file: the communication dated 1/29/16 from the Commissioner of Buildings & Inspectional Services; communication from the Office of the City Planner dated 2/12/16; the appeals 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 a hearing as stated be and hereby is ratified.

Motion passed unopposed.

Chairman Mathes opened the hearing.

Marco Sousa, Merrimac Ave, stated he had no idea what non-conforming was when it was mentioned regarding his 1,200 s.f. house with no yard and an existing deck that does not get any sunlight, making the deck slippery and easy to fall on. He is seeking to enclose the deck with windows all the way around. He stated he needs 12' feet and has only 9' feet.

Mr. Decker confirmed that the work had already been performed.

Mr. Mathes confirmed with Mr. Romanowicz that Merrimac Avenue was a city street.

Ms. Trahan confirmed with Mr. Romanowicz that he had observed the construction which was presently to code.

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Mr. Sousa stated there is no opposition to his plan, as he and his neighbor are trying to clean up the neighborhood.

In response to Mr. Mathes' invitation to speak or be recorded in favor, Aaron Mann, of 81 Merrimac Avenue is a neighbor, and stated he has no problem with the proposed project.

In response to Mr. Mathes' further invitation to speak or be recorded in favor, Nakita Barros, Merrimac Ave, spoke on behalf of her parents. She stated her parents believe any improvement or enhancement is a benefit.

In response to Mr. Mathes' further invitation to speak or be recorded in favor, Att. Matt Thomas spoke on behalf of a rear abutter Our Lady of Purgatory Church. He looked to confirm that the water runoff would not be directed to the Lebanese Center property. The applicant confirmed there would be no additional water. Att. Thomas stated that as long as there was no water runoff to come onto the Lebanese Center property, they are not in opposition.

There was no response to Mr. Mathes' further invitation to speak or be recorded in favor. There was no response to Mr. Mathes' invitation to speak or be recorded in opposition.

Chairman Mathes closed the hearing.

Ms. Trahan noted that in the past it was conditioned that any water runoff problem would be the homeowner's responsibility. The applicant had no problem with such a condition.

Mr. Schilling expressed that he was impressed that abutters had waited some two hours to express their support.

A motion was made (AD) and seconded (DT) to grant Appeal #4221, a motion to grant a variance under provisions of the City Code of New Bedford to Marco D. Sousa (2 Merrimac Avenue New Bedford, MA) relative to property located at 2 Merrimac Avenue, Assessor's map 72, Lot 218 in a residential-b [RB] zoned district to allow the petitioner to erect a 14' x 12' addition as plans filed, which requires a variance under provisions of Chapter 9, comprehensive zoning sections 2700, 2710, 2720 Appendix B, 2750.

The board finds first that there are circumstances related to the soil condition, shape or topography which especially affect the land or structure in question, but which do not generally effect the zoning district in which the land or structure is located. The circumstances are that the shape of the undersized lot only supports enclosing the existing deck as additional living space to the structure. Second, that due to those circumstances especially affecting the land or structure, literal enforcement of the provisions of the zoning ordinance or by-law would involve substantial hardship, financial or otherwise, to the petitioner or appellants. In this case, the homeowner has no other reasonable use of the

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deck due to mold and mildew issues and a lack of sunlight to address those. Third, the desirable relief may be granted without nullifying or substantially derogating from the intent or purpose of the zoning ordinance or by-law, and that the desirable relief may be granted without substantial detriment to the public good. With the following conditions: any issues with water runoff creating problems for abutters will be resolved by the property owner appellant; that the project be set forth according to plans submitted with the application, and that it be recorded at the Registry of Deeds and a building permit be issued by the Department of Inspectional Services and acted upon within one year.

Roll-call vote as follows:

Board Member Schilling - Yes

Board Member Trahan - Yes

Chairman Mathes – Yes

Board Member McTigue – Yes

Clerk Decker – Yes

Passes 5-0

**OLD BUSINESS:**

**ITEM 7 - APPROVAL OF MINUTES**

A motion was made (AD) and seconded (DT) to approve the meeting minutes from January 21, 2016, concerning Cases 4126, 4203, 4215, and 4218 as presented.

Motion passed unopposed.

**NEW BUSINESS:**

Ms. Trahan suggested developing some way to take less lengthy cases first.

Mr. Mathes informed the board that he cannot attend the 3/24/16 meeting.

**ITEM 8 – ADJOURNMENT:**

There being no further business to come before the board, the meeting was adjourned at 7:55 p.m..

**Date of Next Meeting: March 24, 2016**

**ZONING BOARD OF APPEALS  
NEW BEDFORD CITY HALL – Room 306  
WILLIAM STREET  
NEW BEDFORD, MA  
Thursday, April 14, 2016**

**MEETING MINUTES**

**PRESENT:** Debra Trahan (*Acting Chairperson*)  
Allen Decker (*Clerk*)  
Horacio Tavares  
Sherry McTigue  
Leo Schick

**ABSENT:** None

**STAFF:** Dan Romanwicz, *Commissioner of Buildings and Inspectional Services*  
Jennifer Gonet, *Assistant Project Manager*

CITY CLERK  
2016 JUN 14 P 1:13  
CITY CLERK OFFICE  
100 STATE STREET  
NEW BEDFORD, MA 01905

**1. CALL TO ORDER**

Chairperson Trahan called the meeting of the City of New Bedford Zoning Board to order at 6:01 p.m.

**2. ROLL CALL**

A formal roll call was conducted confirming members present as stated above.

Chairperson Trahan and Clerk Decker explained the process and procedures for those in attendance.

**SCHEDULED HEARINGS**

**ITEM 1 - CASE #4222 - Petition of Juan E. Rodriguez (369 Cottage Street New Bedford, MA) who has submitted a petition for a Variance under provisions of Chapter 9 comprehensive zoning sections 3100 (parking and loading), 3110 (applicability) and 3130 (table of parking and loading requirements Appendix-C business engaged in retail sale of goods and services); relative to property located at 245 Maxfield Street, assessor's map 58, lot 26 in a Residential-B [RB] zoned district. The petitioner is proposing to convert the use from a convenience store to a barber shop as plans filed.**

In regard to Case #4222, a motion was made (AD) and seconded (SM) that the following be received and placed on file: the communication dated 3/4/16 from the Commissioner of Buildings & Inspectional Services; communication from the Office of the City Planner dated 3/9/16; the appeal package as submitted; the plans 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.

Chairperson Trahan declared the hearing open.

Esteban Rodriguez introduced his father, Juan Rodriguez, the property owner which was formerly a grocery store. He noted his father has been a part of the community for many years. He explained financial issues had closed the grocery store. He stated they have an opportunity to open a barber shop in the building. He stated his father's former longstanding business had been a grocery store even prior to Mr. Rodriguez's purchase. He stated he felt a barber shop at the location would be great for the community and would be the only one in the immediate area.

Mr. Decker clarified that the applicant is seeking a variance due to a lack of off-street parking for the business.

Esteban Rodriguez again referenced the former store that serviced customers with the same parking conditions. He stated he did not believe it would be a problem for the neighborhood.

In response to Ms. Trahan, Mr. Rodriguez explained that though he was not licensed, they had a licensed barber ready to come onboard, as well as a contractor.

In response to Mr. Schick, Mr. Rodriguez stated they anticipate five seats in the shop and they expect to hire additional barbers. Mr. Rodriguez noted the space right now is empty and awaiting this approval.

Ms. McTigue inquired as to the number of employees and any staggered shifts. Mr. Rodriguez stated they had not decided on staggered shifts, but expects employees to park further away from the shop to allow parking for customers.

Ms. Trahan clarified with Mr. Rodriguez that the licensed barber is relocating his business from Brockton.

Ms. Trahan noted that the paperwork listed seven chairs as opposed to the five stated. She explained the count of employees and customers being as high as twenty-one at one time,

and expressed concern over a need for that many parking spaces. Mr. Rodriguez again referenced the prior operation on the grocery store and multiple customers who visited.

Ms. McTigue clarified the applicant's expectation that patrons would also be walking and not driving to the establishment.

Mr. Rodriguez noted the seven chairs were the maximum that could fit in the space, but they expect only four barbers to start.

Ms. Trahan inquired of the applicant's position should the board allow the application but reduce the number of chairs to four. Mr. Rodriguez stated they would talk to the barber.

In response to Ms. Trahan's invitation to speak or be recorded in favor, Moises Rodriguez asked to be recorded in favor.

There was no response to Ms. Trahan's invitation to speak or be recorded in opposition.

Chairperson Trahan closed the public hearing.

After a brief discussion among board members regarding the number of cutting chairs/sink chairs as well as tenant parking, Mr. Rodriguez asked the board to up the number to five chairs, and stated the establishment would be a male salon. There was discussion on the hours of operation.

A motion was made (AD) and seconded (SM) to grant Appeal #4222, a motion to grant a variance under the provisions of the city code of New Bedford to Juan Rodriguez (369 Cottage Street New Bedford, MA) relative to property located at 245 Maxfield Street, Assessor's map 58, Lot 26 in a Residential-B [RB] zoned district to allow the petitioner to convert the use from a convenience store/grocery store to a barber shop as per plans filed, which requires a variance under the provisions of Chapter 9 comprehensive zoning sections 3100, 3110 and 3130 Appendix-C.

The board finds first that there are circumstances related to the soil conditions, shape or topography which especially affect the land or structure in question, but which do not generally effect the zoning district in which the land or structure is located. These circumstances are that the creation of off-street parking reduces the available green space on the property and only provides up to two parking spaces. Second, due to those circumstances especially affecting the land or structure, literal enforcement of the provisions of the zoning ordinance or by-law would involve substantial hardship, financial or otherwise, to the petitioner or appellant. The hardship is that the creation of sufficient parking is not possible given the size of the lot and the location of the existing structures.

Third, the desirable relief may be granted without nullifying or substantially derogating from the intent or purpose of the zoning ordinance or by-law. And fourth, that the desirable relief may be granted without substantial detriment to the public good. With the following conditions: that the business is limited to four cutting stations and one wet station; and that the hours of operation are limited to 10:00 a.m. to 6:00 p.m. Tuesday through Saturday and 10:00 a.m. to 8:00 p.m. on Fridays; and that the project be set forth according to plans submitted with the application, and that it be recorded at the Registry of Deeds and a building permit be issued by the Department of Inspectional Services and acted upon within one year.

Roll-call vote as follows:

Board Member Schick - Yes

Board Member Tavares - Yes

Acting Chairperson Trahan – Yes

Board Member McTigue – Yes

Clerk Decker– Yes

Passed 5-0

**ITEM 2 - CASE #4223 - Public hearing on the petition of Cheryl Giovannini (72 Topham Street New Bedford, MA) who has submitted a petition for a Variance under provisions of Chapter 9 comprehensive zoning sections 2700 (dimensional regulations), 2710 (general), 2720 (table of dimensional regulations appendix-B-height of buildings# of stories-residential); relative to property located at 72 Topham Street, assessor's map 89 lot 150 in a Residential-B [RB] zoned district. The petitioner is seeking approval of a family room, full bathroom, and a closet in the basement as plans filed.**

A motion was made (AD) and seconded (LS) that the following be received and placed on file: the communication dated 3/4/16 from the Commissioner of Buildings & Inspectional Services; communication from the Office of the City Planner dated 3/9/16; 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.

Chairperson Trahan opened the public hearing.

Cheryl Giovannini explained to the board that she is in need of a permit for her finished basement. She stated that due to health issues, she has to sell her home, where she has been for 38 years. She stated potential buyers require a permit. She stated she has had to move elsewhere and now is faced with the difficult financial hardship of having two homes. Ms. Giovannini stated she had a basement bathroom installed in 2011. She stated upon the



potential buyer's request she realized it not permitted. She stated she had a licensed plumber and electrician examine the area. She stated the electrician found no problems, but the plumber noted a shower venting and sump pump issue, which was subsequently fixed.

In response to an inquiry by Chairperson Trahan, Ms. Giovannini stated the family room was done near 1985. They then installed the bathroom and a small closet, but no kitchen.

Ms. McTigue confirmed the existence of a bulk head and a set of stairs leading up into the residence, and that there was no basement living arrangement.

In response to Ms. Trahan's invitation to speak in favor, Maria Boisvert, the real estate agent, explained Ms. Giovannini assumed the person doing the bathroom had pulled the appropriate permit (s).

In response to Ms. Trahan's further invitation to speak or be recorded in favor, Ms. Leigh Giovannini the petitioner's daughter wished to be recorded in favor.

There was no response to Ms. Trahan's invitation to speak or be recorded in opposition.

Upon invitation, Ms. Giovannini expressed that she would appreciate the board's consideration as she is a disabled person in dire need.

Chairperson Trahan closed the public hearing.

After brief board discussion, Ms. McTigue noted that the issue of work done absent a permit comes up often, where people express that they were unaware they needed a building permit. She explained it is the homeowner's responsibility to make sure there is a building permit on file. Ms. McTigue also suggested a condition preventing bedrooms or kitchen in the basement. Mr. Decker agreed.

Mr. Romanowicz noted that would be listed on the building permit.

A motion was made (AD) and seconded (SM) to grant Appeal #4223, a motion to grant a variance under provisions of the City Code of New Bedford to Cheryl Giovannini (72 Topham Street New Bedford, MA) relative to property located at 72 Topham Street, Assessor's map 89, Lot 150 in a Residential-B [RB] zoned district to allow the petitioner to seek approval of a family room, full bathroom, and a closet in the basement as per plans filed, which requires a variance under provisions of Chapter 9 comprehensive zoning sections 2700, 2710, and 2720 Appendix-B.

The board finds first that there are circumstances related to the soil conditions, shape or topography which especially affect the land or structure in question, but which do not generally effect the zoning district in which the land or structure is located. The circumstances are that the structure in question has already had these interior changes made, which are on the inside only and will not affect the zoning district at large. Second, due to those circumstances especially affecting the land or structure, literal enforcement of the provisions of the zoning ordinance or by-law would involve substantial hardship, financial or otherwise, to the petitioner or appellant. The hardship in this case is that the work has already been completed and removal would be an extreme hardship on the owner. Third, the desirable relief may be granted without nullifying or substantially derogating from the intent or purpose of the zoning ordinance or by-law. And fourth, that the desirable relief may be granted without substantial detriment to the public good. With the following conditions: that the project be set forth according to plans submitted with the application, and that it be recorded at the Registry of Deeds and a building permit be issued by the Department of Inspectional Services and acted upon within one year.

Roll-call vote as follows:

Board Member Tavares - Yes

Clerk Decker – Yes

Board Member Schick – Yes

Acting Chairperson Trahan - Yes

Board Member McTigue – Yes

Passed 5-0

#### **OLD BUSINESS:**

#### **3. APPROVAL OF MINUTES**

A motion was made (AD) and seconded (LS) to approve the meeting minutes from February 18, 2016, concerning Cases 4217, 4219, 4220, and 4221.

Motion passed unopposed.

#### **4. NEW BUSINESS:**

Announcing his departure from the board, Ms. Trahan expressed well wishes and thanks to James Mathes for his service and all he did for the board, as well as for his friendship during his tenure on the board.

She noted his departure leaves a vacancy in the position of Chair.

A motion was made (AD) and seconded (LS) that Debra Trahan be voted as Chair of the Zoning Board of Appeals for the City of New Bedford moving forward.

Motion passed unopposed.

Zoning Board of Appeals

4/14/16

7 of 7

Mr. Decker noted for the public that left a vacancy in the position of Vice Chair and encouraged anyone interested to contact the Office of the City Planner.

**5. ADJOURNMENT:**

There being no further business to come before the board, the meeting was adjourned at 6:45 p.m..



THE COMMONWEALTH OF MASSACHUSETTS  
EXECUTIVE OFFICE OF PUBLIC SAFETY AND SECURITY  
Department of Criminal Justice Information Services  
200 Arlington Street, Suite 2200, Chelsea, MA 02150, MASS.GOV/CJIS  
TEL: 617-660-4640 | TTY: 617-660-4606 | FAX: 617-660-5973



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**Massachusetts Criminal Offender Record Information (CORI)**

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To Whom It May Concern:

The Massachusetts Department of Criminal Justice Information Services (DCJIS) has conducted a computerized search of the Criminal Offender Record Information database.

The attached is a true copy of matching information from the CORI database for SANCHES, ANTONIO and date of birth 11/17/1965.

Signed under the penalties of perjury this 14th day of June 2016.

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Norma Marquez  
Massachusetts Department Criminal Justice Information Services



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### Massachusetts Criminal Offender Record Information (CORI)

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The information provided within this response contains only Massachusetts criminal offender record information and is based on the statutory access of the requestor. Unauthorized access, use or dissemination of this information is prohibited under Massachusetts General Law.

This information is not fingerprint-supported and may not actually relate to the person whose information you are seeking. Individuals who believe there may be a discrepancy within this record should contact the Department of Criminal Justice Information Services (DCJIS).

This Massachusetts CORI was generated on 06/14/2016 13:10 as the response to your request submitted on 06/14/2016 13:08 with the following details:

### Request Details

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Request ID: <b>E16RE1-00609710</b>	Request Date/Time: <b>06/14/2016 13:08</b>
Name: <b>SANCHES, ANTONIO</b>	
Former Last Name(s):	
Date of Birth: <b>11/17/1965</b>	SSN: <b>***-70-2924</b>
Sex: <b>MALE</b>	Race:
Father's Name:	Mother's Name: <b>MONTEIRO</b>

### Response Summary

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NO AVAILABLE CORI

This response is the result of a search of the iCORI database using the subject's name and date of birth as submitted by the requestor. To ensure accuracy, it is the responsibility of the requestor to compare the information shown in the Request Details Section above to the subject's personal identifying information.

The DCJIS is not liable for any errors or omissions in the CORI results based on a requestor's entry of inaccurate, incorrect, or incomplete subject information.



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### Massachusetts Criminal Offender Record Information (CORI)

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The information contained in this response is the result of an exact match of the subject's name, date of birth, and last six digits of his or her social security number (if applicable), as submitted by the requestor, to information contained in the Massachusetts CORI database. In its discretion, the DCJIS may use the information provided by the requestor to match to other fields on the iCORI report including, but not limited to, a former name or alias field. The requestor is responsible for verifying the subject's identifying information with an acceptable type of government-issued identification at the time of its submission to the DCJIS, as well as for verifying that the identifying information contained in this record relates to the subject.

This report contains only criminal offender record information that is maintained in the Massachusetts CORI database and does not contain criminal offender record information from other states or sources. This response contains only that CORI to which the requestor is statutorily entitled, based on information provided by the requestor at the time of request.

The information contained in this CORI report is created and provided by entities other than the DCJIS. The DCJIS is not responsible for incorrect or incomplete information contained herein, or for any omissions from the contributing entities.

This CORI report is confidential. Any unauthorized access to, or dissemination of this document or the information contained therein is subject to the civil penalties set forth in M.G.L. c. 6, §168, and the criminal penalties set forth in M.G.L. c. 6, §178. Civil penalties include suspension or revocation of CORI access and monetary fines up to \$5,000 for each violation. Criminal penalties include monetary fines up to \$50,000, incarceration in a house of correction for up to one year, or both a fine and incarceration.

**ZONING BOARD OF APPEALS  
NEW BEDFORD CITY HALL – Room 306  
WILLIAM STREET  
NEW BEDFORD, MA  
Thursday, April 28, 2016**

**MEETING MINUTES**

**PRESENT:**            **Leo Schick** (*Acting Chairperson*)  
                         **Allen Decker** (*Clerk*)  
                         **John Walsh**  
                         **Robert Schilling**  
                         **Sherry McTigue**

**ABSENT:**            None

**STAFF:**             **Dan Romanwicz**, *Commissioner of Buildings and Inspectional Services*  
                         **Jennifer Gonet**, *Assistant Project Manager*

CITY CLERK  
2016 JUN 14 P 4:12  
CITY OF NEW BEDFORD  
CITY CLERK

**1. CALL TO ORDER**

Chairperson Schick called the meeting of the City of New Bedford Zoning Board to order at 6:01 p.m.

**2. ROLL CALL**

A formal roll call was conducted confirming members present as stated above.

Chairperson Schick explained the process and procedures for those in attendance.

**SCHEDULED HEARINGS**

**ITEM 1 – Case # 4224 - Petition of Maria S. Barros (133 Chestnut Street New Bedford, MA) and Amancio S. Ribeiro (464 Sawyer Street New Bedford, MA) who have submitted a petition for a Variance under provisions of Chapter 9 comprehensive zoning sections 2700 (dimensional requirements, appendix-B (height of buildings-# of stories); relative to property located at 133 Chestnut Street, assessor's map 65, lot 316 in a residential-B [RB] zoned district. The petitioners seek approval for a cottage style setup on the second and third floors as plans filed.**

In regard to Case #4224, a motion was made (AD) and seconded (JW) that the following be received and placed on file: the communication dated 3/30/15 from the Commissioner of Buildings & Inspectional Services; communication from the Office of the City Planner dated 4/1/16; the appeal package as submitted; the plans 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.

Amancio Ribeiro, currently of 464 Sawyer Street. He noted he is seeking the variance in order to move in with his mom to be her caregiver.

He stated while trying to fix the 2nd floor a problem was found with the 3<sup>rd</sup> floor, which now must also be fixed. He stated the petition is seeking a cottage setup for his family. He stated the 3<sup>rd</sup> floor will consist of a family room, a computer room and one bedroom.

Mr. Walsh confirmed that the 3<sup>rd</sup> floor is already finished. Mr. Ribeiro stated it was but he is being told it was not done properly.

Ms. McTigue confirmed the space will be opened up and some bedrooms taken out. Mr. Ribeiro stated that was correct, along with fixing windows. He stated there would be no kitchen, but the bathroom would remain. He stated repairs would bring the space up to code.

Mr. Decker confirmed there would be no exterior changes.

There was no response to Mr. Schick's invitation to speak or be recorded in favor.

There was no response to Mr. Schick's invitation to speak or be recorded in opposition.

Chairperson Schick closed the public hearing.

After brief discussion, a motion was made (AD) and seconded (JW) to grant Appeal #4224, a motion to grant a variance under the provisions of the city code of New Bedford, to Maria S. Barros (133 Chestnut Street New Bedford, MA) and Amancio Ribeiro (464 Sawyer Street, New Bedford, MA) relative to property located at 133 Chestnut Street, Assessor's Map 65, Lot 316 in a Residential B zoned district, to allow the petitioner to seek approval for a cottage style setup on the second and third floors as per plans filed, which requires a variance under the provisions of Chapter 9 comprehensive zoning sections 2700 Appendix-B.

The board finds first that there are circumstances related to the soil conditions, shape or topography which especially affect the land or structure in question, but which do not



generally effect the zoning district in which the land or structure is located. These circumstances are because of the location of the structure on the lot, the lot cannot support outward expansion, therefore upward improvement is the only option. Second, due to those circumstances especially affecting the land or structure, literal enforcement of the provisions of the zoning ordinance or by-law would involve substantial hardship, financial or otherwise, to the petitioner or appellant. The hardship is that without this variance compliance with the zoning code could not be performed and the property would not be brought into compliance. Third, the desirable relief may be granted without nullifying or substantially derogating from the intent or purpose of the zoning ordinance or by-law. And fourth, that the desirable relief may be granted without substantial detriment to the public good. With the following conditions: that the project be set forth according to plans submitted with the application, and that it be recorded at the Registry of Deeds and a building permit be issued by the Department of Inspectional Services and acted upon within one year.

Roll-call vote as follows:

Board Member Schilling - Yes

Board Member Walsh - Yes

Acting Chairperson Schick – Yes

Board Member McTigue – Yes

Clerk Decker– Yes

Passed 5-0

**ITEM 2 - CASE #4225 – Petition of Vincent R. Coccoli, Jr. and Veronika Solomos (32 Lauren Drive New Bedford, MA) who have submitted a petition for a Variance under provisions of Chapter 9 comprehensive zoning sections 2700 (Dimensional Regulations), 2710 (General), and 2720 (Table of Dimensional Requirements, Appendix-B-height of buildings-# of stories); relative to property located at 32 Lauren Drive, assessor's map 132J, lot 30 in a residential-A [RA] zoned district. The petitioner is proposing to create habitable space in the basement (1/2 bath, game room/family room and a utility storage room) as plans filed.**

A motion was made (AD) and seconded (RS) that the following be received and placed on file: the communication dated 3/31/16 from the Commissioner of Buildings & Inspectional Services; communication from the Office of the City Planner dated 4/1/16; 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.

Mr. Coccoli explained that due to his expanding family, he is seeking to make his basement into a finished game room with a half bath and a storage room.

Ms. McTigue confirmed that there will not be any sleeping room downstairs.

Mr. Decker confirmed that building outward would create setback issues. Mr. Coccoli stated that was correct and would be almost impossible.

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

Chairperson Schick closed the public hearing.

There being no further discussion or questions, a motion was made (AD) and seconded (JW) to grant Appeal #4225, a motion to grant a variance under provisions of the City Code of New Bedford to Vincent R. Coccoli, Jr. and Veronika Solomos (32 Lauren Drive New Bedford, MA) relative to property located at 32 Lauren Drive, Assessor's Map 132J, Lot 30 in a Residential-A [RA] zoned district to allow the petitioner to create habitable space in the basement (1/2 bath, game room/family room and a utility storage room) as per plans filed, which requires a variance under the provisions of Chapter 9 comprehensive zoning sections 2700, 2710, and 2720 Appendix-B.

The board finds first that there are circumstances related to the soil conditions, shape or topography which especially affect the land or structure in question, but which do not generally effect the zoning district in which the land or structure is located. The circumstances are that the location of the structure on the lot precludes expansion outward, therefore finishing the basement for additional habitable space is the only option. Second, due to those circumstances especially affecting the land or structure, literal enforcement of the provisions of the zoning ordinance or by-law would involve substantial hardship, financial or otherwise, to the petitioner or appellant. The hardship in this case is that the homeowner needs the additional habitable space for a growing family. Third, the desirable relief may be granted without nullifying or substantially derogating from the intent or purpose of the zoning ordinance or by-law. And fourth, that the desirable relief may be granted without substantial detriment to the public good. With the following conditions: that the project be set forth according to plans submitted with the application, and that it be recorded at the Registry of Deeds and a building permit be issued by the Department of Inspectional Services and acted upon within one year.

Roll-call vote as follows:

Board Member Walsh - Yes

Acting Chairperson Schick - Yes

Clerk Decker - Yes

Board Member McTigue - Yes

Board Member Schilling - Yes

Passed 5-0

**ITEM 3 - CASE #4226 – Petition of Timothy J. Rezendes (167 Maryland Street New Bedford, MA) who has submitted a petition for a Variance under provisions of Chapter 9 comprehensive zoning sections 2700 (dimensional regulations), 2710 (general), and 2720 (table of dimensional requirements, appendix-B-rear yards), 2750 (yards in residence districts), 2753 (rear yard), 3100 (parking and loading), and 3145 (parking in front of dwelling and 18' maximum driveway width); relative to property located at 167 Maryland Street, assessor's map 127C, lot 271 in a residential-A [RA] zoned district. The petitioner is proposing to demolish the existing carport and attached shed; and to erect a 16'x22' family room addition and expand the existing driveway as plans filed.**

A motion was made (AD) and seconded (SM) that the following be received and placed on file: the communication dated 3/30/15 from the Commissioner of Buildings & Inspectional Services; communication from the Office of the City Planner dated 4/1/16; 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.

Timothy Rezendes of Maryland Street stated he was looking to demolish an existing carport attached to the house and replace it within the same footprint with a family room. He stated the planned project will have a poured foundation, new bulkhead and connect the two cellars. He stated the home currently has no bulkhead.

Mr. Rezendes stated he is seeking to widen the existing driveway in order to have space for two cars side by side. He stated a variance is needed because this will create parking in front of the house.

Mr. Decker inquired as to any expansion of the curbcut. Mr. Rezendes stated the existing cut is twelve and he is looking to go to eighteen feet.

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

Ms. McTigue confirmed the location of the planned bulkhead.

Chairperson Schick closed the public hearing.

There being no further discussion or questions, a motion was made (AD) and seconded (JW) to grant Appeal #4226, a motion to grant a variance under provisions of the City Code of New Bedford to Timothy J. Rezendes (167 Maryland Street New Bedford, MA) relative to property located at 167 Maryland Street, Assessor's Map 127C, Lot 271 in a Residential-A [RA] zoned district to allow the petitioner to demolish the existing carport and attached shed; and to erect a 16'x22' family room addition and to expand the existing driveway as per plans filed, which requires a variance under the provisions of Chapter 9 comprehensive zoning sections 2700, 2710, 2720 Appendix-B, 2750, 2753, 3700, and 3145.

The board finds first that there are circumstances related to the soil conditions, shape or topography which especially affect the land or structure in question, but which do not generally effect the zoning district in which the land or structure is located. The circumstances are that the location of the structure on the lot makes it difficult to expand habitable living space in any place other than where the carport and attached storage shed are located, and that the expansion of the driveway makes for a safer and more convenient way of parking vehicles. Second, due to those circumstances especially affecting the land or structure, literal enforcement of the provisions of the zoning ordinance or by-law would involve substantial hardship, financial or otherwise, to the petitioner or appellant. The hardship in this case is that reconfiguring the addition as proposed would add substantial cost to the project due to non-tradition lumber necessary for the project. Third, the desirable relief may be granted without nullifying or substantially derogating from the intent or purpose of the zoning ordinance or by-law. And fourth, that the desirable relief may be granted without substantial detriment to the public good. With the following conditions: that the project be set forth according to plans submitted with the application, and that it be recorded at the Registry of Deeds and a building permit be issued by the Department of Inspectional Services and acted upon within one year.

Roll-call vote as follows:

Board Member Walsh - Yes

Acting Chairperson Schick - Yes

Clerk Decker – Yes

Board Member McTigue – Yes

Board Member Schilling – Yes

Passed 5-0

### **3. ADJOURNMENT:**

There being no further business to come before the board, the meeting was adjourned at 6:37 p.m..