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ZONING BOARD OF APPEALS

STAFF REPORT

ZONING BOARD OF APPEALS MEETING

MEETING DATE: November 17, 2022

STAFF REPORT: November 3, 2022

Case #4507: VARIANCE

Property: 61 John Vertente Boulevard
Map: 133; Lot: 47

Zoning: Industrial C [IC]

Owner: SMRE 61, LLC
61 John Vertente Boulevard
New Bedford, MA 02745

Applicant: Parallel Products Solar Energy,
LLC
401 Industry Rd., Louisville, KY
40208



61 John Vertente Blvd
Facing building façade looking southeast from northwest
corner of site entrance.

Overview of Request: Notice is given of a public hearing on the petition of: **Parallel Products Solar Energy, LLC** (401 Industry Rd., Louisville, KY 40208) for a **Variance** under Chapter 9, Comprehensive Zoning Sections 2000 (use and dimensional regulation), 2700 (dimensional regulation), 2710 (general), 2720 (table of dimensional requirements-appendix-b, side yard-ft); relative to the property located at **61 John Vertente Boulevard**, Assessors' Map 133, Lot 47, in an Industrial C [IC] zoned district.

The petitioner is proposing the erection of 2 solar canopy "carports". The first, along the rear (southwest) corner of the locus, is free-standing. The second, along the western edge of locus is a canopy structure appended to a proposed building. The proposed solar canopies are not compliant with the 25' setback called for in the zoning bylaw.

Under the Zoning Ordinance, side yard setbacks in an Industrial C district shall be a minimum of 25ft. The applicant is proposing as follows:

	Required under ordinance	Proposed
Side Yard setback canopy #1	25 ft	21.04 ft
Side Yard setback canopy # 2	25 ft	10.7 ft

As with all **variances**, the board must find:

- There are circumstances relating to the soil conditions, shape or topography which especially affect the land in question, but which do not affect generally the zoning district in which the land or structure in question is located.
- If the city were to literally enforce the zoning ordinance, due to these circumstances unique to this land or structure, it would mean substantial hardship to the petitioner.
- The granting of the variance would not take away from the purpose of the zoning ordinance nor would it cause substantial detriment to the public good.

Existing Conditions: The property is a corner lot with frontage on John Vertente Boulevard and Samuel Barnett Boulevard. The parcel is 657,2000 square feet. The existing building is situated almost at the center of the site and has a footprint of 82,016 sqft. The site is accessed by a drive north and east of the building on Samuel Barnett Blvd and John Vertente Blvd respectively. The front entrance of the building faces northeast. Loading areas are at the rear of the building facing southwest and to the side of the building facing southeast. Parking lots exist both northeast and southwest of the building. A trailer storage area sits on the far southwest corner of the site. A 100' wetland buffer winds across approximately half the site in an irregular pattern, north to south. Vegetation covers significant portions of the northwest and northeast corners with less density around the eastern and southern portions of the site.

Proposal: The petitioner proposes to erect 2 solar canopy "carports". Solar canopy #1 is proposed over an existing parking lot at the southwest corner of the lot and has dimensions of 200'x149' (29,800sqft). Solar canopy #2 is proposed at the northwest corner of the lot where a vegetated area exists and has dimensions of 247'x39' (9,633sqft). Both solar canopy's cover a combined area of 39,433sqft.

For consideration:

- There are circumstances relating to the soil conditions, shape or topography which especially affect the land in question, but which do not affect generally the zoning district in which the land or structure in question is located. The petitioner indicates that the lot has an unusual shape as it conforms to the curve of Samuel Barnett Blvd. Due to wetland soils in the northeast corner of the lot, development is limited to the western portion of the lot where the canopies are proposed.
- If the city were to literally enforce the zoning ordinance, due to these circumstances unique to this land or structure, it would mean substantial hardship to the petitioner. The petitioner indicates that without a solar canopy the electricity consumed by the industrial uses would be substantial and cost prohibitive. With solar power, 90% of the electrical needs will be met with clean sustainable energy.



- The granting of the variance would not take away from the purpose of the zoning ordinance nor would it cause substantial detriment to the public good. The petitioner indicates the zoning district allows structures of up to 100' and the creation of clean renewable solar energy is encouraged by the City and State. Further they petition that, the lot is bordered by Samuel Barnett Blvd on the north, John Vertente Blvd on the east, land n/f Air Cable on the south and land n/f Loan Oak-New Bedford LLC on the west. The locus is in the industrial park, an area designed for the current user and an area where solar energy is promoted.

61 John Vertente Boulevard Map: 133, Lot: 47

NOTE: Property line is approximate; for discussion purposes, only.

