



**MAYOR**  
JON MITCHELL  
**PLANNING DIRECTOR**  
TABITHA HARKIN

## **City of New Bedford** **Department of City Planning**

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### **ZONING BOARD OF APPEALS**

**ZONING BOARD OF APPEALS**  
**VIRTUAL MEETING**  
**Thursday, June 18, 2020**

#### **MINUTES**

**PRESENT:** Leo Schick, (*Chairperson*)  
Stephen Brown, (*Clerk*)  
Allen Decker  
Robert Schilling  
Celeste Paleologos

**ABSENT:** None

**STAFF:** Angela Goncalves, *Assistant Project Manager*  
Tabitha Harkin, *Director Department of City Planning*

Petitioners were then confirmed as present by Ms. Goncalves, who provided participants with remote meeting guidelines and protocols.

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

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

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

##### **ITEM 1 – CASE #4418**

A motion was made (SB) and seconded (AD) to receive and place on file the communication from the Commissioner of Buildings and Inspectional Services dated 5/29/20; staff comments from the Department of City Planning dated 6/8/20; 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.

*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/>*

Stephanie Poyant Moran of Poyant Signs, stated on behalf of Southcoast Health, that the applicant is seeking square footage allowance relief for the proposed freestanding sign. Ms. Poyant detailed the sign size, relief sought, and sign features, noting current compliances. She referred the board to the new sign at St. Luke's Hospital in New Bedford. Ms. Poyant noted Southcoast's agreement to have the sign lighting limited to one-hour before and one-hour after opening and closing hours.

Ms. Poyant discussed the sign in relation to the shape of the property, discussing visibility, and other specifications. She noted the agreement for bollards to protect the sign, as well as any necessary lot restriping. Ms. Poyant then noted nearby freestanding signs by size comparison.

Board Member Decker confirmed that the portion of sign containing the address would be lit. Ms. Poyant clarified that the background/pole will not be lit.

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

The public hearing was closed.

After brief board discussion, a motion was made (SB) and seconded (RS) to grant a variance under provisions of the City Code of New Bedford relative to property located at 543 North Street, assessor's Map 55, Lot 281 in a mixed use business zoned district, to allow the petitioner to install a non-conforming 33 s/f pylon sign per plans filed, which requires a variance under provisions of Chapter 9 Comprehensive Zoning Sections 3200, 3201, 3210, 3250, 3254, 3255 and 3256. Having reviewed this petition, including materials submitted and testimony heard, in accordance with the City of New Bedford Code of Ordinances and M.G.L. Chapter 40A, §10, the board finds that the applicable requirements have been met. This determination includes consideration of the following:

The board finds there are circumstances related to the soil conditions, shape or topography specifically effecting the land or structure in question, but which do not generally affect the zoning district in which the land or structure is located. In this instance, four circumstances apply; the first circumstance is that are most patients will be driving from Rte. 6 and need to be able to locate the medical facility on the main road. Secondly, due to the aforementioned circumstances, especially effecting the land or structure, literal enforcement of the provisions of the zoning ordinance or bylaw would involve substantial hardship, financial or otherwise, to the petitioner or applicant. In this case, the hardship is that in order to be economically viable and visible, proper signage for the establishment is critical. Thirdly, the desirable relief may be granted without nullifying or substantially derogating from the intent or purpose of the zoning ordinance or bylaw. Fourth, and finally, the desirable relief may be granted without substantial detriment to the public good.

With the following specific conditions:

- This proposal requires ground sign site plan review by the Planning Board. Any conditions imposed by the Planning Board decision shall also be conditions of this variance.

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

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certification from the City Clerk's Office be recorded at the Registry of Deeds; and that the rights authorized by the granting of the variance must be exercised by issuance of a building permit by the Department of Inspectional Services and acted upon within one year from the date the decision was granted or they will lapse.

**ROLL CALL VOTE:**

Board Member Schick - Yes  
Board Member Brown - Yes  
Board Member Decker – Yes

Board Member Paleologos - Yes  
Board Member Schilling - Yes

**Motion passed 5-0**

**ITEM 2 - Case #4394**

A motion was made (SB) and seconded (RS) to receive and place on file communication dated 5/26/20 from Russell Whynacht requesting a continuance to the July 2020 meeting.  
Motion passed unopposed.

**ITEM 3 – Case #4412**

A motion was made (SB) and seconded (RS) to receive and place on file communication dated 6/3/20 from Steve Gioiosia requesting a continuance to the July 2020 meeting.  
Motion passed unopposed.

**ITEM 4 – Case #4419**

A motion was made (SB) and seconded (CP) to receive and place on file communication dated 6/11/20 from Richard Rheume requesting a continuance to the July 2020 meeting.  
Motion passed unopposed.

**3. ACCEPTANCE OF MINUTES:**

A motion was made (RS) to approve the minutes of the 5/28/20 meeting.  
Motion passed unopposed.

**4. ADJOURNMENT**

The meeting was adjourned at 6:25p.m.

**NEXT MEETING IS SCHEDULED FOR JULY 16, 2020.**



Stephen Brown, Clerk

July 24, 2020

Date