



**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, August 20, 2020**

#### MINUTES

**PRESENT:** Leo Schick, (*Chairperson*)  
Laura Parrish (*Vice Chair*)  
Stephen Brown, (*Clerk*)  
Robert Schilling  
Celeste Paleologos

**ABSENT:** Allen Decker

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

Ms. Goncalves confirmed this evening's applicants, who provided participants with remote meeting guidelines and protocols. She noted that all of this evening's case materials are available for review and gave the online information for the same.

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

Chairperson Schick called the meeting of the City of New Bedford Zoning Board to order at 6:02 p.m. Chairperson Schick then explained the meeting process and protocols.

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

##### **ITEM 1 – CASE #4394**

A motion was made (SB) and seconded (LP) to receive and place on file a letter received from Att. Russell Whynacht requesting continuance to the September meeting, giving his reasons for the same. Letter dated 7/14/20.

Motion passed unopposed.

##### **ITEM 2 – CASE #4412**

A motion was made (SB) and seconded (LP) to receive and place on file the communication from the Commissioner of Buildings and Inspectional Services dated 2/24/20; staff comments from the

*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/>*

2020 SEP 23 P 1:59  
CITY CLERK  
CITY CLERKS OFFICE  
NEW BEDFORD, MA

Office of City Planning dated 7/31/20; letter of support from Councilor Joseph P. Lopes, dated 8/10/20; letter of support from Councilor Hugh Dunn dated 8/12/20; letter of support from Councilor Ian Abreu, dated 8/18/20; 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.

Steve Gioiosa, SITEC, stated, on behalf of the applicant, that they are proposing a solar project to be located at 1 Pearl Street. He displayed items and then described the location and details of the 4.5 acre site. He noted that the site is currently a tire recycling facility and noted the point of access.

Mr. Gioiosa displayed and detailed the applicant's proposal for the site. He noted a company seeking to locate solar panels on the property, supplying green energy. He explained the components, including panels on the building's roof necessitating a new roof. He then noted the canopies and described the same, including current planned locations. Mr. Gioiosa then discussed the adjacent railyard plans, curb cuts and aesthetics, noting the unique shape of the property and pedestrian access.

He further discussed the improvements, by way of curb cuts. He explained their request this evening for zoning relief on setbacks on Pearl Street and Acushnet Avenue, noting this is an allowed use. He described the same, including maneuvering spaces. He then addressed landscaping improvements, fence installation and other aesthetic improvements. He noted the recycling operation is to continue. Mr. Gioiosa again noted upgrade improvements on the roof and related storm water management upgrades, another community benefit. He discussed the project surface and drainage improvement.

Mr. Gioiosa then discussed the specific requirements needed to grant the variance.

Board Member Schilling inquired as to the Solar Energy Project provider. Mr. Gioiosa stated it was a Florida company, Clean Footprint, looking at investing in other city locations as well.

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

The public hearing was closed.

After further discussion, including a written comment by Ms. Harkin, 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 1 Pearl Street, Assessors Map 72, Lots 172-173 in an Industrial B zoned district, to allow the petitioner to install solar panels on the roof of the existing industrial building and construct three (3) free-standing carport canopies with solar panels within the southwest side setback of the property per plans filled, which requires a variance under provisions of Chapter 9, Comprehensive Zoning Sections 2700, 2710, 2720. 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:

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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 effect the zoning district in which the land or structure is located. In this instance, circumstances are that the only part of the site available for a canopy placement is the southeast corner. Two, due to those 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 appellant. In this case, the hardship is financial. Three, the desirable relief may be granted without nullifying or substantially derogating from the intent or purpose of the zoning ordinance or bylaw. Four, the desirable relief may be granted without substantial detriment to the public good.

With the following specific conditions:

- This decision shall include the proposal required site plan review by the planning board and any conditions imposed by the planning board shall also be conditions of this variance.

The general conditions are as follows:

- That the project be set forth according to the plans submitted with the application.
- That the applicant shall ensure a copy of the Notice of Decision bearing certification from the City Clerk's Office be recorded at the Registry of Deeds.
- 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 Paleologos - Yes

Board Member Brown - Yes

Board Member Schilling - Yes

Board Member Parrish - Yes

**Motion passed 5-0**

**3. ACCEPTANCE OF MINUTES:**

A motion was made (LP) and seconded (RS) to approve the minutes of the 7/16/20 meeting.

Motion passed unopposed.

**4. ADJOURNMENT**

The meeting was adjourned at 6:32 p.m.

**NEXT MEETING IS SCHEDULED FOR SEPTEMBER 17, 2020.**



Stephen Brown, Clerk

9/23/20

Date