



# Zoning Board of Appeals

## Agenda

October 20, 2022, 6:00 – 9:00 PM

To participate, copy and paste this link:

<https://us06web.zoom.us/j/87551323586>

and enter Meeting ID: 875 5132 3586 or Dial 1 646 558 8656

*Please note: This meeting is being held remotely consistent with the Act Relative to Extending Certain State of Emergency Accommodations, suspending certain provisions of the Open Meeting Law, signed by Governor Baker on July 16, 2022; and extending through March 31, 2023.*

The Zoning Board of Appeals will hold an Advertised Virtual Public Hearing on **Thursday, October 20, 2022, at 6:00 via ZOOM**. To participate, copy and paste this link: <https://us06web.zoom.us/j/87551323586> and enter Meeting ID: 875 5132 3586 or Dial 1 646 558 8656 on any phone and the chair will direct you in the call. Online materials for each case will be posted at <https://www.newbedford-ma.gov/planning/zoning-board-agenda-info-2022/>. This public virtual hearing will review on the following appeals as set forth under the provisions of the City Code of New Bedford:

### MEETING CALLED TO ORDER

### APPROVAL OF MINUTES

### SCHEDULED HEARINGS

- #4372 Request for Extension. Attorney Michael A. Kehoe on behalf of 117 Union Street LLC and Moby Dick LLC** (117 Union Street, New Bedford, MA 02740) requests a second extension of the Zoning Board of Appeals decision approving Case #4372 for a **Special Permit** with conditions recorded May 7, 2019; relative to property located at **115,117,121 Union Street, 7N. Second Street & 127-129 Union Street**, Assessors' Map 53, Lot 40,41,215,216,146 in a Mixed-Use Business [MUB] zoned district. The applicant states that due to the following Covid-19 related issues: requests that had to be acted upon by other City Boards/Commissions, and funding. The applicant has been unable to commence the project as anticipated. The applicant seeks a second extension of the decision for an additional one-year period in order to allow for the project to commence.
- #4459 Request for Extension. Attorney Marc R. Deshaies on behalf of Cruz Development** (1 John Eliot Square, Roxbury, MA 02119) requests an extension of the Zoning Board of Appeals decision approving Case #4459 for a **Special Permit** with conditions recorded October 7, 2021; relative to property located at **35 Kearsarge Street**, Assessors' Map 112, Lot 3A in a Residential A [RA] zoned district. The applicant states that due to the effects of the Covid-19 Pandemic, the applicant has been unable to commence the project as anticipated. The applicant seeks an extension of the decision for an additional one-year period in order to allow for the project to commence.
- #4501 Notice is given of a public hearing on the petition of: Tetrault Real Estate LLC** (161 Wilbur Avenue, Somerset, MA 02725) & **Michael Brier, Recovery Connection Centers of America, Inc.**, (381 Wickenden Street, Providence, RI 02903) for a **Special Permit** under Chapter 9, Comprehensive Zoning Sections 2200 (use regulations), 2210 (general), 2230 (table of use regulations – Appendix-A, Commercial: #25 – Medical offices, center, or clinic); relative to the property located at **268-270 Union Street**, Assessors' Map 46, Lot 20, in a Mixed Used Business

[MUB] zoned district. **The petitioner is proposing to operate a medical clinic named “Recovery Connection Centers of America” per plans filed.**

**#4502** Notice is given of a public hearing on the petition of: **Community Economic Development Center of SE MA, C/O Corinn Williams** (PO Box 63005, New Bedford, MA 02746) for a **Variance** under Chapter 9, Comprehensive Zoning Sections 3000 (general regulations), 3110 (Applicability), 3130 (table of parking loading requirements-Appendix C, multi family dwelling, business engaged in retail sale of goods and services, not elsewhere enumerated herein); relative to the property located at **1418-1440 Acushnet Avenue**, Assessors’ Map 99, Lot 29, in a Mixed Use Business [MUB] zoned district. **The petitioner is proposing the redevelopment of the Capitol Theater into a commercial and residential building per plans filed.**

**#4503** Notice is given of a public hearing on the petition of: **Community Economic Development Center of SE MA, C/O Corinn Williams** (PO Box 63005, New Bedford, MA 02746) for a **Special Permit** under Chapter 9, Comprehensive Zoning Sections 2000 (use of dimensional regulations), 2400 (nonconforming uses and structures), 2410 (applicability), 2420 (nonconforming uses), 2421 (change or substantial extension of use), 2422 (change from one nonconforming use to another, less detrimental, nonconforming use), 2430 (nonconforming structures, other than single- and two-family structures), 2431 (reconstructed, extended or structurally changed), 2432 (altered to provide for a substantially different purpose or for the same purpose in a substantially different manner or to substantially greater extent); relative to the property located at **1418-1440 Acushnet Avenue**, Assessors’ Map 99, Lot 29, in a Mixed Use Business [MUB] zoned district. **The petitioner is proposing the redevelopment of the Capitol Theater into a commercial and residential building per plans filed.**

**#4504** Notice is given of a public hearing on the petition of: **Wendy Tierney** (1038 Pequot Street, New Bedford, MA 02745) for a **Variance** under Chapter 9, Comprehensive Zoning Sections 2000 (use of dimensional regulations), 2700 (Dimensional regulation), 2710 (general), 2720 (table of dimensional requirements-Appendix B, side yard-ft.), 2750 (yards in residence district), 2755 (side yard); relative to the property located at 1038 Pequot Street, Assessors’ Map 136A, Lot 956, in a Residential A [RA] zoned district. **The petitioner is proposing the construction of a two-car garage addition, with a family room and a three-season room on the upper level per plans filed.**

**#4505** Notice is given of a public hearing on the petition of: **Vermette Enterprises Inc.**, (968 Kempton Street, New Bedford, MA 02740) and **Nicholas Durant** (98 State Street, new Bedford, MA 02740) for a **Special Permit** under Chapter 9, Comprehensive Zoning Sections 4000 (special regulations), 4200-4260 (body art), 5000 (administration and procedures) 5300-5330 & 5360-5390 (Special Permit); relative to the property located at **982-984 Kempton Street**, Assessors’ Map 55, Lot 75, in a Mixed use Business [MUB] zoned district. **The petitioner is proposing to operate a body art establishment named “Banner and Bone” per plans filed.**

#### **OTHER BUSINESS**

- Next Scheduled Meeting will be held virtually on Thursday, November 17, 2022.

#### **ADJOURNMENT**

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In accordance with the Americans with Disabilities Act (ADA), if any accommodations are needed, please contact **Laura Ryan at 508-979-1488 ([Laura.Ryan@newbedford-ma.gov](mailto:Laura.Ryan@newbedford-ma.gov)) or Mass Relay 711**. Requests should be made as soon as possible but at least **48 hours** prior to the scheduled meeting.

The matters listed are those reasonably anticipated by the Chair to be discussed at the meeting. Not all items listed may, in fact, be discussed. Other items not listed may be brought up for discussion to the

extent permitted by law. Massachusetts General Laws, chapter 30A, Section 20(f) requires any person making a video or audio recording of the meeting to notify the Chair at the start of the meeting.