



City of New Bedford Department of City Planning

133 William Street · Room 303 · New Bedford, Massachusetts 02740
Telephone: (508) 979.1488 · Facsimile: (508) 979.1576

MAYOR
JON MITCHELL
DIRECTOR
JENNIFER CARLONI

PLANNING BOARD

May 2, 2023

Councillor Ryan Pereira, Chair, Committee on Ordinances
133 William Street
New Bedford, MA 02740

RE: WRITTEN MOTION – REZONING REQUEST FOR ES Osborn Street, Map:17A Lot: 85, 86, & 87
CASE #23-14: ES Osborn Street Rezoning Request

Dear Councillor Pereira:

This is to advise you of the Planning Board's action on Wednesday, April 12, 2023, regarding the request by Councillors Ryan Pereira and Ian Abreu on behalf of petitioner David Bizarro, for the Planning Board to review and make a recommendation to the City Council for its consideration regarding ES Osborn Street (Map 17A, Lot: 85, 86, & 87) from Residential B (RB) to Mixed-Use Business (MUB) in their entirety. **The Planning Board sends a favorable recommendation for the rezoning request.**

At the hearing, Planning Board Chair Arthur Glassman read the request and asked if there was anyone present to speak on the matter. David Bizarro introduced himself as the petitioner. He described the use of his parcels for his businesses and new residence, currently under construction on parcels 17A-85 & 17A-86.

Mr. Bizarro stated that he owns the food truck business on the corner of Cove Road and Osborn Street. Currently, he said, he washes the dishes from the food truck off site at the house he lives in now and would like to continue doing the same when his new home is completed on the abutting lot.

Board member Duff asked if the rezoning proposal was for three parcels and if Bizarro owned all three. Bizarro stated he owned all three parcels, and parcel 17A-87 is being used for his transportation business Bizarro Transportation, which he has operated from its current location for about eight years.

Chair Glassman asked if there was anyone from the public who would like to speak in favor or opposed to the recommendation. Councillors Pereira and Abreu both spoke in favor of the rezoning.

Board member Duff raised concerns that the rezoning would be spot zoning and that the zoning change may have long-term impact on the neighborhood's current character. The board discussed among

themselves whether the zoning change was considered spot zoning. Chair Glassman asked for clarification from Planning Director Jennifer Carloni. Planning Director Jennifer Carloni recommended that the board should consider how the zoning change would affect the rest of the neighborhood.

Board member Kahzan asked the petitioner if he needed the zoning change to continue to operate his business. The petitioner stated that he needed Mixed Use Business (MUB) zoning in order to install a three bay sink and grease trap.

Chair Glassman reminded the board they're just making a recommendation. The board continued to discuss the potential ramifications of the intended use and the location.


Hearing no more comments from the Board or the public, Chair Glassman asked for a motion.

Board member Kalife made a motion, seconded by Board member Duff, to favorably recommend rezoning parcels 17A-85, 17A-86, & 17A-87, also known as SS Cove Road and ES Osborn Street.

The motion was approved on a vote of 4-1, with members Alexander Kalife, Peter Cruz, Kamile Khazan, and Arthur Glassman recorded in favor and member Kathryn Duff recorded in opposition.

As such, the **Planning Board sends a favorable recommendation for the rezoning request**. Please find enclosed a copy of the Department of City Planning Staff Report.

Sincerely,



Jennifer Carloni
Director, Department of City Planning

encl.

- Department of City Planning Staff Report, dated 4/12/23
-

cc. Jon Mitchell, Mayor
Danny Romanowicz, Building Commissioner
Linda Morad, City Council President

Eric Jaikes, City Solicitor
Dennis Farias, City Clerk



City of New Bedford Department of City Planning

133 William Street · Room 303 · New Bedford, Massachusetts 02740
Telephone: (508) 979.1488 · Facsimile: (508) 979.1576

MAYOR
JON MITCHELL
PLANNING DIRECTOR
JENNIFER CARLONI

STAFF REPORT

REPORT DATE

April 6, 2023

MEETING DATE

April 12, 2023

Case #23-08: REZONING REQUEST

ES Osborn Street

Map: 17A Lot: 85, 86, & 87

Overview of Request

On March 9, 2023 Councilors Ryan Pereira and Ian Abreu requested that the Planning Board review and make a recommendation to rezone three lots on ES Osborn Street (Map 17A, Lot: 85, 86, & 87) from Residential B (RB) to Mixed-Use Business (MUB) in their entirety. The request was referred to the Planning Board for a recommendation to City Council.

Existing Conditions

Parcel 17A-87 is partial zoned as MUB and RB. Parcels 17A- 86 & 85 are presently zoned as RB. All the subject parcels are in common ownership.

Lot 85 & 86 Residence under construction.
Looking north-northeast on Osborn Street.



A four-bedroom residence with 90 feet of frontage on Osborn Street is currently under construction on parcels 17A-85 & 86. This 7,650 ft² property is within the boundaries of a VE Zone, a coastal flood zone with velocity hazard (wave action), and as such, is constructed on raised piers above two garage spaces.

Parcel 17A-87 is also included in the rezoning request. It abuts the residential construction site to the north, and it is partially zoned as MUB along with the abutting 17A-88. These parcels are classified as Parking Lots for assessment purposes. 17A-87 is occupied by Bizarro's Transportation and used for vehicle storage. 17A-88 is host to Kiyla's Korner, a food truck and outdoor dining area. Both properties are independently fenced in with chain link fence and black vinyl inserts for screening.

As is typical along commercial corridors in New Bedford, there is a buffer of MUB zoning that incorporates the parcels directly on Cove Road. Portions of these parcels and the properties on side streets, such as Osborn Street, are zoned residential. North of the subject parcels on Cove Road is Nelson Auto Specialists, Cove Surf and Turf and Dairy Maid are to the northeast, and JC Auto Sales & Repairs abuts to the west across Osborn Street. All zoned as MUB. All parcels south of

the subject parcels are zoned as RB. Parcels lining the waterfront of the Cove on the east side of Padanaram Avenue are all zoned as Industrial B (IB), including all the residences (See the Zoning Map in Exhibit B).

Background

Parcel 17A-87 is presently zoned as MUB
Parcel’s 17A- 86 & 85 are presently zoned as RB.

Prior to an exchange of ownership in 2017, the subject parcels & 17A-88 were used as parking lots for J.C. Auto Inc. Sales and Repairs, an auto business west of the subject parcels.

Input from other City Departments

The rezoning request was distributed to relevant City departments. No comments have been received as the writing of this memo. Any comments subsequently received will be provided at the Planning Board’s public hearing.



For Board Member Consideration

The Planning Board has previously relied on the criteria below in its evaluation of other rezoning requests to ensure its action is consistent with case law and not considered “spot zoning.”

Criteria
Uniformity: the extent to which the zoning change would resemble the surrounding zoning.
Consistency: whether the parcel is being singled out for a zoning change.
Surroundings: how the proposal would change the neighborhood?
Fiscal Impact: what impact on local/city economic development the rezoning would have?
Discriminating Benefit: assess whether the reclassification of a single parcel that allows a use beneficial to the property owner is made to the detriment of the neighbors or community-at-large.

The table below (Exhibit A) compares current RB uses to proposed MUB uses. Uses highlighted in **green** will be newly permitted in the subject parcels. **If the proposed rezoning is approved, there will be 26 newly permitted uses. Rezoning will not eliminate any uses that are currently allowed under RB.**

EXHIBIT A - Zoning Comparison Table

The table below compares current RB uses to proposed MUB uses. Uses highlighted in **green** will be newly permitted in the subject parcels.

A. Residential	RB	MUB
1. Single-family dwelling	Y	Y
2. Two-family dwelling	Y	Y
3. Multi-family townhouse (3 stories)	N	Y
4. Multi-family garden style (up to 4 stories)	N	Y
5. Multi-family mixed use (6 stories)	N	PB
6. Multi-family mid-rise (12 stories)	N	N
7. Multi-family high-rise (18 stories)	N	N
8. Boarding house	N	BA
9. Group residence	BA	BA
10. Assisted or Independent living facility	BA	BA
11. Nursing or Convalescent home	BA	BA
12. Trailer camp or park	N	N
13. Hoofed animals	N	N
14. Animals or head of poultry, not to exceed one animal or head of poultry per one thousand (1,000) square feet of net area of the lot. Net area shall be determined by subtracting the gross ground floor area of all buildings and structures on the lots from the gross area of the lot plus any contiguous lots owned by the same party.	Y	Y

B. Exempt and Institutional Uses	RB	MUB
1. Use of land or structures for religious purposes	Y	Y
2. Use of land or structures for educational purposes on land owned or leased by the commonwealth or any of its agencies, subdivisions, or bodies politic or by a religious sect or denomination, or by a nonprofit educational corporation	Y	Y
3. Child care facility (in existing building)	Y	Y
4. Child care facility (not in existing building)	Y	Y
5. Use of land for the primary purpose of agriculture, horticulture, floriculture, or viticulture on a parcel of more than five acres in area	Y	Y
6. Facilities for the sale of produce, and wine and dairy products, provided that during the months of June, July, August, and September of every year, or during the harvest season of the primary crop, the majority of such products for sale, based on either gross sales dollars or	Y	Y

volume, have been produced by the owner of the land containing more than five acres in area on which the facility is located		
7. Municipal facilities	Y	Y
8. Essential services	BA	BA
9. Cemeteries	Y	Y
10. Hospital	Y	Y

C. Commercial	RB	MUB
1. Nonexempt agricultural use	BA	BA
2. Nonexempt educational use	N	Y
3. Animal clinic or hospital; with ancillary animal boarding	N	SP
4. Adult day care	BA	BA
5. Family day care	BA	BA
6. Large family day care	BA	BA
7. Club or lodge, nonprofit	CC	CC
8. Funeral home	BA	BA
9. Adult entertainment establishment	N	CC
10. Bed & Breakfast	BA	BA
11. Motel, hotel or inn	N	Y
12. Retail stores and services not elsewhere set forth	N	Y
13. Grocery stores	N	Y
14. Big Box Retail (60,000 Sq. ft. or greater)	N	BA
15. Health clubs	N	Y
16. Mixed use	N	Y
17. Live /work	N	BA
18. Motor vehicle sales and rental	N	CC
19. Motor vehicle general repairs	N	CC
20. Motor Vehicle body repairs	N	N
21. Motor vehicle light service	N	CC
22. Restaurant	N	Y
23. Restaurant, fast-food	N	BA

24. Business or professional office	N	Y
25. Medical offices, center, or clinic	N	BA
26. Bank, financial agency	N	Y
27. Indoor commercial recreation	N	Y
28. Outdoor commercial recreation	N	BA
29. Wireless Communications Facilities	PB	PB
30. Theatres and auditoriums	N	PB
31. Convention Centers	M	PB
32. Marijuana Retailer	N	N

D. Industrial	RB	MUB
1. Earth removal	N	N
2. Manufacturing	N	N
3. Light manufacturing	N	N
4. Research, development or testing laboratories and facilities	N	Y
5. Biotechnology facilities	N	N
6. Medical devices manufacturing	N	N
7. Fish processing	N	N
8. Wholesale, warehouse, self-storage mini-warehouse, or distribution facility	N	N
9. Transportation terminal	N	N
10. Water freight terminal	N	N
11. Businesses engaged in the sale, distribution or storage of grain, petroleum products, building materials and industrial machinery provided that such businesses shall be primarily reliant upon a waterfront location or shall be in direct support of an industrial use which requires a waterfront location	N	N
12. Businesses engaged in the sale, distribution or storage of grain, petroleum products, building materials and industrial machinery	N	N
13. Businesses engaged in salvaging, dismantling and reprocessing of scrap and waste materials including building materials, motor vehicles, machinery and equipment, paper, rags or any other discarded material, provided that such business shall be primarily reliant upon a waterfront location	N	N
14. Junkyard or automobile graveyard	N	N
15. Contractor's yard	N	N
16. Low-level radioactive or nuclear waste facility	N	N

17. Tire recycling & re-treading	N	N
18. Batch asphalt & concrete plants	N	N
19. Craft Marijuana Cooperative	N	N
20. Independent Testing Laboratory	N	N
21. Marijuana Cultivator	N	N
22. Marijuana Product Manufacturer	N	N
23. Marijuana Research Facility	N	N
24. Medical Marijuana Treatment Center	N	N

EXHIBIT B – Current Zoning Map with Subject Parcels Identified

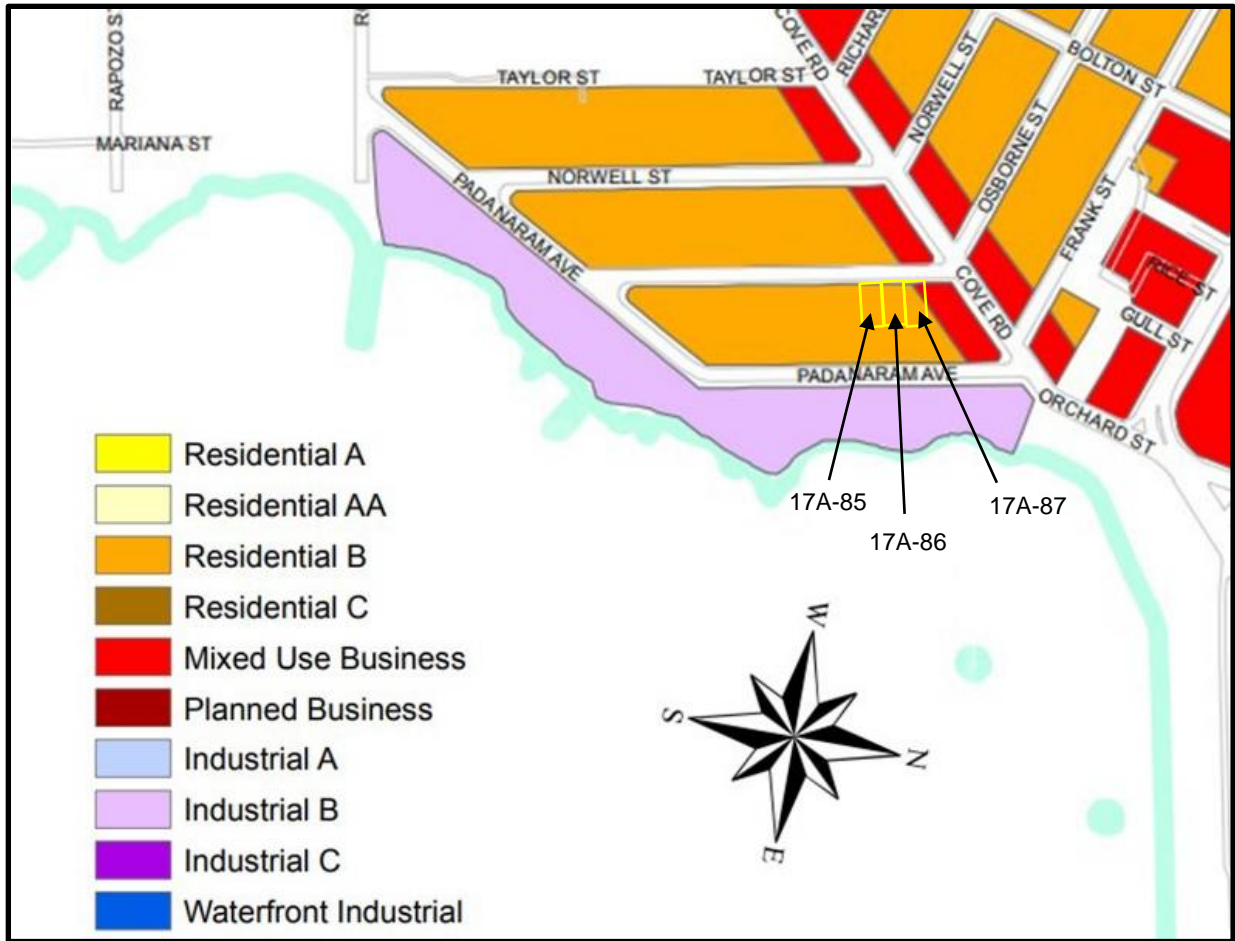


Exhibit C – Assessor’s Lot Map and Satellite Imagery with Subject Parcel

ES Osborn Street

Map: 17A Lot: 85, 86, & 87

NOTE: Property lines and zoning districts are approximate; for discussion purposes, only. Image is oriented north.

