

**DEPARTMENT OF INSPECTIONAL SERVICES**  
**ZONING CODE REVIEW**

**IX. HOMEOWNER LICENSE EXEMPTION**

**Supplement #1**

The current exemption for "homeowner" was extended to include owner-occupied dwellings of two units or less and to allow such homeowners to engage an individual for hire who does not possess a license, provided that the owner acts as supervisor. (State Building Code Section 110.5)

**DEFINITION OF HOMEOWNER:**

Person(s) who own a parcel of land on which he/she resides or intends to reside, on which there is, or is intended to be, a one to two family dwelling, attached or detached structures accessory to such use and /or farm structures. A person who constructs more than one home in a two-year period shall not be considered a homeowner. Such "homeowner shall submit to the Building Official, on a form acceptable to the Building Official, that he/she shall be responsible for all such work performed under the building permit. (Section 110.5)

The undersigned "homeowner assumes responsibility for compliance with the State Building Code and other applicable codes, ordinance, rules and regulations, and will comply with the City of New Bedford Building Department minimum inspection procedures and requirements.

HOMEOWNERS SIGNATURE \_\_\_\_\_

**X. CONSTRUCTION DEBRIS DISPOSAL**

**Supplement #2**

In accordance with provisions of Massachusetts General Law C40, S54, debris resulting from this work shall be disposed of in a properly licensed solid waste disposal facility as defined by Massachusetts General Law C11T, S150A.

The debris will be disposed of in: \_\_\_\_\_ (Location of Facility)

Signature of Permit Applicant \_\_\_\_\_

Date \_\_\_\_\_

**XI. HOME IMPROVEMENT CONTRACTOR LAW AFFIDAVIT**

(Residential Use Only) Supplement to Permit Application

**Supplement #3**

MGLc. 142 A requires that the "reconstruction, alteration, renovation, repair, modernization, conversion, improvement, removal, demolition, or construction of an addition to any pre-existing owner-occupied building containing at least one but not more than four dwelling units... or to structures which are adjacent to such residence of building" be conducted by registered contractors, with certain exceptions, along with other requirements.

Type of Work: Demolish - Rebuild a Commercial Building Est. Cost \_\_\_\_\_

Address of Work 56 Potomaska Street

Owner Name: \_\_\_\_\_ Date of Permit Application: \_\_\_\_\_

I hereby certify that: Registration is not required for the following reason(s):

Work excluded by law  Job under \$1,000  Building not owner-occupied  Owner obtaining own permit

Other (specify) \_\_\_\_\_

Notice is hereby given that:

**OWNERS OBTAINING THEIR OWN PERMIT OR EMPLOYING UNREGISTERED CONTRACTORS FOR APPLICABLE HOME IMPROVEMENT WORK DO NOT HAVE ACCESS TO THE ARBITRATION PROGRAM OF GUARANTY FUND UNDER MGLC. 142A.**

signed under penalties of perjury:

I hereby apply for a permit as the agent of the owner:

Date \_\_\_\_\_ Contractor Signature \_\_\_\_\_ Registration No. \_\_\_\_\_

OR:  
Notwithstanding the above notice, I hereby apply for a permit as the owner of the above property:

Date \_\_\_\_\_ Owner Signature \_\_\_\_\_

**XII. BUILDING COMMISSIONERS REVIEW COMMENTS AND CONDITIONS**

C. Building Permit Rejected  Planning Board - Special Permit  
Reason For Rejection: Special Permit City Council Site Plan Review  
" See Attachments "

Fee \_\_\_\_\_  
Permit # \_\_\_\_\_

Comments and Conditions:

Signed Danny D. Romanowicz Date: 11/14 2018  
Title Building Commissioner

Not valid unless signed (not stamped) by Building Commissioner



CITY OF NEW BEDFORD  
JONATHAN F. MITCHELL, MAYOR

## New Bedford Comprehensive Zoning Code Review Code of Ordinances – Chapter-9

56 Potomska Street – PLOT: 31 – LOT: 239 – ZONED DISTRICT: IB  
756 S. Water Street – PLOT: 31 – LOT: 232 – ZONED DISTRICT: IB

Special Permit Required from the City Council

Site Plan Review & Special Permit Required from the Planning Board

Zoning Code Review as follows:

Special Permit

City Council

❖ SECTION

- 2200 – Use Regulations
- 2210 – General
- 2230 – Table of Principal Use Regulations – Appendix A
  - Commercial - #21. Motor vehicle light service
- 5300-5390 – Special Permit

Special Permit

Planning Board

❖ SECTIONS

- 3100 – Parking and Loading
- 3110 – Applicability
- 3130 – Table of Parking Loading Requirements – Appendix-C
  - Businesses engaged in retail sale of goods and services, not elsewhere enumerated herein
- 5300-5390 – Special Permit

Site Plan Review

Planning Board

❖ SECTIONS

- 5400 – Site Plan Review
- 5410 – Purpose
- 5420 – Applicability
  - 5421 – Any new industrial or commercial construction or expansion over two thousand (2,000) gross square feet or any new industrial or commercial construction or expansion requiring more than five (5) additional parking spaces
  - 5423 – Any new construction or expansion of existing construction where a drive-thru window for any service including self-service is proposed; and any expansion of a structure presently containing a drive-thru; or any facility currently containing a drive-thru, at which the owner or operator of the drive-thru is altered or changed; or at which the drive-thru is closed for a period of 10 days or more and to be reopened
  - 5427 – Commercial or industrial ground signs.
- 5430-5490B



DEPARTMENT OF INSPECTIONAL SERVICES  
133 WILLIAM STREET - ROOM 308  
NEW BEDFORD, MA 02740

CITY OF NEW BEDFORD  
JONATHAN F. MITCHELL, MAYOR

## Parking Spaces Calculations

56 Potomska Street & 756 S. Water Street – Convenience Store – 5,000sf

### Parking Spaces

Number of Spaces Required – Convenience Store = 1,040sf

Number of Space Required = 5,000sf / 200sf gross floor/parking space = 25 Parking Spaces

Number of Parking Spaces Provided = 17 Parking Spaces

Number of Parking Spaces Required for Relief = 8 Parking Spaces & 1 Loading Space

2200. - USE REGULATIONS.

2210. **General.** No structure shall be erected or used or land used except as set forth in Section 2230, "Table of Use Regulations", unless otherwise provided by this Ordinance or by statute. Uses not expressly provided for herein are prohibited. Not more than one principal structure shall be placed on a lot, except in accordance with Section 2330.

Symbols employed below shall mean the following:

Y - A permitted use.

N - An excluded or prohibited use.

BA - A use authorized under special permit from the Board of Appeals as provided under Section 5300.

CC - A use authorized under special permit from the City Council as provided under Section 5300.

PB - A use authorized under special permit from the Planning Board as provided under Section 5300.

2220. **Applicability.** When an activity might be classified under more than one of the following uses, the more specific classification shall govern; if equally specific, the more restrictive shall govern.

2230. **Table of Use Regulations.** See Appendix A.

(Ord. of 12-23-03, § 1)









## 3100. - PARKING AND LOADING.

3110. **Applicability.** Every building erected, enlarged, converted, or relocated and each use or change of use of land shall be provided with off-street parking spaces and off-street loading spaces in accordance with Section 3130, Table of Parking Requirements.

3111. In the event of the enlargement of a structure existing on the effective date of the ordinance from which this Section is derived, or the construction or relocation of additional structures on a lot, after such effective date, the regulations of this Section shall apply only to the enlargement, construction or relocation thereof, except that any off-street parking and off-street loading facilities established to serve any buildings and any uses prior to such effective date shall not be reduced below the required number.

3112. For a building or premises used for combined purposes, the number of off-street parking spaces and off-street loading spaces shall be determined as the sum of the required number of spaces in each component of the combined use.

3113. Where the computation of required parking spaces and loading spaces result in a fractional number, the required parking spaces shall be the next whole number.

(Ord. of 12-23-03, § 1)

3120. **Special Permit.** Any parking or loading requirement set forth herein may be reduced upon the issuance of a special permit by the Planning Board if the Board finds that the reduction is not inconsistent with public health and safety, or that the reduction promotes a public benefit. Such cases might include:

3121. Use of a common parking lot for separate uses having peak demands occurring at different times;

3122. Age or other characteristics of occupants of the facility requiring parking which reduces auto usage;

3123. Peculiarities of the use which make usual measures of demand invalid;

3124. Availability of on-street parking or parking at nearby municipally owned facilities.

3125. Where a special permit is granted, a reserve area, to be maintained indefinitely as landscaped open space, may be required sufficient to accommodate the difference between the spaces otherwise required and the spaces reduced by special permit. The parking/site plan shall show (in dotted outline) how the reserve area would be laid out in to provide the otherwise required number of spaces.

(Ord. of 12-23-03, § 1)

3130. **Table of Parking and Loading Requirements.** See Appendix C.

(Ord. of 12-23-03, § 1)

APPENDIX C - TABLE OF PARKING AND LOADING REQUIREMENTS

USE	PARKING REQUIREMENTS	LOADING REQUIREMENTS
<p>One-family dwelling Two-family dwelling Multi-family (3) or more per structure</p>	<p>Two (2) spaces per dwelling unit Two (2) spaces per dwelling unit</p>	<p>One (1) loading space for each multifamily dwelling containing more than ten (10) dwelling units, or more than twenty (20) housekeeping units</p>
<p>Hotel, motel, bed and breakfast, rooming or boarding or lodging house, tourist home, dormitories, or other non-family residence accommodations, excluding group homes</p>	<p>One (1) space per each employee per shift, who does not reside on the premises; one (1) space per guest room, dwelling parking requirements, if applicable</p>	<p>One (1) loading space for each building containing more than 20 guest rooms</p>
<p>Offices: General, professional, business, banks, medical clinics and laboratories, radio and television stations; office of non-profit educational, cultural, or charitable organizations</p>	<p>One (1) space per each 200 sq. ft. of gross floor area but not less than two (2) spaces for each business unit intended to occupy the premises. After 10,000 sq. ft. of gross floor area, one space for every 1,000 sq. ft. of gross floor area</p>	<p>One (1) loading space for each building containing 10,000 sq. ft. or more of gross floor area. Two (2) loading spaces for 100,000 sq. ft. or more of gross floor area</p>

<p>Fast-food drive-in, carry-out restaurants</p>	<p>One (1) space per each employee per shift for a minimum of five (5) spaces plus one (1) space per 100 sq. ft. of gross floor area with a minimum of twenty (20) spaces</p>	<p>One (1) loading space for each building</p>
<p>Businesses engaged in retail sale of goods and services, not elsewhere enumerated herein</p>	<p>One (1) space per each 200 sq. ft. of gross floor area, but not less than two (2) spaces for each business use intended to occupy the premises. After 20,000 sq. ft. gross floor area, one space per 400 sq. ft.</p>	<p>One loading space for each building containing more than 5,000 and less than 10,000 sq. ft. of gross floor area. Thereafter, one (1) additional loading space shall be required for each additional 25,000 sq. ft. of gross floor area</p>
<p>Businesses engaged in retail sale, rental, repair, servicing, storage and distribution of motor vehicles, trailers, campers, boats, furniture or building materials</p>	<p>One (1) space per each 400 sq. ft. of gross floor area, but not less than two (2) spaces for each business use intended to occupy the premises</p>	<p>One (1) loading space for each building containing 10,000 sq. ft. or more of gross floor area. Two (2) loading spaces for buildings containing 100,000 sq. ft. or more of gross floor area</p>
<p>Hospital, convalescent homes, nursing homes, rest homes or homes for the aged</p>	<p>One (1) space per three (3) beds, three (3) space Drop-Off Zone.</p>	<p>One (1) loading space for each building containing 10,000 sq. ft. or more of gross floor area. Two (2) loading spaces for buildings containing 100,000 sq. ft. or more of gross floor area</p>

5300. - SPECIAL PERMITS.

5310. **Special Permit Granting Authority.** The Zoning Board of Appeals, the Planning Board or the City Council shall act as the Special Permit Granting Authority under this Chapter as specifically designated in a particular Section or in accordance with the Specific Designations in the Table of Principal Use Regulations under Appendix A of this Chapter.

(Ord. of 12-23-03, § 1; Ord. of 12-8-05, § 1)

5320. **Criteria.** Special permits shall be granted by the special permit granting authority, unless otherwise specified herein, only upon its written determination that the benefit to the City and the neighborhood outweigh the adverse effects of the proposed use, taking into account the characteristics of the site and of the proposal in relation to that site. In addition to any specific factors that may be set forth in this Ordinance, the determination shall include consideration of each of the following:

5321. Social, economic, or community needs which are served by the proposal;

5322. Traffic flow and safety, including parking and loading;

5323. Adequacy of utilities and other public services;

5324. Neighborhood character and social structures;

5325. Impacts on the natural environment; and

5326. Potential fiscal impact, including impact on City services, tax base, and employment.

(Ord. of 12-23-03, § 1)

5330. **Procedures.** Applications for special permits shall be filed in accordance with the rules and regulations of the various special permit granting authorities, as may be applicable.

(Ord. of 12-23-03, § 1)

5340. **Plans.** An applicant for a special permit shall submit a plan in substantial conformance with the requirements of Section 5400, herein.

(Ord. of 12-23-03, § 1)

5350. **Development Impact Statement (DIS).** At the discretion of the special permit granting authority, the submittal of a development impact statement (DIS) may be required. The DIS shall be prepared by an interdisciplinary team including a Registered Landscape Architect or Architect, a Registered Professional or Civil Engineer, and a Registered Surveyor.

5351. Physical Environment.

(a)

Describe the general physical conditions of the site, including amounts and varieties of vegetation, general topography, unusual geologic, archeological, scenic and historical features or structures, location of significant viewpoints, stone walls, trees over sixteen (16) inches in diameter, trails and open space links, and indigenous wildlife.

- (b) Describe how the project will affect these conditions, providing a complete physical description of the project and its relationship to the immediate surrounding area.

#### 5352. Surface Water and Subsurface Conditions.

- (a) Describe location, extent, and type of existing water and wetlands, including existing surface drainage characteristics, both within and adjacent to the site.
- (b) Describe any proposed alterations of shore lines, marshes, or seasonal wet areas.
- (c) Describe any limitations imposed on the project by the site's soil and water conditions.
- (d) Describe the impact upon ground and surface water quality and recharge, including estimated phosphate and nitrate loading on groundwater and surface water from septic tanks, lawn fertilizer, and other activities within the site.

#### 5353. Circulation Systems.

Project the number of motor vehicles to enter depart the site per average day and peak hour. Also state the number of motor vehicles to use streets adjacent to the site per average day and peak hour. Such data shall be sufficient to enable the special permit granting authority to evaluate (i) existing traffic on streets adjacent to or approaching the site, (ii) traffic generated or resulting from the site, and (iii) the impact of such additional traffic on all ways within and providing access to the site. Actual study results, a description of the study methodology, and the name, address, and telephone number of the person responsible for implementing the study, shall be attached to the DIS.

#### 5354. Support Systems.

- (a) Water Distribution: Discuss the types of wells or water system proposed for the site, means of providing water for firefighting, and any problems unique to the site.
- (b) Sewage Disposal: Discuss the type of on-site or sewer system to be used, suitability of soils, procedures and results of percolation tests, and evaluate impact of disposal methods on surface and groundwater.
- (c) Refuse Disposal: Discuss the location and type of facilities, the impact on existing City refuse disposal capacity, hazardous materials requiring special precautions.
- (d) Fire Protection: Discuss the type, location, and capacity of fuel storage facilities or other flammables, distance to fire station, and adequacy of existing firefighting equipment to confront potential fires on the proposed site.
- (e)

Recreation: Discuss the distance to and type of public facilities to be used by residents of the proposed site, and the type of private recreation facilities to be provided on the site.

- (f) Schools: Project the increase to the student population for nursery, elementary, junior high school, and high school levels, also indicating present enrollment in the nearest public schools serving these categories of students.

5355. Phasing. Where development of the site will be phased over more than one year, indicate the following:

- (a) Describe the methods to be used during construction to control erosion and sedimentation through use of sediment basins, mulching, matting, temporary vegetation, or covering of soil stockpiles. Describe the approximate size and location of portion of the parcel to be cleared at any given time and length of time of exposure.
- (b) Describe the phased construction, if any, of any required public improvements, and how such improvements are to be integrated into site development.

(Ord. of 12-23-03, § 1)

5360. **Conditions.** Special permits may be granted with such reasonable conditions, safeguards, or limitations on time or use, including performance guarantees, as the special permit granting authority may deem necessary to serve the purposes of this Ordinance.

(Ord. of 12-23-03, § 1)

5370. **Lapse.** Special permits shall lapse if a substantial use thereof or construction thereunder has not begun, except for good cause, within twelve (12) months following the filing of the special permit approval (plus such time required to pursue or await the determination of an appeal referred to in M.G.L.A. c. 40A, § 17, from the grant thereof) with the City Clerk.

(Ord. of 12-23-03, § 1)

5380. **Regulations.** The special permit granting authority may adopt rules and regulations for the administration of this Section.

(Ord. of 12-23-03, § 1)

5390. **Fees.** The special permit granting authority may adopt reasonable administrative fees and technical review fees for applications for special permits.

(Ord. of 12-23-03, § 1)

State Law reference— Special permits, M.G.L.A. c. 40A, § 9.

5400. - SITE PLAN REVIEW.

5410. **Purpose.** The purpose of this Section is to provide for individual detailed review of development proposals which have an impact on the natural or built environment of the City in order to promote the health, safety and general welfare of the community; to ensure adequate parking, safe and accessible pedestrian and vehicular circulation; and to minimize traffic impact on City streets.

(Ord. of 12-23-03, § 1)

5420. **Applicability.** The following types of activities and uses require site plan review by the Planning Board:

5421. Any new industrial or commercial construction or expansion over two thousand (2,000) gross square feet or any new industrial or commercial construction or expansion requiring more than five (5) additional parking spaces;

5422. New multiple-family residential construction of three (3) or more units or expansion of existing multifamily residential structures resulting in the creation of one or more additional units.

5423. Any new construction or expansion of existing construction where a drive-thru window for any service including self-service is proposed; and any expansion of a structure presently containing a drive-thru; or any facility currently containing a drive-thru, at which the owner or operator of the drive-thru is altered or changed; or at which the drive-thru is closed for a period of 10 days or more and to be reopened.

5424. Any residential subdivision which is submitted under the subdivision control process;

5425. New industrial or commercial construction or additions less than two thousand (2,000) square feet if requiring a new curb cut or driveway or if substantially affecting existing internal circulation.

5426. Driveways in residential areas which require more than one new curb cut.

5427. Commercial or industrial ground signs.

(Ord. of 12-23-03, § 1; Ord. of 12-31-08, § 1)

5430. **Procedures.** Applicants for site plan approval shall submit seventeen (17) copies of the site plan to the Planning Board for distribution to City departments and commissions for their review. The Planning Board shall review and act upon the site plan, with such conditions as may be deemed appropriate and notify the applicant of its decision. In the event two (2) meetings have lapsed after the application for site plan approval is filed, without the Planning Board taking action on said site plan said Applicant may file a statement with the Board that the Board has received complete information in accordance with this Ordinance and has had adequate time to consider the Site Plan. Upon receiving said statement, the Planning Board shall act on said Site Plan at its next meeting, if said Board determines that the Board has, in fact, received complete information in accordance with this Ordinance. The decision of the Planning Board

shall be a vote of a majority of the members of the Planning Board and shall be in writing. No building permit, for activities requiring site plan approval, shall be issued by the Inspector of Buildings without the written approval of the site plan by the Planning Board.

5431. Application for Building Permit. An application for a building permit to perform work as set forth in Section 5410 available as of right shall be accompanied by an approved site plan.

5432. Application for Special Permit or Variance. An application for a special permit or a variance to perform work as set forth in Section 5420 shall be accompanied by an approved site plan; in the alternative, any special permit or variance granted for work set forth in Section 5420 shall contain the following condition and cause the same to be written on such special permit or variance:

The work described herein requires the approval of a site plan by the New Bedford Planning Board pursuant to Section 5400 of the Zoning Ordinance. Any conditions imposed in such site plan approval shall also be conditions of this special permit/variance.

5433. Where the Planning Board approves a site plan "with conditions", and said approved site plan accompanies a special permit or variance application to the Board of Appeals, the conditions imposed by the Planning Board shall be incorporated into the issuance, if any, of a special permit or variance by the Board of Appeals.

5434. Where the Planning Board serves as the special permit granting authority for proposed work, it shall consolidate its site plan review and special permit procedures.

5435. The applicant may request, and the Planning Board may grant by majority vote of its' membership, an extension of the time limits set forth herein.

5436. No deviation from an approved site plan shall be permitted without modification thereof.

5437. Site plan approval does not constitute a certification that the proposed plan conforms to applicable zoning regulations, wetland regulations and/or any other City, state or federal requirements that must be obtained prior to implementation the of elements of the site plan.

(Ord. of 12-23-03, § 1)

**5440. Preparation of Plans.** Applicants are invited to submit a pre-application sketch of the proposed project to the Planning Department and are encouraged to schedule a pre-submission meeting with the Planning Department. Site Plans shall be submitted on 24-inch by 36-inch sheets. Plans shall be prepared by a Registered Professional Engineer, Registered Land Surveyor, Architect, or Landscape Architect, as appropriate. Dimensions and scales shall be adequate to determine that all requirements are met and to make a complete analysis and evaluation of the proposal. All plans shall have a minimum scale of 1" = 40'.

(Ord. of 12-23-03, § 1)



**5450. Contents of Plan.** The contents of the site plan are as follows:

5451. Plan sheets prepared at a scale of one inch equals forty (40) feet or such other scale as may be approved by the Planning Board. The plans are as follows:

5451.a. Site layout, which shall contain the boundaries of the lot(s) in the proposed development, proposed structures, general circulation plan for vehicles and pedestrians, drive-thru windows, curb cut locations, parking, fences, walls, walks, outdoor lighting including proposed fixtures, loading facilities, solid waste storage locations, and areas for snow storage after plowing. The first sheet in this plan shall be a locus plan, at a scale of one inch equals one hundred (100) feet, showing the entire project and its relation to existing areas, buildings and roads for a distance of one thousand (1,000) feet from the project boundaries or such other distance as may be approved or required by the Planning Board.

5451.b. Topography and drainage plan, which shall contain the existing and proposed final topography at two-foot intervals and plans for handling stormwater runoff drainage.

5451.c. Utility plan, which shall include all facilities for refuse and sewerage disposal or storage of all these wastes, the location of all hydrants, fire alarm and firefighting facilities on and adjacent to the site, all proposed recreational facilities and open space areas, and all wetlands including floodplain areas.

5451.d. Architectural plan, which shall include the ground floor plan, proposed exterior building materials, treatments and colors and architectural elevations of all proposed buildings and a color rendering where necessary to determine the proposal's affect on the visual environment.

5451.e. Landscaping plan, showing the limits of work, existing tree lines as well as those tree lines to remain, and all proposed landscape features and improvements including screening, planting areas with size and type of stock for each shrub or tree, and including proposed erosion control measures during construction.

5451.f. Lighting plan showing the location and orientation of all existing and proposed exterior lighting, including building and ground lighting. The plan shall note the height, initial foot-candle readings on the ground and the types of fixtures to be used.

5452. The site plan shall be accompanied by a written statement indicating the estimated time required to complete the proposed project and any and all phases thereof. There shall be submitted a written estimate, showing in detail the costs of all site improvements planned.

5453. A written summary of the contemplated project shall be submitted with the site plan indicating, where appropriate, the number of dwelling units to be built and the acreage in residential use, the evidence of compliance with parking and off-street loading requirements, the forms of ownership

contemplated for the property and a summary of the provisions of any ownership or maintenance thereof, identification of all land that will become common or public land, and any other evidence necessary to indicate compliance with this Ordinance.

5454. The site plan shall be accompanied by drainage calculations by a registered professional engineer as well as wetland delineations, if applicable. Storm drainage design must conform to City of New Bedford subdivision regulations.

5455. The Planning Board may require a DIS as set forth in Section 5300, above.

5456. Certification that the proposal is in compliance with the provisions, if applicable, of the Americans with Disabilities Act and the Massachusetts Architectural Barriers Board.

(Ord. of 12-23-03, § 1)

5460. **Waivers.** The Planning Board may, upon written request of the applicant, waive any of the submittal or technical requirements of Section 5430 and 5440 where the project involves relatively simple development plans.

(Ord. of 12-23-03, § 1)

5470. **Approval.** Site Plan approval shall be granted upon determination by the Planning Board that the plan meets the following objectives: The Planning Board may impose reasonable conditions at the expense of the applicant, including performance guarantees, to promote these objectives. Any new building construction or other site alteration shall provide adequate access to each structure for fire and service equipment and adequate provision for utilities and stormwater drainage consistent with the functional requirements of the Planning Board's Subdivision Rules and Regulations. New building construction or other site alteration shall be designed in the Site Plan, after considering the qualities of the specific location, the proposed land use, the design of building form, grading, egress points, and other aspects of the development, so as to:

5471. Minimize: the volume of cut and fill, the number of removed trees six-inch caliper or larger, the length of removed stone walls, the area of wetland vegetation displaced, the extent of stormwater flow increase from the site, soil erosion, and the threat of air and water pollution;

5472. Maximize: pedestrian and vehicular safety to and from the site;

5473. Minimize obstruction of scenic views from publicly accessible locations;

5474. Minimize visual intrusion by controlling the layout and visibility of parking, storage, or other outdoor service areas viewed from public ways or premises which are residentially used or zoned;

5475. Minimize glare from vehicle headlights and lighting fixtures;

5476. Minimize unreasonable departure from the character, materials, and scale of buildings in the vicinity, as viewed from public ways and places.

5477. Minimize contamination of groundwater from on-site wastewater disposal systems or operations on the premises involving the use, storage, handling, or containment of solid and liquid wastes and hazardous substances;

5478. Ensure compliance with the provisions of this Zoning Ordinance.

5479. Minimize damage to existing adjacent public ways.

5479A. Promote orderly and reasonable internal circulation within the site so as to protect public safety and not unreasonably interfere with access to a public way or circulation of traffic on a public way in general.

(Ord. of 12-23-03, § 1)

5480. **Lapse.** Site plan approval shall lapse after one year from the final approval if a substantial use in accordance with such approved plans has not commenced except for good cause. Such approval may, for good cause, be extended in writing by the Planning Board upon the written request of the applicant, within this one-year period.

(Ord. of 12-23-03, § 1)

5490. **Regulations.** The Planning Board may adopt and from time to time amend reasonable regulations for the administration of these Site Plan guidelines.

(Ord. of 12-23-03, § 1)

5490A. **Fee.** The Planning Board may, from time to time, adopt reasonable administrative fees and technical review fees for site plan review.

(Ord. of 12-23-03, § 1)

5490B. **Appeal.** Any person aggrieved by a decision of the Planning Board rendered pursuant to Section 5400 may appeal such decision to the Zoning Board of Appeals as provided in M.G.L.A. c. 40A, § 8.

(Ord. of 12-23-03, § 1)



City of New Bedford, Massachusetts  
 Building Department  
 Application for Plan Examination  
 and Building Permit

FOR BUILDING DEPT. USE

DATE RECEIVED \_\_\_\_\_  
 RECEIVED BY \_\_\_\_\_  
 ISSUED BY NOV 8 2018

MW

IMPORTANT — COMPLETE ALL ITEMS — MARK BOXES WHERE APPLICABLE — PRINT

Permit No. \_\_\_\_\_  
 Completion Date \_\_\_\_\_

(AT LOCATION) 56 Potomska Street  
(NO.) (STREET)  
 BETWEEN South Front Street AND Water Street  
(CROSS STREET) (CROSS STREET)  
 PLOT 31 LOT 232 & 239 DISTRICT Industrial B ACCEPTED STREET \_\_\_\_\_  
 PLANS FILED  YES  NO

II. TYPE AND COST OF BUILDING — all applicants complete parts A through D — PRINT

A. TYPE OF IMPROVEMENT

- 1  New Building
- 2  Addition (if residential, enter number of new housing units added, if any, in Part D. 14)
- 3  Alteration (if residential, enter number of new housing units added, if any, in Part D. 14)
- 4  Repair, replacement
- 5  Demolition (if multifamily residential, enter number of units in building in Part D. 14; if non-residential, indicate most recent use checking D-11, D-32)
- 6  Moving (relocation)
- 7  Foundation only

D1. PROPOSED USE — For demolition, most recent use

- |  |  |
|--|--|
| <b>Residential</b>   | <b>Nonresidential</b>  |
| 13 <input type="checkbox"/> One family   | 19 <input type="checkbox"/> Amusement, recreational            |
| 14 <input type="checkbox"/> Two or more family — Enter number of units                   | 20 <input type="checkbox"/> Church, other religious            |
| 15 <input type="checkbox"/> Transient hotel, motel, or dormitory — Enter number of units | 21 <input type="checkbox"/> Industrial                         |
| 16 <input type="checkbox"/> Garage   | 22 <input type="checkbox"/> Parking garage                     |
| 17 <input type="checkbox"/> Carport  | 23 <input type="checkbox"/> Service station, repair garage     |
| 18 <input type="checkbox"/> Other — Specify _____  | 24 <input type="checkbox"/> Hospital, institutional            |
|  | 25 <input type="checkbox"/> Office, bank, professional         |
|  | 26 <input type="checkbox"/> Public utility                     |
|  | 27 <input type="checkbox"/> School, library, other educational |
|  | 28 <input checked="" type="checkbox"/> Stores, mercantile      |
|  | 29 <input type="checkbox"/> Tanks, towers                      |
|  | 30 <input type="checkbox"/> Funeral homes                      |
|  | 31 <input type="checkbox"/> Food establishments                |
|  | 32 <input type="checkbox"/> Other — Specify _____              |

B. OWNERSHIP

- 8  Private (individual, corporation, nonprofit institution, etc.)
- 9  Public (Federal, State, or local government)

D2. Does this building contain asbestos?

- YES  NO If yes, complete the following:  
 Name & Address of Asbestos Removal Firm: \_\_\_\_\_

C. COST

- (Omit cents)
- 10. Cost of construction to be installed but not included in the above cost:
    - a. Electrical \_\_\_\_\_
    - b. Plumbing \_\_\_\_\_
    - c. Heating, air conditioning \_\_\_\_\_
    - d. Other (elevator, etc.) \_\_\_\_\_
  - 11. TOTAL VALUE OF CONSTRUCTION 3,000,000
  - 12. TOTAL ASSESSED BLDG. VALUE 3,000,000

Submit copy of notification sent to DECE and the State Dept. of Labor & Industries and results of air sample analysis after asbestos removal is completed.

D3. Nonresidential — Describe in detail proposed use of buildings, e.g., food processing plant, machine shop, laundry building, hospital, elementary school, secondary school, college, parochial school, parking garage for department store, rental office building, office building at industrial plant. If use of existing building is being changed, enter proposed use.

The Applicant proposes to demolish the existing gas gas station & convenience store and rebuild a new gas station & convenience store with a drive-thru.

III. SELECTED CHARACTERISTICS OF BUILDING —

For new buildings complete part E through L; for demolition, complete only parts G, H & I; for all others, (additions, alterations, repair, moving, foundation), complete E through L.

E. PRINCIPAL TYPE OF FRAME

- 33  Masonry (wall bearing)
- 34  Wood frame
- 35  Structural steel
- 36  Reinforced concrete
- 37  Other — Specify \_\_\_\_\_

G. TYPE OF SEWAGE DISPOSAL

- 43  Public or private company
- 44  Private (septic tank, etc.)

H. TYPE OF WATER SUPPLY

- 45  Public or private company
- 46  Private (well, cistern)

F. PRINCIPAL TYPE OF HEATING FUEL

- 38  Gas
- 39  Oil
- 40  Electricity
- 41  Coal
- 42  Other — Specify \_\_\_\_\_

I. TYPE OF MECHANICAL

- Is there a fire sprinkler system?
  - 47  YES
  - 48  NO
- Will there be central air conditioning?
  - 49  Yes
  - 50  No
- Will there be an elevator?
  - 51  Yes
  - 52  No

J. DIMENSIONS

- 53 Number of stories 1
- 54 Height 30.5'
- 55 Total square feet of floor area, all floors based on exterior dimensions 5,000 SF
- 56 Building length 100'
- 57 Building width 50'
- 58 Total sq. ft. of bldg. footprint 5,022 SF
- 59 Front lot line width 228.25'
- 60 Rear lot line width 165.30'
- 61 Depth of lot 231.60'
- 62 Total sq. ft. of lot size 41,034.86 SF
- 63 % of lot occupied by bldg. (55-62) 12.2%
- 64 Distance from lot line (front) 128'±
- 65 Distance from lot line (rear) 51'±
- 66 Distance from lot line (left) 34'±
- 67 Distance from lot line (right) 28'±

OTHER APPLICABLE REVIEWS

K. FLOODPLAIN

Is location within flood hazard area? yes  no  
 If yes, zone: \_\_\_\_\_ and base elevation \_\_\_\_\_

L. WETLANDS PROTECTION

Is location subject to flooding? NO  
 Is location part of a known wetland? NO  
 Has local conservation commission reviewed this site? NO

IV IDENTIFICATION - ALL APPLICANTS - PLEASE PRINT

OWNER OR LESSEE NAME	MAILING ADDRESS	ZIP CODE	TELEPHONE NO.
Alexandre El Tom,	56 Potomska Street		(508) 999-1913
Trustee of the	New Bedford, MA 02740		
ZGA & NB18 Realty Trusts	alexeltom@gmail.com		
CONTRACTOR NAME	MAILING ADDRESS	ZIP CODE	TELEPHONE NO.
		LICENSE #	
		HOME IMP #	
ARCHITECT NAME	MAILING ADDRESS	ZIP CODE	TELEPHONE NO.
		LICENSE #	
SIGNATURE OF OWNER	APPLICANT SIGNATURE	DATE	
<i>Alexandre El Tom</i>	<i>Alexandre El Tom</i>	11/6/18	

Omission of reference to any provision shall not nullify any requirement of this code nor exempt any structure from such requirement.

The applicants understands and warrant that they will comply with all pertinent federal and state statutes, local ordinances and all federal, state, and local regulations, including those of the Architectural Barriers board, Department of Environmental Protection Agency and may be forwarded for review to all pertinent local city agencies which may express specific concerns. It is understood that the issuance of a permit shall not serve as an acceptance or acknowledgment of compliance nor exempt any structure from such requirement. The permit shall be a license to proceed with the work and shall not be construed as authority to violate, cancel, or set aside any of the provisions of the State Building Code or local code of ordinances, except as specifically stipulated by modification or legally granted variation in accordance with Section 122.0 of State Building Code or local code of ordinances.

I have read the above and sign under pain and penalty of perjury as to the truth of all of the information and statements contained in sections I through IV of this application.

*Alexandre El Tom*      56 Potomska St.      New Bedford MA 02740  
 Applicant's Signature      Address      City

V. OTHER JURISDICTION APPROVALS AND NOTIFICATION

APPROVAL	CHECK	DATE OBTAINED	BY
Electrical			
Plumbing			
Fire Department			
Water			
Planning			
Conservation			
Public Works			
Health			
Licensing			
Other			

VI. ZONING REVIEW

DISTRICT: Industrial B USE: Convenience Store / Gas Station / Drive Thru  
 FRONTAGE: 228.25' LOT SIZE: 41,034.86 SF  
 SETBACKS:  
 FRONT: 25' LEFT SIDE: 25' RIGHT SIDE: 25' REAR: 25'  
 PERCENTAGE OF LOT COVERAGE PRIMARY BUILDING 12.2%  
 VARIANCE HISTORY N/A

VII. WORKER'S COMPENSATION INSURANCE AFFIDAVIT

I, \_\_\_\_\_  
 (licensee/permittee) with a principal place of business/residence at:

(City/State/Zip) do hereby certify, under the pains and penalties of perjury, that:

I am an employer providing worker's compensation coverage for my employees working on this job.

Insurance Company Policy Number

I am a sole proprietor and have no one working for me.

I am a sole proprietor, general contractor, or homeowner and have hired the contractors listed below who have the following worker's compensation insurance policies:

Name of contractor Insurance Company/policy number

Name of contractor Insurance Company/policy number

I am a homeowner performing all the work myself.

NOTE: Please be aware that while homeowners who employ persons to do maintenance, construction or repair work on a dwelling of not more than three units in which the homeowner also resides or on the grounds appurtenant thereto are not generally considered to be employers under the Workers' Compensation Act (GL. C. 152, sect. 1(5)), application by a homeowner for a license or permit may evidence the legal status of an employer under the Workers' Compensation Act.

I understand that a copy of this statement will be forwarded to the Department of Industrial Accidents' Office of Insurance for coverage verification and that failure to secure coverage as required under Section 25A of MGL 152 can lead to the imposition of criminal penalties consisting of a fine of up to \$1500.00 and/or imprisonment of up to one year and civil penalties in the form of a Stop Work Order and a fine of \$100.00 a day against me.

Signed this 6<sup>th</sup> day of November, 2018

# SITEC

Civil and Environmental Engineering  
Land Use Planning

449 Faunce Corner Road  
Dartmouth, MA 02747  
(508) 998-2125 FAX (508) 998-7554

769 Plain Street - Unit C  
Marshfield, MA 02050  
(781) 319-0100 FAX (781) 834-4783

## LETTER OF TRANSMITTAL

DATE	11/12/2018	JOB NO.	18-7018
ATTENTION	Danny Romanowicz		
RE	56 Potomska Street		
	Map 31 Lots 232 & 239		
	Building Permit Rejection		

TO  
City of New Bedford Department of Inspectional Services  
133 William Street - Room 308  
New Bedford, MA 02740

WE ARE SENDING YOU  Attached  Under separate cover via Delivery the following items:

- Shop drawings     Prints     Plans     Samples     Specifications  
 Copy of letter     Change order     Permit Application

COPIES	DATE	NO.	DESCRIPTION
1	11/08/2018		Memo regarding building permit rejection package
1	—		Building Department Application for Plan Examination and Building Permit
1	12/12/2017		Proposed Building Elevations
1	10/29/2018		Plan Set (2 Sheets)

THESE ARE TRANSMITTED as checked below:

- For approval     Approved as submitted     Resubmit \_\_\_\_\_ copies for approval  
 For your use     Approved as noted     Submit \_\_\_\_\_ copies for distribution  
 As requested     Returned for corrections     Return \_\_\_\_\_ corrected prints  
 For review and comment     \_\_\_\_\_  
 FOR BIDS DUE \_\_\_\_\_     PRINTS RETURNED AFTER LOAN TO US

REMARKS Requirement of the Planning Board Site Plan Review Application.

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COPY TO \_\_\_\_\_ SIGNED: Allison Carr

# SITEC


Civil and Environmental Engineering  
Land Use Planning

SITEC, Inc.  
449 Faunce Corner Road  
Dartmouth, MA 02747  
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Marshfield, MA 02050  
Tel. (781) 319-0100 FAX (781) 834-4783

## MEMORANDUM

TO: DANNY ROMANOWICZ  
DIRECTOR OF INSPECTIONAL SERVICES

FROM: ALISON CESAR 

DATE: NOVEMBER 08, 2018

SUBJECT: **56 POTOMSKA STREET**  
**NB18 REALTY TRUST**

Attached please find a building permit application for the above referenced project. Per the Planning Board Site Plan Review Application process, a building permit rejection is required as part of the application package.

The subject property is located on the southwest corner of Potomska Street and South Front Street. The site is zoned Industrial B. The property is currently the location of a Mutual Oil gas station convenience store and warehouse.

A Site Plan Review Application is being submitted for the purpose of a new commercial construction of more than 2,000 square feet with a drive-thru. The Applicant intends to use the existing pylon sign for the new business.

At this time we hereby respectfully request a rejection letter so that we can submit our application to the Planning Board.

Thank you in advance for your time. Should you have any questions or comments, please do not hesitate to contact me.



Location: 56 POTOMSKA ST

Parcel ID: 31 239

Zoning: IB

Fiscal Year: 2018

**Current Owner Information:**

EL TOM ALEXANDRE "TRUSTEE"  
NB18 REALTY TRUST  
56 POTOMSKA STREET  
  
NEW BEDFORD , MA 02740

**Current Sales Information:**

**Sale Date:**

12/28/2012

**Sale Price:**

\$1,000,000.00

**Legal Reference:**

10633-91

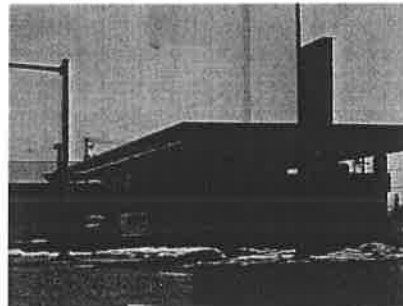
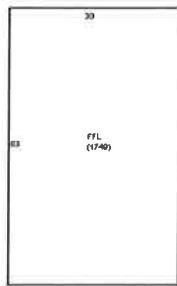
**Grantor:**

EDSEL NORTH,LIMITED PARTNERSHIP

Card No. 1 of 1

This Parcel contains 0.47 acres of land mainly classified for assessment purposes as GAS SVC STA with a(n) GENERAL RETAIL style building, built about 1992, having Metal exterior, Metal and Tin roof cover and 1749 Square Feet, with 1 unit(s), total room(s), total bedroom(s) 0 total bath(s), 0 3/4 baths, and 2 total half bath(s).

Building Value:	Land Value:	Yard Items Value:	Total Value:
130800	212400	313600	656800



Fiscal Year 2018		Fiscal Year 2017		Fiscal Year 2016	
Tax Rate Res.:	16.63	Tax Rate Res.:	16.69	Tax Rate Res.:	16.49
Tax Rate Com.:	35.65	Tax Rate Com.:	36.03	Tax Rate Com.:	35.83
Property Code:	334	Property Code:	334	Property Code:	334
Total Bldg Value:	130800	Total Bldg Value:	130800	Total Bldg Value:	137100
Total Yard Value:	313600	Total Yard Value:	307900	Total Yard Value:	317200
Total Land Value:	212400	Total Land Value:	212400	Total Land Value:	212400
<b>Total Value:</b>	<b>656800</b>	<b>Total Value:</b>	<b>651100</b>	<b>Total Value:</b>	<b>666700</b>
<b>Tax:</b>	<b>\$23,414.92</b>	<b>Tax:</b>	<b>\$23,459.13</b>	<b>Tax:</b>	<b>\$23,887.86</b>

Disclaimer: Classification is not an indication of uses allowed under city zoning. This information is believed to be correct but is subject to change and is not warranted.

Location: 756 S WATER ST

Parcel ID: 31 232

Zoning: IB

Fiscal Year: 2018

**Current Owner Information:**

EL TOM ALEXANDRE "TRUSTEE"  
ZGA REALTY TRUST  
56 POTOMSKA STREET  
  
NEW BEDFORD , MA 02740

**Current Sales Information:**

**Sale Date:**

12/28/2012

**Sale Price:**

\$250,000.00

**Legal Reference:**

10633-111

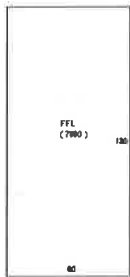
**Grantor:**

EDSEL LIMITED PARTNERSHIP,

Card No. 1 of 1

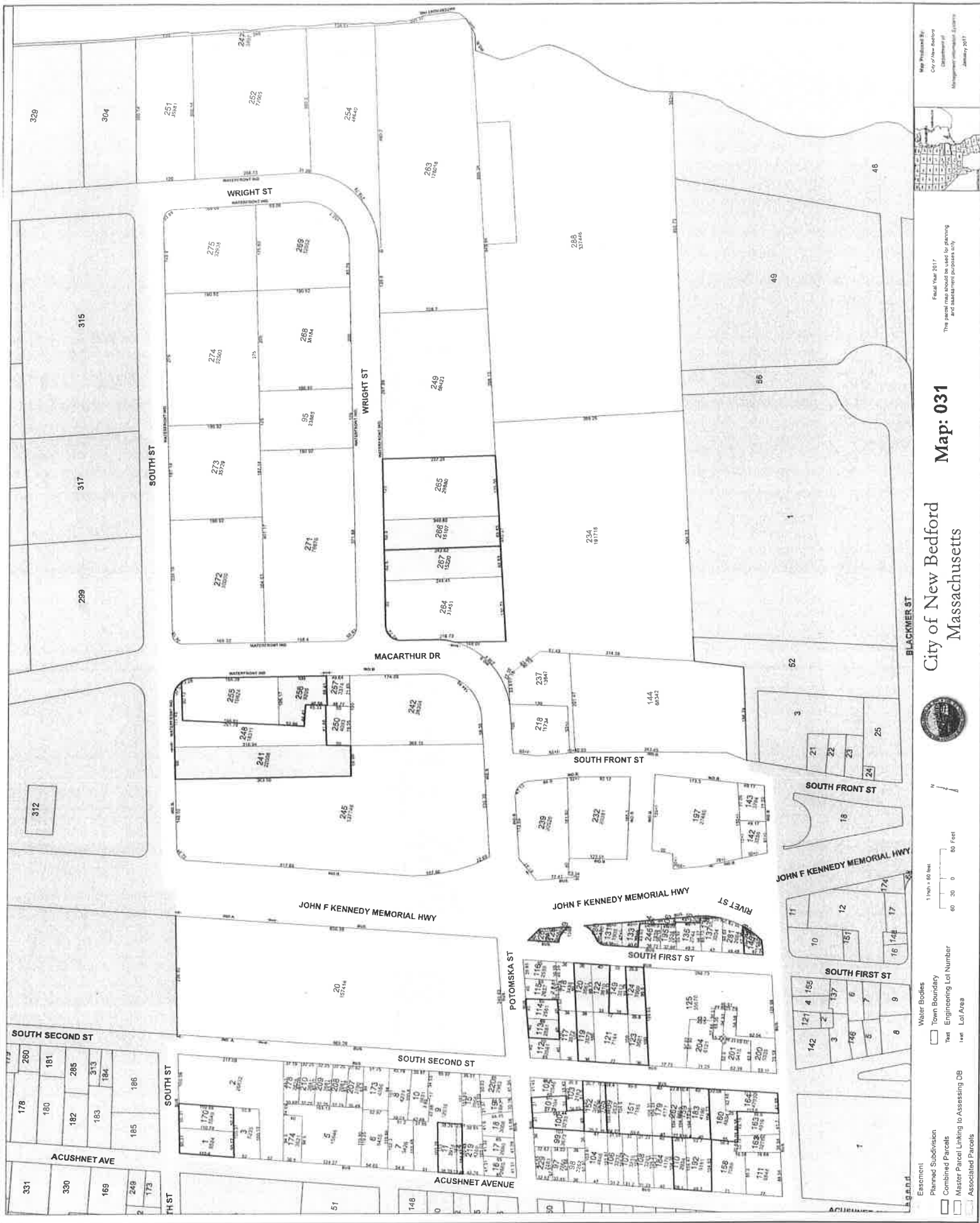
This Parcel contains 0.47 acres of land mainly classified for assessment purposes as IND WHS with a(n) Warehouse style building, built about 1966, having Conc Blk exterior, Rolled Composition roof cover and 7800 Square Feet, with 1 unit(s), total room(s), total bedroom(s) 0 total bath(s), 0 3/4 baths, and 1 total half bath(s).

Building Value:	Land Value:	Yard Items Value:	Total Value:
91900	141200	32400	265500



Fiscal Year 2018		Fiscal Year 2017		Fiscal Year 2016	
Tax Rate Res.:	16.63	Tax Rate Res.:	16.69	Tax Rate Res.:	16.49
Tax Rate Com.:	35.65	Tax Rate Com.:	36.03	Tax Rate Com.:	35.83
Property Code:	401	Property Code:	401	Property Code:	401
Total Bldg Value:	91900	Total Bldg Value:	76700	Total Bldg Value:	91300
Total Yard Value:	32400	Total Yard Value:	30500	Total Yard Value:	30000
Total Land Value:	141200	Total Land Value:	141200	Total Land Value:	141200
<b>Total Value:</b>	<b>265500</b>	<b>Total Value:</b>	<b>248400</b>	<b>Total Value:</b>	<b>262500</b>
<b>Tax:</b>	<b>\$9,465.08</b>	<b>Tax:</b>	<b>\$8,949.85</b>	<b>Tax:</b>	<b>\$9,405.38</b>

Disclaimer: Classification is not an indication of uses allowed under city zoning. This information is believed to be correct but is subject to change and is not warranted.

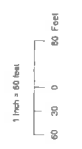


Map Prepared By:  
 City of New Bedford  
 Department of  
 Management Information Systems  
 January 2017

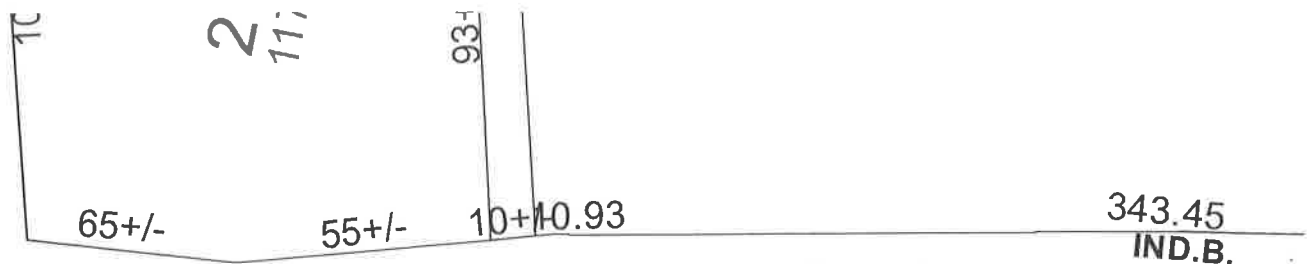
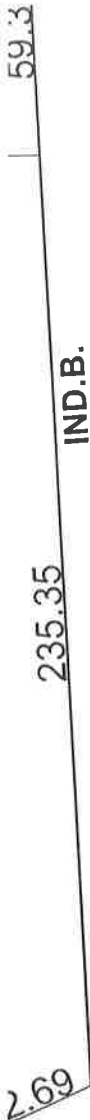


Fiscal Year 2017  
 This parcel map should be used for assessing  
 and abatement purposes only.

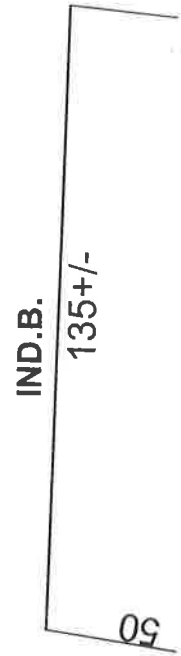
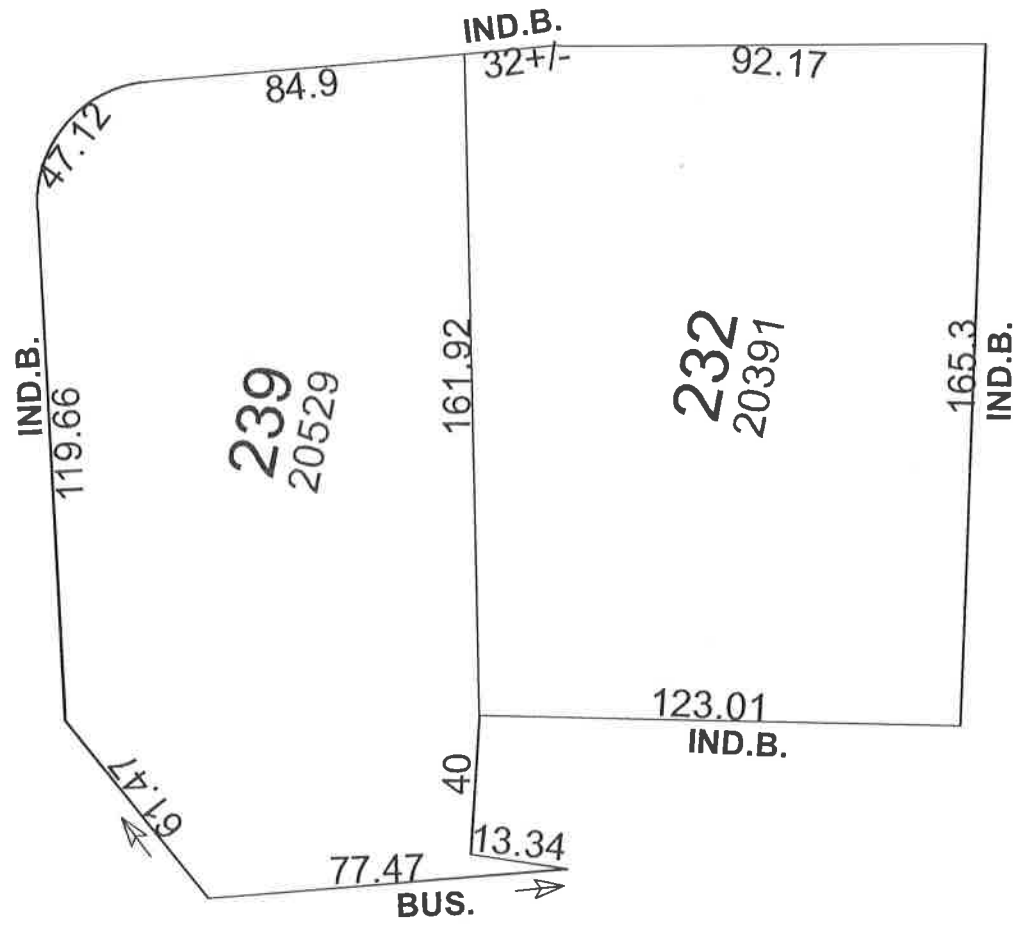
**Map: 031**  
 City of New Bedford  
 Massachusetts



- Esplanment
- Water Bodies
- Planned Subdivision
- Town Boundary
- Combined Parcels
- Engineering Lot Number
- Master Parcel Linking to Assessing DB
- Associated Parcels
- Lot Area



# SOUTH FRONT ST



# JOHN F KENNEDY MEMORIAL

