



CITY OF NEW BEDFORD  
JONATHAN F. MITCHELL, MAYOR

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

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

101 Belleville Avenue – PLOT: 85 – LOT: 300 – ZONED DISTRICT: IA

Special Permit Required from the Zoning Board of Appeals

Site Plan Review & Special Permit Required from the Planning Board

***Zoning Code Review as follows:***

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### **Special Permit**

**Zoning Board of Appeals**

#### **❖ SECTIONS**

- 2200 – Use Regulations
- 2210 – General
- 2230 – Table of Principal Use Regulations – Appendix A
  - Commercial - #23. Restaurant, Fast Food

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### **Special Permit**

**Planning Board**

#### **❖ SECTIONS**

- 3100 – Parking and Loading
- 3110 – Applicability
- 3130 – Table of Parking Loading Requirements – Appendix C
  - Fast-food drive-in, carry-out restaurants
- 5300-5390 – Special Permit

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### **Site Plan Review**

**Planning Board**

#### **❖ SECTIONS**

- 5400 – Site Plan Review
- 5410 – Purpose
- 5420 – Applicability
  - 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
  - 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.
  - 5427 – Commercial or industrial ground signs.
- 5430-5490B



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## Parking Spaces Calculations

### 101 Belleville Avenue – Proposed Fast Food – Carry-Out & Drive Through

#### Number of Spaces Required

Number of Space Required = Minimum 5 Parking Spaces for Employees

Number of Space Required = Minimum 20 Parking Spaces for Customers

Number of Space Required = Minimum 1 Loading Spaces

Number of Parking Spaces Required = 26 Parking Spaces

Number of Parking Spaces Provided = 15 Parking Spaces

Number of Spaces Required for Relief = 10 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)

## APPENDIX A - TABLE OF PRINCIPAL USE REGULATIONS

## DISTRICTS

[illegible]



14. Big Box Retail (60,000 Sq. ft. or greater)	N	N	N	N	BA	BA	N	N	N	N	Y
15. Health clubs	N	N	N	N	Y	Y	Y	Y	Y	N	Y
16. Mixed use	N	N	N	N	Y	Y	N	N	N	N	Y
17. Live /work	N	N	N	N	BA	BA	N	N	N	N	Y
18. Motor vehicle sales and rental	N	N	N	N	CC	CC	CC	CC	N	N	N
19. Motor vehicle general repairs	N	N	N	N	CC	CC	N	CC	N	Y	N
20. Motor Vehicle body repairs	N	N	N	N	N	N	N	CC	N	N	N
21. Motor vehicle light service	N	N	N	N	CC	CC	CC	CC	N	CC	N
22. Restaurant	N	N	N	N	Y	Y	Y	N	SP	Y	Y
<b>23. Restaurant, fast-food</b>	N	N	N	N	BA	BA	<b>BA</b>	N	N	BA	BA
24. Business or professional office	N	N	N	N	Y	Y	Y	N	Y	Y	Y
25. Medical offices, center, or clinic	N	N	N	N	BA	BA	BA	N	BA	BA	Y
26. Bank, financial agency	N	N	N	N	Y	Y	Y	N	Y	Y	Y
27. Indoor commercial recreation	N	N	N	N	Y	Y	Y	N	N	Y	Y

## **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
One-family dwelling Two-family dwelling Multi-family (3) or more per structure	Two (2) spaces per dwelling unit Two (2) spaces per dwelling unit	One (1) loading space for each multifamily dwelling containing more than ten (10) dwelling units, or more than twenty (20) housekeeping units
Hotel, motel, bed and breakfast, rooming or boarding or lodging house, tourist home, dormitories, or other non-family residence accommodations, excluding group homes	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	One (1) loading space for each building containing more than 20 guest rooms
Offices: General, professional, business, banks, medical clinics and laboratories, radio and television stations; office of non-profit educational, cultural, or charitable organizations	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	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



Fast-food drive-in, carry-out restaurants	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	One (1) loading space for each building
Businesses engaged in retail sale of goods and services, not elsewhere enumerated herein	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.	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
Businesses engaged in retail sale, rental, repair, servicing, storage and distribution of motor vehicles, trailers, campers, boats, furniture or building materials	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	
Hospital, convalescent homes, nursing homes, rest homes or homes for the aged	One (1) space per three (3) beds, three (3) space Drop-Off Zone.	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

## 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: \_\_\_\_\_

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

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

(AT LOCATION) 101 Belleville Avenue  
(NO) (STREET)  
BETWEEN Cedar Grove Street AND Coggeshall Street  
(CROSS STREET) (CROSS STREET)  
PLOT 85 LOT 300 DISTRICT IA ACCEPTED STREET Belleville  
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-18 - D-32)  
6 ☐ Moving (relocation)  
7 ☐ Foundation only

D.1 PROPOSED USE — For demolition most recent use

Residential

- 13 ☐ One family  
14 ☐ Two or more family — Enter number of units \_\_\_\_\_  
15 ☐ Transient hotel, motel, or dormitory — Enter number of units \_\_\_\_\_  
16 ☐ Garage  
17 ☐ Carport  
18 ☐ Other — Specify \_\_\_\_\_

Nonresidential

- 19 ☐ Amusement, recreational  
20 ☐ Church, other religious  
21 ☐ Industrial  
22 ☐ Parking garage  
23 ☐ Service station, repair garage  
24 ☐ Hospital, institutional  
25 ☐ Office, bank, professional  
26 ☐ Public utility  
27 ☐ School, library, other educational  
28 ☐ Stores, mercantile  
29 ☐ Tanks, towers  
30 ☐ Funeral homes  
31 ☒ Food establishments  
32 ☐ Other — Specify \_\_\_\_\_

B. OWNERSHIP

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

D.2. Does this building contain asbestos?

☐ YES ☒ NO If yes complete the following:

Name & Address of Asbestos Removal Firm: \_\_\_\_\_

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

C. COST

- (Omit cents)  
10 Cost of construction ..... \$ 242,000  
To be installed but not included in the above cost  
a. Electrical ..... \$ 50,000  
b. Plumbing ..... \$ 40,000  
c. Heating, air conditioning ..... \$ 18,000  
d. Other (elevator, etc.) ..... \$ 150,000 (sitw)  
11. TOTAL VALUE OF CONSTRUCTION ..... \$ 500,000  
12. TOTAL ASSESSED BLDG. VALUE ..... TBD

D.3. Non-residential — Describe in detail proposed use of buildings, e.g., food processing plant, machine shop, laundry building at 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.

Proposed Dunkin Donuts quick service  
restaurant and drive through use

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 19'-2"  
55 Total square feet of floor area, all floors based on exterior dimensions 1247 SF  
56 Building length 21'6"  
57 Building width 73'6"  
58 Total sq. ft. of bldg. footprint 1247 SF  
59 Front lot line width 106.15 ft  
60 Rear lot line width N/A  
61 Depth of lot 178.21 ft  
62 Total sq. ft. of lot size 19,947 SF  
63 % of lot occupied by bldg. (58+62) 5.3%  
64 Distance from lot line (front) 56.1 ft  
65 Distance from lot line (rear) N/A  
66 Distance from lot line (left) 28.2 ft  
67 Distance from lot line (right) 29.5 ft

## 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? NoIs location part of a known wetland? NoHas local conservation commission reviewed this site? No

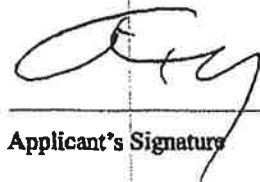
## IV. IDENTIFICATION - ALL APPLICANTS - PLEASE PRINT

OWNER OR LESSEE NAME	MAILING ADDRESS	ZIP CODE	TELEPHONE NO.
John Souza	101 Belleville Avenue, New Bedford, MA	02746	
E-mail Address:			
CONTRACTOR NAME	MAILING ADDRESS	ZIP CODE	TELEPHONE NO.
TBD			
E-mail Address:			
ARCHITECT NAME	MAILING ADDRESS	ZIP CODE	TELEPHONE NO.
Aharonian & Associates inc.	310 George Washington Highway, Suttleboro, RI		401-232-8010
E-mail Address:			
SIGNATURE OF OWNER	APPLICANT SIGNATURE	DATE	

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.

  
Applicant's Signature

Address

3021 Acushnet Ave New Bedford

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: IA USE: Restaurant w/ Drive through window  
 FRONTAGE: 106.15 ft LOT SIZE: 19,947 SF  
 SETBACKS:  
 FRONT: 56.1 ft LEFT SIDE: 28.2 ft RIGHT SIDE: 28.5 ft REAR: N/A  
 PERCENTAGE OF LOT COVERAGE PRIMARY BUILDING 5.3%  
 VARIANCE HISTORY

## VII. WORKER'S COMPENSATION INSURANCE AFFIDAVIT

I, TBD

(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:

TBD

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 \_\_\_\_\_ day of \_\_\_\_\_, 20 \_\_\_\_\_

Location: 101 BELLEVILLE AVE

Parcel ID: 85 300

Zoning: IA

Fiscal Year: 2018

**Current Owner Information:**

SOUZA JOHN  
C/O BUTTONWOOD AUTO EXCHANGE  
101 BELLEVILLE AVENUE

NEW BEDFORD , MA 02746

**Current Sales Information:****Sale Date:**

09/13/2001

**Sale Price:**

\$200,000.00

**Legal Reference:**

5149-16

**Grantor:**

N/A

Card No. 1 of 1

This Parcel contains 0.46 acres of land mainly classified for assessment purposes as AUTO S&S with a(n) COMMERCIAL GARAGE style building, built about 1969, having Conc Blk exterior, Metal and Tin roof cover and 1841 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:**

57500

**Land Value:**

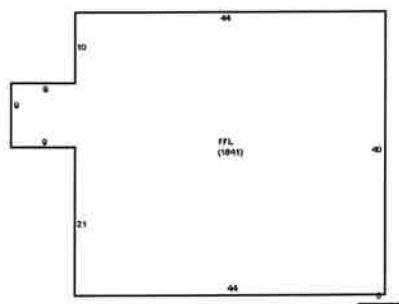
155900

**Yard Items Value:**

30800

**Total Value:**

244200

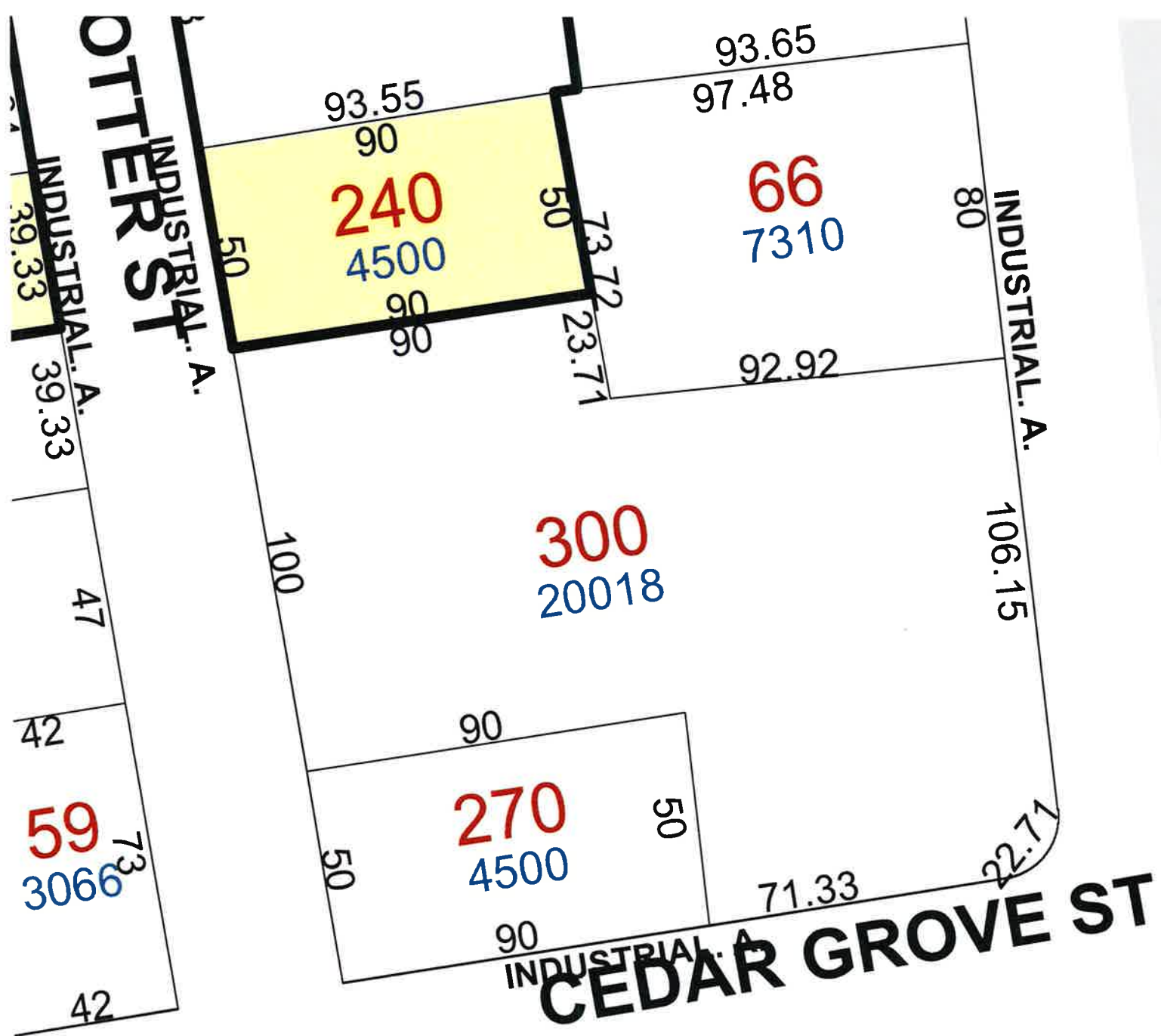
**Fiscal Year 2018****Fiscal Year 2017****Fiscal Year 2016**

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:	330	Property Code:	330	Property Code:	330
Total Bldg Value:	57500	Total Bldg Value:	61400	Total Bldg Value:	53400
Total Yard Value:	30800	Total Yard Value:	29500	Total Yard Value:	29300
Total Land Value:	155900	Total Land Value:	155900	Total Land Value:	147700
<b>Total Value:</b>	<b>244200</b>	<b>Total Value:</b>	<b>246800</b>	<b>Total Value:</b>	<b>230400</b>
<b>Tax:</b>	<b>\$8,705.73</b>	<b>Tax:</b>	<b>\$8,892.20</b>	<b>Tax:</b>	<b>\$8,255.23</b>

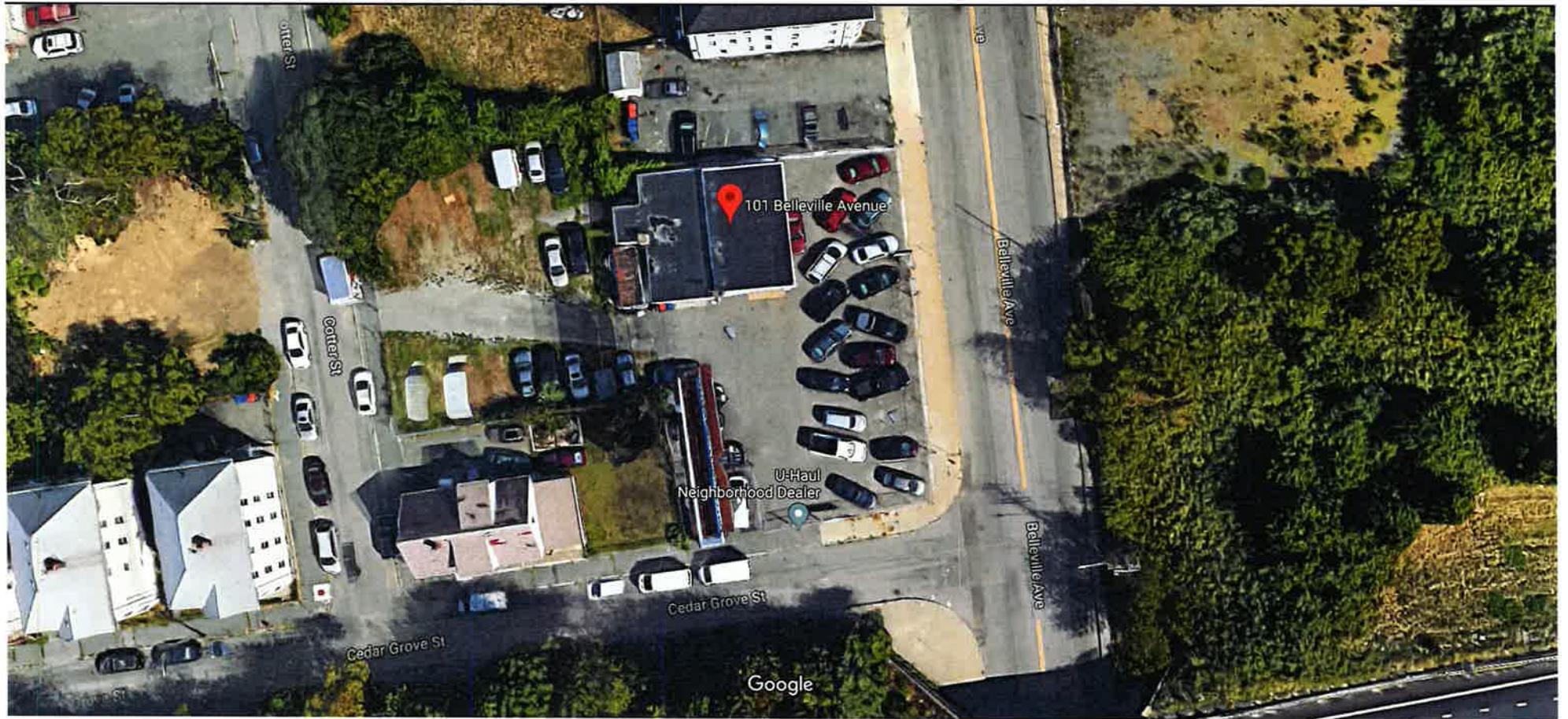
Disclaimer: Classification is not an indication of uses allowed under city zoning.  
This information is believed to be correct but is subject to change and is not warranted.



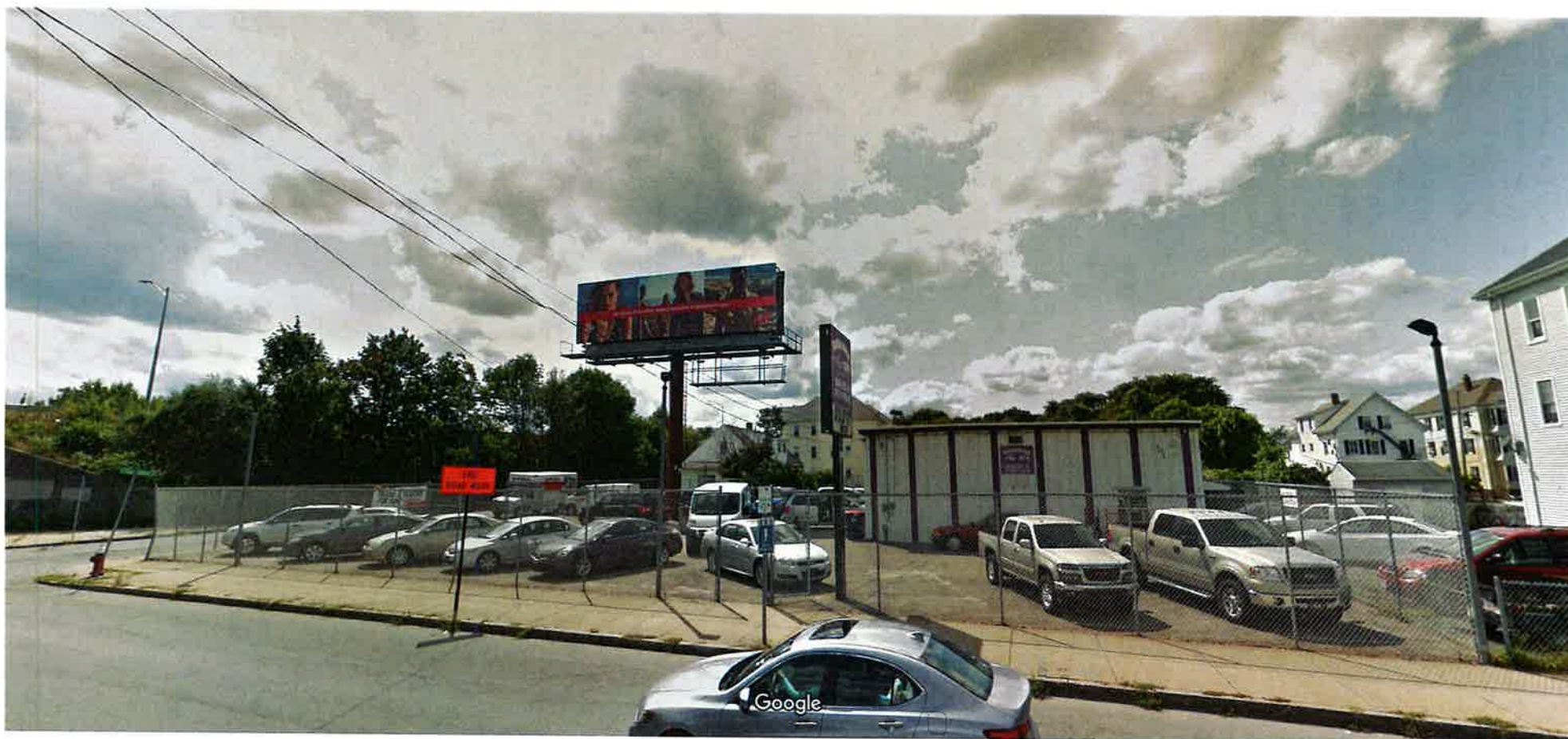




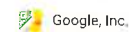








New Bedford, Massachusetts



Street View - Aug 2017

Image capture: Aug 2017 © 2018 Google





New Bedford, Massachusetts



Google, Inc.

Street View - Aug 2012



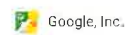
Image capture: Aug 2012 © 2018 Google





Image capture: Aug 2012 © 2018 Google

New Bedford, Massachusetts



Street View - Aug 2012



**QUITCLAIM DEED**

We, Joseph P. David, Joseph P. David, Jr., both of 115 Belleville Avenue, New Bedford, Bristol County, Massachusetts, Peter David of 85 Shawmut Avenue, New Bedford, MA, Barbara Bennett of 100 Farmfield Street, New Bedford, MA, Douglas David of 19 Mockingbird Path, Dartmouth, MA, Mary David of 38 Middle Street, Fairhaven, MA, Cecilia Cournoyer of 51 Akin Street, Fairhaven, MA for consideration paid, and in full consideration of Two Hundred Thousand (\$200,000.00) Dollars grant an undivided one half interest to John Souza and Carol Souza, husband and wife, as tenants by the entirety, and an undivided one half interest to Kevin Mendoza and Darlene Mendoza, husband and wife, as tenants by the entirety, all of 42 Brown St., Fairhaven, Bristol County, MA 02719 in fee simple **with quitclaim covenants**

*affidavit*  
*9/13/01*  
*5149-18*

Land in New Bedford, Ma.

Beginning at a point in the westerly line of Belleville Avenue, said point being the southeasterly corner of lot 2 on Plan of Land, hereinafter mentioned;

thence S 84 degrees, 29' 22" W a distance of 92.92 ' feet to the southwesterly corner of said lot 2;

thence N 09 degrees 29' 20" W in westerly line of Lot 2 on said plan 23.71' feet;

thence N 80 degrees 41' 27" E in the southerly line of land now or formerly of Jan W. and Jean Martin 90 feet to the easterly line of Cotter Street;

thence S 09 degrees 29' 20" E in the easterly line of Cotter Street 100 feet to the northwest corner of land now or formerly of Jose Carlos Deo Nogueira, et ux;

thence S 80 degrees 41' 27" W in the northerly line of said Nogueira land 90 feet to the northeast corner of the Nogueira land;

thence S 09 degrees 29' 20" E in the easterly line of the Nogueira land 50 feet to the northerly line of Cedar Grove Street;

thence S 80 degrees 40' 27" W in the northerly line of Cedar Grove Street 71.33;

thence in the arch of a circle having a radius of 15.00 ' a distance of 22.71';

thence N 06' 03' 31 W in the westerly line of Belleville Avenue a distance of 106.15 feet to the point of beginning;

Being referred to as Lot 1 and Parcel "A" on plan of land in New Bedford, MA prepared for the Estate of David P. David by Kenneth Ferreira Engineering, Inc. dated July 26, 2001, and recorded in the Bristol County Registry of Deeds Plan Book 148, Page 18.

Lot 1 contains 19,733 sq. feet, Parcel "A" contains 285 square feet;

For our title see the Estate of David P. David, Bristol County Probate Docket No. OOP 0637 EP.

WITNESS our hands and seals this <sup>13<sup>th</sup></sup> day of September 2001:

Joseph P. David  
JOSEPH P. DAVID

Joseph P. David, Jr.  
JOSEPH P. DAVID, JR.

Peter David  
PETER DAVID

Barbara Bennett  
BARBARA BENNETT

Douglas David  
DOUGLAS DAVID

Mary E. David  
MARY E. DAVID

Cecilia Cournoyer  
CECILIA COURNOYER

COMMONWEALTH OF MASSACHUSETTS

BRISTOL, SS

SEPTEMBER 13, 2001

Then personally appeared the above-named JOSEPH P. DAVID and acknowledged the foregoing to be his free act and deed, before me

Aaron J. Bor  
AARON J. BOR, NOTARY PUBLIC  
My commission expires: 1/21/05

REG OF DEEDS  
REG #07  
BRISTOL S

09/13/01 132490 01  
000000 073000  
FEE \$912.00  
CASH \$912.00

Address of  
24 Carter Street  
New Bedford, MA

BM3116F0200

19742

QUICKLY DONE

Mr. JAMES W. MARTIN and JEAN MARTIN, husband and wife, of Burlington, Massachusetts, County, Commonwealth of Massachusetts, for nominal consideration of less than one hundred dollars paid grant to ALFRED P. MARTIN, JR., of 24 Carter Street, New Bedford, Massachusetts, individually

WITH CERTAIN COVENANTS

The land with the buildings thereon situated in New Bedford, Bristol County, Commonwealth of Massachusetts, bounded and described as follows:

Beginning at the southwest corner thereof at a point in the east line of Carter Street, one hundred seventy-two and 95/100 (172.95) feet south of the south line of Coggeshall Street;

thence EASTERLY ninety-three and 85/100 (93.85) feet;

thence NORTHEAST by land now or formerly of one Vignault seventy-nine and 64/100 (79.64) feet;

thence WESTERLY by land now or formerly of one Desautels fifty-six and 20/100 (56.20) feet to an angle;

thence WESTERLY thirty-nine and 45/100 (39.45) feet to the said east line of Carter Street;

thence SOUTHERLY therein eighty-seven and 23/100 feet (87.23) feet to the point of beginning.

Being the same premises conveyed to us by deed of Leon H. Brinkwood et al dated April 20, 1973 and recorded with Bristol County Southern District Registry of Deeds, Book 1662, Page 203.

WITNESS our hands and seals this 30<sup>th</sup> day of April, 1993.



*John W. Martin*  
John W. Martin

*John W. Martin*  
John W. Martin

Commap 9304196

BK3116P60201

COMMONWEALTH OF MASSACHUSETTS

11/30 , 1993

Then personally appeared the above-named Jan W. Martin and acknowledged the foregoing instrument to be his free act and deed, before me

*John J. B. Carter*  
Notary Public  
My commission expires: 06/01/96

Received & Recorded Aug. 9, 1993 at 10:47 min. A.M.

*MT 651*  
*John J. B. Carter*  
Notary Public

**QUITCLAIM DEED**

We, Joseph P. David, Joseph P. David, Jr., both of 115 Belleville Avenue, New Bedford, Bristol County, Massachusetts, Peter David of 85 Shawmut Avenue, New Bedford, MA, Barbara Bennett of 100 Farmfield Street, Fairhaven MA, Douglas David of 19 Mockingbird Path, Dartmouth, MA, Mary E. David of 38 Middle Street, Fairhaven, MA, Cecilia Cournoyer of 51 Akin Street, Fairhaven, MA, Paul W. Grenier of 2155 Acushnet Ave., New Bedford, MA for consideration paid, and in full consideration of One Hundred Five Thousand (\$105,000.00) Dollars grant to Douglas David of 19 Mockingbird Path, Dartmouth, MA., a life estate for and during his lifetime, with full powers to mortgage, rent, lease convey, sell, with or without consideration the whole or any part thereof and thereafter to Peter David of 85 Shawmut Ave., New Bedford, MA, in fee simple **with quitclaim covenants**

Beginning at a point in the westerly line of Belleville Avenue, said point being the southeasterly point of parcel A on Plan of Land, hereinafter mentioned;

thence N 84 degrees, 29' 22" W a distance of 92.92" feet feet to the southwesterly corner of said parcel A on said plan;

thence N 09 degrees 29' 20" W in westerly line of Lot 1 and land now or formerly owned by Jan W. & Jean Martin on said plan 73.72' feet to a point;

thence N 80 degrees 41' 27" E in the southerly line of land now or formerly of Alfred D. Martin Sr. and land now or formerly of End Zone Realty Trust a distance of 97 .48 feet to the easterly line of Belleville Ave.;

thence S 06 degrees 03' 31" E in the easterly line of Bellevue Ave. a distance of 80 feet to the point of beginning.

Being shown as as Lot 2 on plan of land in New Bedford, MA prepared for the Estate of David P. David by Kenneth Ferreira Engineering, Inc. dated July 26, 2001, and recorded in the Bristol County Registry of Deeds Plan Book 148, Page 18. .

Lot 2 contains 7,310 sq. feet.

For our title see the Estate of David P. David, Bristol County Probate Docket No. OOP 0637 EP Estate of Tufek P. David, Bristol County Probate Docket No. 99P 1403 EP, Estate of Elizabeth Grenier Bristol County Probate Docket No. 99P 2319 and deed of Joseph P. David et al to David P. David dated December 31, 1999 and recorded in the Bristol County Registry of Deeds (S.D.) Book 4613 Page 91.



WITNESS our hands and seals this 14<sup>th</sup> day of December, 2001.

Joseph P. David  
JOSEPH P. DAVID

Peter David  
PETER DAVID

Douglas David  
DOUGLAS DAVID

Cecilia Cournoyer  
CECILIA COURNOYER

Joseph P. David, Jr.  
JOSEPH P. DAVID, JR.

Barbara Bennett  
BARBARA BENNETT

Paul W. Grenier  
PAUL W. GRENIER

Mary E. David  
MARY E. DAVID individually  
and as devisee under the  
will of Tufek P. David

## COMMONWEALTH OF MASSACHUSETTS

Bristol, ss

Dec. 14, 2001

Then personally appeared the above named  
DOUGLAS DAVID, JOSEPH P. DAVID, and PAUL W. GRENIER  
and acknowledged the foregoing to be their free act  
and deed, before me

Aaron J. Bor  
Aaron J. Bor Notary Public  
My commission expire: 1/21/05

REG. OF DEEDS  
REG #07  
BRISTOL S

12/14/01 1:19PM 01  
000000-#0384

FEE \$478.80

CASH \$478.80

7057

I, MARY G. MACEK, widow

of New Bedford

Bristol County, Massachusetts

for consideration paid, and in full consideration of \$27,000.00

grants to Jose Carlos de Oliveira Nogueira and Maria Helena Nogueira, Husband and Wife, as joint tenants

of 23 Cotter Street, New Bedford, Massachusetts

with warranty covenants

the land in said New Bedford, bounded and described as follows:

[Description and encumbrances, if any]

Beginning at the intersection of the north line of Cedar Grove Street with the east line of Cotter Street;

thence northerly along Cotter Street, Fifty (50) feet;

thence easterly ninety (90) feet;

thence southerly Fifty (50) feet to Cedar Grove Street;

thence westerly along Cedar Grove Street, ninety (90) feet to the point of beginning.

Containing sixteen and 53/100 (16.53) square rods, more or less.

Being the same premises conveyed to myself and my late husband, Edward Macek by deed of Victoria Gregoire, dated December 3, 1956 and recorded in the Bristol County (S.D.) Registry of Deeds in Book 1202, Page 468.

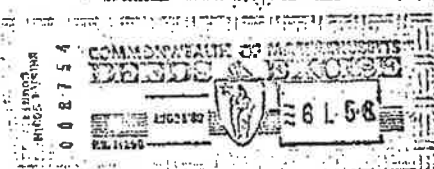
Edward Macek died in New Bedford on March 25, 1964. See Inheritance Tax Release to be recorded herewith.

Subject to the real estate taxes for fiscal 1981, which the grantees hereby assume and agree to pay.

Witness my hand and seal this

28th day of Aug 1980

Mary G. Macek



The Commonwealth of Massachusetts

Bristol ss.

Aug 28, 1980

Then personally appeared the above named Mary G. Macek

and acknowledged the foregoing instrument to be her free act and deed, before me,

Rec'd. & recorded Aug 28 1980.  
at 11 hrs. & 41 min. A.M.

Phillip C. Bogg

Notary Public - Massachusetts

My Commission expires Dec 15 1983

Attest: John Gomes Register

(\*Individual - Joint Tenants - Tenants in Common - Tenants by the Entirety.)

LOCATION		David P David
101	N. W. Cor. Belleville Ave. and Cedar Grove St	
DISTRICT: Ind A		
PERMIT NO.	USE	PLANS: PLOT Filed CONST.
578-89	Erect a garage	PLOT 85 LOT 300
871-70	Erect addition to garage	
	special investigation 1/18/80	
Temp. 177-83	Install 4 x 8 sign on owner's property for 1 yr	
1534-93	Install 48x14' sign	period
1302-95	Replace existing free standing sign-plans	
Certified Letter 2/4/00		
BRADBURY-WARING, INC.		

1337-2001 Change of Tenant-Auto Sales & Rentals 80 Vehicle  
1463-2001 Install 6' X 8' Freestanding Sign



**BOHLER**  
ENGINEERING

352 TURNPIKE ROAD  
SOUTHBOROUGH, MA 01772  
T: (508) 480-9900  
F: (508) 480-9080

LETTER OF TRANSMITTAL

DATE: September 17, 2018

SENDING VIA: Federal Express/Next Day

TO:  
New Bedford City Hall

Inspectional Services

133 William Street

New Bedford, MA 02740

Matthew Silva

RE: Dunkin Donuts

101 Belleville Ave

JOB #: W181069

Item #	# of Copies	Date	Description
1	1	09/17/2018	Application - Building Permit
2	1	Various	Copies - Quitclaim Deeds
3	3	09/17/2018	Site Development Plans

These are transmitted: ☐ For approval ☐ For your use ☐ As requested ☐ For review and comment

Comments:

Attached please find the above mentioned items for your use. Should you have any questions or require any additional information, please do not hesitate in contacting me 508-480-9900.

COPY TO: FROM: Jim Bernardino (jbernardino@bohlereng.com)

*If enclosures are not as noted, kindly notify us at once.*

**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 C111, S150A

The debris will be disposed of in: TBD (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: Erect a Commercial Building Est. Cost \_\_\_\_\_

Address of Work: 101 Belleville Avenue

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 ☒ ZBA - SPECIAL PERMIT  
Reason For Rejection: PLANNING BOARD - SPECIAL PERMIT - SITE PLAN REVIEW  
" See Attachments "

Fee \_\_\_\_\_

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

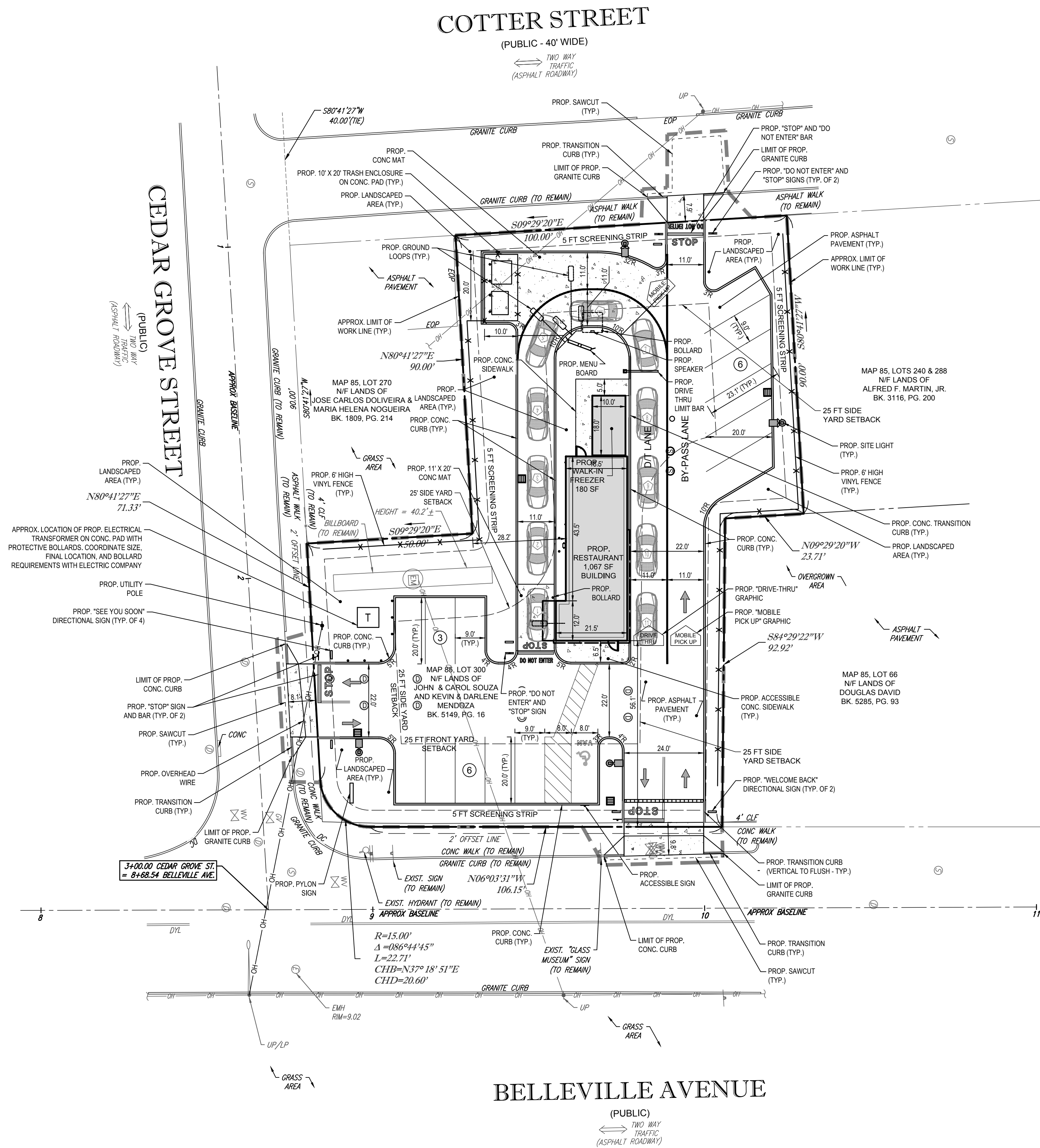
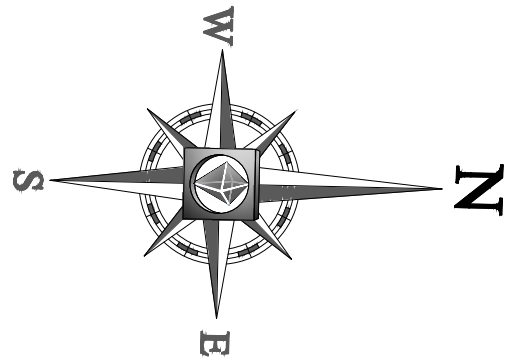
Comments and Conditions:

Signed: Danny D. Romanowicz Date: Oct. 11, 2010

Title: Building Commissioner

Not valid unless signed (not stamped) by Building Commissioner





## LAND USE / ZONING INFORMATION & NOTES

- APPLICANT:  
TOM DALY  
DALY KENNEY GROUP, LLC  
P.O. BOX 51147  
NEW BEDFORD, MA 02745
- OWNER:  
JOHN SOUZA  
O'DONOVAN AUTO EXCHANGE  
101 BELLEVILLE AVENUE  
NEW BEDFORD, MA 02746
- PARCEL:  
MAP #85 & LOT #300  
101 BELLEVILLE AVENUE  
CITY OF NEW BEDFORD  
BRISTOL COUNTY, MA

### ZONING ANALYSIS TABLE

ZONING DISTRICT	INDUSTRIAL A (IA) ZONING DISTRICT		
	"RESTAURANT, FAST-FOOD" USE REQUIRES SPECIAL PERMIT FROM THE BOARD OF APPEALS "RETAIL STORES" USE PERMITTED		
ZONE CRITERIA	REQUIRED	EXISTING	PROPOSED
MINIMUM LOT AREA	0 SF	19,947 SF	NO CHANGE
MINIMUM LOT FRONTAGE	0 FT	82.7 FT (CEDAR GROVE ST)	NO CHANGE
MAX. BUILDING COVERAGE	50%	9.4%	5.3%
MIN. FRONT SETBACK	25 FT	42.1 FT	56.1 FT
MIN. SIDE SETBACK	25 FT	4.1 FT	28.2 FT
MIN. REAR SETBACK	25 FT	N/A	N/A
MAX. BUILDING HEIGHT	100 FT	<100 FT	<100 FT
IMPERVIOUS COVERAGE	80%	38.6%	66.7%
PARKING SPACES	25	N/A	15 (2)
PARKING CRITERIA	1 SPACE FOR EACH EMPLOYEE + 1 SPACE PER 100 SF GFA; MINIMUM 20 SPACES + 5 EMPLOYEE 1067 / 100 + 5 EMPLOYEES = 16 SPACES, 25 SPACES REQUIRED MINIMUM 15 SPACES PROVIDED (V)		

N/A - NOT APPLICABLE  
(1) - A 5' WIDE LANDSCAPED BUFFER IS REQUIRED  
(2) - SPECIAL PERMIT, SITE PLAN REVIEW REQUIRED

### REVISIONS

REV	DATE	COMMENT	BY
1			
2			
3			
4			
5			
6			
7			
8			
9			
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11			
12			
13			
14			
15			

### PRELIMINARY

PROJECT No.: W181069  
DRAWN BY: DJO  
CHECKED BY: SJM/JAB  
DATE: 09/17/2018  
SCALE: AS NOTED  
CAD I.D.: W181069SS0

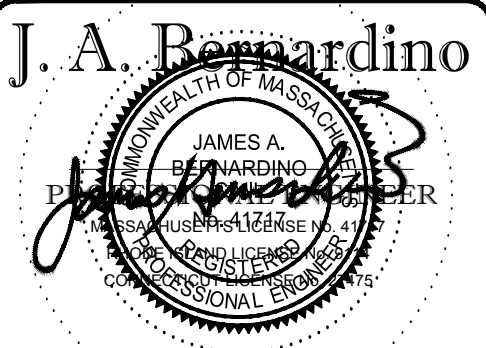
### SITE DEVELOPMENT PLANS FOR



LOCATION OF SITE  
MAP #85, LOT #300  
101 BELLEVILLE AVENUE  
CITY OF NEW BEDFORD  
BRISTOL COUNTY  
MASSACHUSETTS



352 TURNPIKE ROAD  
SOUTHBOROUGH, MA 01772  
Phone: (508) 480-9900  
Fax: (508) 480-9080  
www.BohlerEngineering.com



SHEET TITLE:

### SITE PLAN

SHEET NUMBER:

4

OF 15

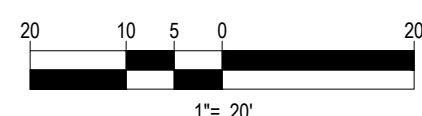
REV 0 - 09/17/2018



Know what's below.  
Call before you dig.

REFER TO GENERAL NOTES  
SHEET FOR NOTES

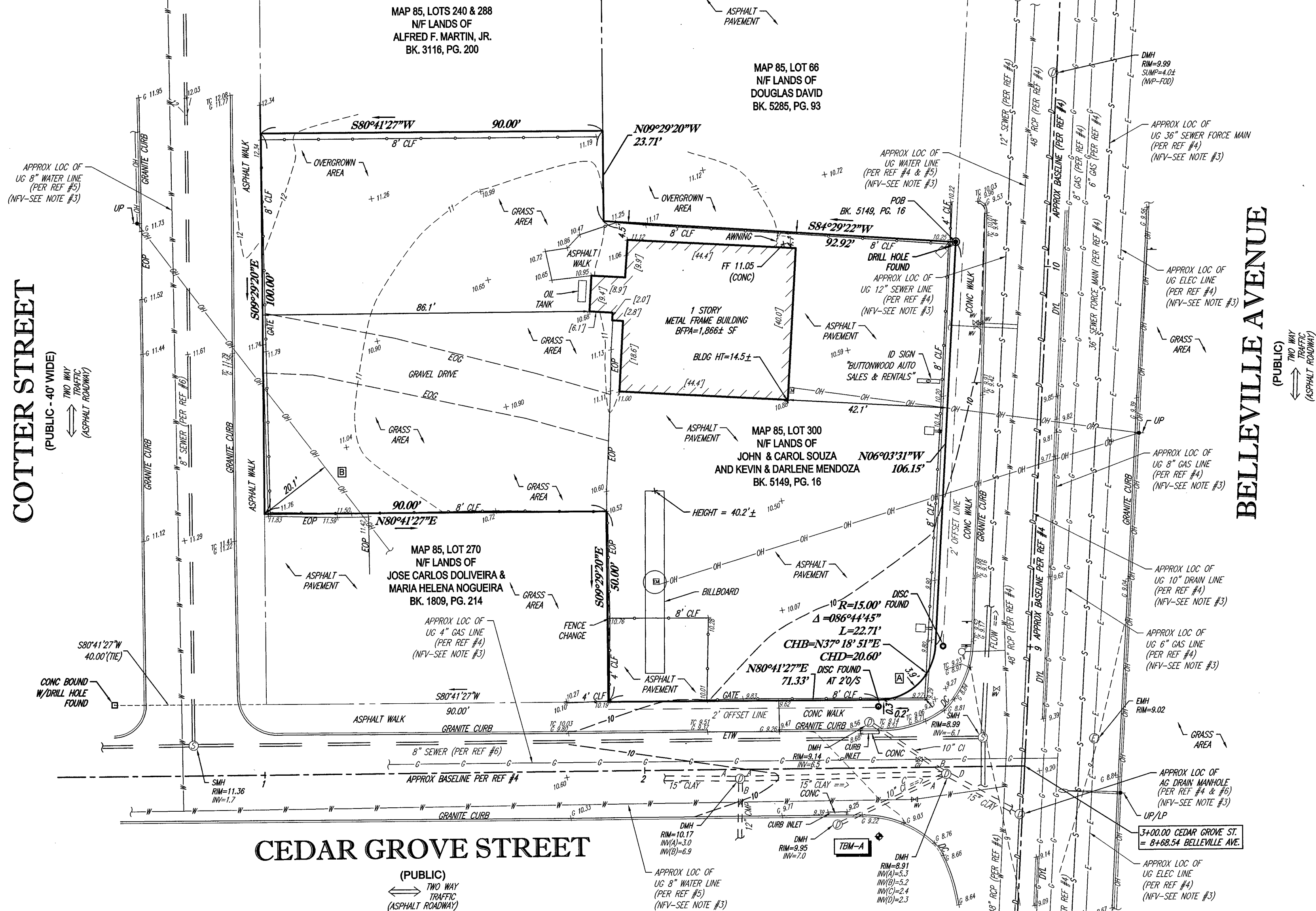
THIS PLAN TO BE UTILIZED FOR SITE  
LAYOUT PURPOSES ONLY





- LEGEND
- 124 --- EXISTING CONTOUR
  - 125 --- EXISTING SPOT ELEVATION
  - X 123.45 EXISTING TOP OF CURB ELEVATION
  - X 122.95 EXISTING GUTTER ELEVATION
  - X FF 123.45 EXISTING FINISHED FLOOR ELEVATION
  - HYDRANT
  - WV WATER VALVE
  - GV GAS VALVE
  - EM ELECTRIC METER
  - OH OVERHEAD WIRES
  - C APPROX. LOC. UNDERGROUND GAS LINE
  - E APPROX. LOC. UNDERGROUND ELECTRIC LINE
  - D APPROX. LOC. UNDERGROUND DRAINAGE LINE
  - S APPROX. LOC. UNDERGROUND SANITARY / SEWER LINE
  - W APPROX. LOC. UNDERGROUND WATER LINE
  - UP UTILITY POLE
  - UPLP UTILITY POLE/LIGHT POLE
  - AREA LIGHT
  - SIGN
  - DMH DRAINAGE/STORM MANHOLE
  - EMH ELECTRIC MANHOLE
  - SMH SANITARY/SEWER MANHOLE
  - MH UNKNOWN MANHOLE
  - CB CATCH BASIN OR INLET
  - DEPRESSED CURB
  - CLF CHAIN LINK FENCE
  - DC DEPRESSED CURB
  - EOC EDGE OF CONCRETE
  - EOP EDGE OF PAVEMENT
  - (TYP) TYPICAL
  - DYL DOUBLE YELLOW LINE
  - HT HEIGHT
  - BLDG BUILDING
  - BFP BUILDING FOOTPRINT AREA
  - SRDH STONE BOUND w/DRILL HOLE
  - CI CAST IRON PIPE
  - INV INVERT ELEVATION
  - GRT GRATE ELEVATION
  - [44.4'] BUILDING DIMENSIONS
  - ETW EDGE OF TRAVELED WAY
  - EOG EDGE OF GRAVEL
  - 1.0' OFFSET OF STRUCTURE AT GROUND LEVEL RELATIVE TO PROPERTY LINE
  - MP NO VISIBLE PIPES
  - FOD FULL OF DEBRIS

COTTER STREET  
(PUBLIC - 40' WIDE)  
TWO WAY TRAFFIC  
(ASPHALT PAVEMENT)



- NOTES:
- PROPERTY KNOWN AS LOT 300 AS SHOWN ON THE CITY OF NEW BEDFORD, BRISTOL COUNTY, COMMONWEALTH OF MASSACHUSETTS, ASSESSOR'S MAP NO. 85.
  - AREA = 19,947 SQUARE FEET OR 0.458 ACRES
  - LOCATION OF UNDERGROUND UTILITIES ARE APPROXIMATE. LOCATIONS AND SIZES ARE BASED ON UTILITY MARK-OUTS, ABOVE GROUND STRUCTURES THAT WERE VISIBLE & ACCESSIBLE IN THE FIELD, AND THE MAPS AS LISTED IN THE REFERENCES AVAILABLE AT THE TIME OF THE SURVEY. AVAILABLE AS-BUILT PLANS AND UTILITY MARKOUT DOES NOT ENSURE MAPPING OF ALL UNDERGROUND UTILITIES AND STRUCTURES. BEFORE ANY EXCAVATION IS TO BEGIN, ALL UNDERGROUND UTILITIES SHOULD BE VERIFIED AS TO THEIR LOCATION, SIZE AND TYPE BY THE PROPER UTILITY COMPANIES. CONTROL POINT ASSOCIATES, INC. DOES NOT GUARANTEE THE UTILITIES SHOWN COMPRISE ALL SUCH UTILITIES IN THE AREA EITHER IN SERVICE OR ABANDONED.
  - THIS PLAN IS BASED ON INFORMATION PROVIDED BY A SURVEY PREPARED IN THE FIELD BY CONTROL POINT ASSOCIATES, INC. AND OTHER REFERENCE MATERIAL AS LISTED HEREON.
  - THIS SURVEY WAS PREPARED WITHOUT THE BENEFIT OF A TITLE REPORT AND IS SUBJECT TO THE RESTRICTIONS, COVENANTS AND/OR EASEMENTS THAT MAY BE CONTAINED THEREIN.
  - BY GRAPHIC PLOTTING ONLY PROPERTY IS LOCATED IN FLOOD HAZARD ZONE X-SHADED AREAS OF 0.2% ANNUAL CHANCE FLOOD, AREAS OF 1% ANNUAL CHANCE FLOOD WITH AVERAGE DEPTHS OF LESS THAN 1 FOOT OR WITH DRAINAGE AREAS LESS THAN 1 SQUARE MILE, AND AREAS PROTECTED BY LEVEES FROM 1% ANNUAL CHANCE FLOOD PER REF. #2
  - ELEVATIONS REFER TO THE NORTH AMERICAN VERTICAL DATUM OF 1988 (NAVD88), BASED ON GPS OBSERVATIONS UTILIZING THE KEYSTONE VRS NETWORK (KEYNETGPS).
- TEMPORARY BENCH MARKS SET:  
TBM-A: MAG NAIL SET IN CONCRETE SIDEWALK - ELEVATION = 9.86'
- PRIOR TO CONSTRUCTION IT IS THE CONTRACTOR'S RESPONSIBILITY TO VERIFY THAT THE BENCHMARKS ILLUSTRATED ON THIS SKETCH HAVE NOT BEEN DISTURBED AND THEIR ELEVATIONS HAVE BEEN CONFIRMED. ANY CONFLICTS MUST BE REPORTED PRIOR TO CONSTRUCTION.
- THE OFFSETS SHOWN ARE NOT TO BE USED FOR THE CONSTRUCTION OF ANY STRUCTURE, FENCE, PERMANENT ADDITION, ETC.
  - THE EXISTENCE OF UNDERGROUND STORAGE TANKS, IF ANY, WAS NOT KNOWN AT THE TIME OF THE FIELD SURVEY.

- REFERENCES:
- THE TAX ASSESSOR'S MAP OF NEW BEDFORD, BRISTOL COUNTY, MASSACHUSETTS, SHEET #85.
  - MAP ENTITLED 'NATIONAL FLOOD INSURANCE PROGRAM, FIRM, FLOOD INSURANCE RATE MAP, BRISTOL COUNTY, MASSACHUSETTS (ALL JURISDICTIONS), PANEL 393 OF 550, MAP NUMBER 25050C0393G, MAP REVISED, JULY 16, 2014.
  - MAP ENTITLED 'PLAN OF LAND IN NEW BEDFORD, MA PREPARED FOR THE ESTATE OF DAVID P. DAVID' PREPARED BY KENNETH FERREIRA ENGINEERING, INC., DATED JUNE 20, 2001, RECORDED IN THE BRISTOL COUNTY SOUTHERN DISTRICT REGISTRY OF DEEDS IN PLAN BOOK 148, PAGE 18.
  - MAP ENTITLED 'THE COMMONWEALTH OF MASSACHUSETTS, MASSACHUSETTS HIGHWAY DEPARTMENT PLAN AND PROFILE OF BELLEVILLE AVENUE IN THE CITY OF NEW BEDFORD, BRISTOL COUNTY', PREPARED BY TIBBETTS ENGINEERING CORP., DATED JANUARY 31, 1995, SHEET 5 OF 131.
  - UNDERGROUND WATER FACILITY MAPPING PROVIDED BY THE CITY OF NEW BEDFORD ENGINEERING DEPARTMENT.
  - UNDERGROUND SEWER FACILITY MAPPING PROVIDED BY THE CITY OF NEW BEDFORD ENGINEERING DEPARTMENT.

TABLE OF APPARENT ENCROACHMENTS

[X] FENCE/CURB INTO BELLEVILLE AVE  
RIGHT OF WAY 3'

[X] OVERHEAD WIRE OVER PROPERTY LINE  
20.1'

NOTE: THESE ARE THE POSSIBLE  
ENCROACHMENTS OBSERVED DURING THE  
FIELD SURVEY. THERE MAY BE OTHERS  
NOT RECOGNIZED BY THE SURVEYOR.

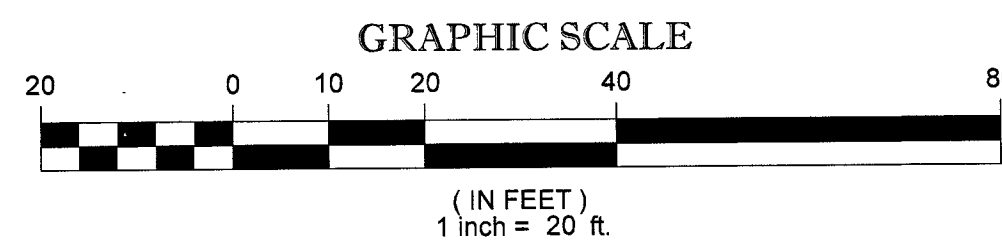
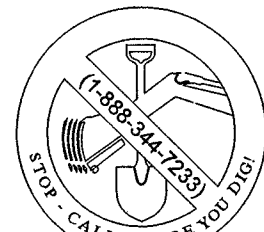
UTILITIES:

THE FOLLOWING COMPANIES WERE NOTIFIED BY MASSACHUSETTS ONE-CALL SYSTEM (1-888-344-7233) AND REQUESTED TO MARK OUT UNDERGROUND FACILITIES AFFECTING AND SERVICING THIS SITE. THE UNDERGROUND UTILITY INFORMATION SHOWN HEREON IS BASED UPON THE UTILITY COMPANIES RESPONSE TO THIS REQUEST. SERIAL NUMBER(S): 2018280407

UTILITY COMPANY  
AT&T TRANSMISSION  
EVERSOURCE - ELECTRIC  
NSTAR GAS  
VERIZON

PHONE NUMBER  
800-331-0500  
800-862-7764  
800-592-2000  
800-522-3204

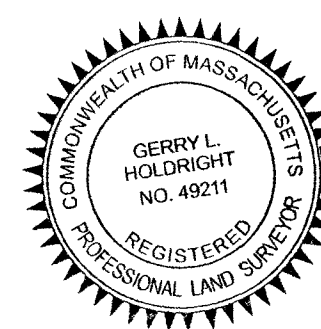
THE COMMONWEALTH OF MASSACHUSETTS REQUIRES NOTIFICATION  
BY EXCAVATORS, DESIGNERS, OR ANY PERSON PREPARING TO  
DISTURB THE EARTH'S SURFACE ANYWHERE IN THE COMMONWEALTH.



THIS SURVEY HAS BEEN PERFORMED IN THE FIELD UNDER MY  
SUPERVISION, AND TO THE BEST OF MY KNOWLEDGE, BELIEF,  
AND INFORMATION, THIS SURVEY HAS BEEN PERFORMED IN  
ACCORDANCE WITH CURRENTLY ACCEPTED ACCURACY  
STANDARDS.

NOT A VALID ORIGINAL DOCUMENT UNLESS EMBOSSED  
WITH RAISED IMPRESSION OR STAMPED WITH A BLUE INK SEAL

GERRY L. HOLDRIGHT, PLS  
MASSACHUSETTS PROFESSIONAL LAND SURVEYOR #49211



FIELD DATE 6-27-18	BOUNDARY & TOPOGRAPHIC SURVEY			
FIELD BOOK NO. 18-08	DUNKIN DONUTS			
FIELD BOOK PG. 73	101 BELLEVILLE AVENUE LOT 300, MAP 85 CITY OF NEW BEDFORD, BRISTOL COUNTY COMMONWEALTH OF MASSACHUSETTS			
FIELD CREW B.S.B.	CONTROL POINT ASSOCIATES, INC.			
DRAWN: R.J.K.	352 TURNPIKE ROAD SOUTHBOROUGH, MA 01772 508.948.3000 - 508.948.3003 FAX			
REVIEWED: S.P.P.	APPROVED: G.L.H.	DATE 7-10-18	SCALE 1"=20'	FILE NO. 03-180107
			DWG NO. 1	OF 1