

**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: \_\_\_\_\_

(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: Install Carport Solar System Est. Cost \$10,000Address of Work 651 Orchard Plot 19 Lot 48Owner Name: Kevin Welch 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. ☒ Administrative Appeal

Reason For Rejection:

"See Attachments"

Fee \_\_\_\_\_

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

Comments and Conditions:

Signed [Signature] Date: 9/6/ 2018Title Building Commissioner  
Not valid unless signed (not stamped) by Building Commissioner



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

CITY OF NEW BEDFORD  
JONATHAN F. MITCHELL, MAYOR

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

651 Orchard Street – PLOT: 19 – LOT: 48 – ZONED DISTRICT: MUB

**Appealed decision to be heard by the Zoning Board of Appeal**

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

***Administrative Appeal***

***Zoning Board of Appeal***

❖ SECTION

- 5100 – Administration
- 5110 – Permits
- 5220 – Power: The Board of Appeals shall have and exercise all the powers granted to it by M.G.L.A. c. 40A, c. 40B, and c. 41 and by this Ordinance. The Board's powers are as follows:
  - 5223 – To hear and decide appeals taken by any person aggrieved by reason of his inability to obtain a permit or enforcement action from any administrative officer under the provisions of M.G.L.A. c. 40A, §§ 7, 8 and 15.

***Items Needed to Issue the Permit***

- 780 CMR 9<sup>th</sup> Edition Amendments Section 101.4.10 Electrical - Any reference in this code to the International Electrical Code shall be considered reference to 527 CMR 12.00: Massachusetts Electrical Code (Amendments).
  - Electrical Plans
  - List of Equipment to be Installed
- 780 CMR 9<sup>th</sup> Edition Amendments Section 105.3 Application for Permits
  - 4. Be accompanied by construction documents and other information as required in Section 107. Construction documents shall list any additional building features required by a Massachusetts state agency for its facilities that go beyond the requirements in 780 CMR.
  - 5. State the valuation of the proposed work. The building official has authority to request from the applicant a detailed substantiation of the valuation.
  - 7. Give such other data and information as required by the building official in accordance with 780 CMR.
- 780 CMR 9<sup>th</sup> Edition Amendments Section 107 Submittal Document and Construction Control

***Revised Modification of the Site Plan Review on Oct. 18, 2017 Case #35-17 – 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.
- 5430-5490B

**5100. - ADMINISTRATION.**

**5110. Permits.** This ordinance shall be administered by the Inspector of Buildings. Pursuant to the State Building Code, the Inspector of Buildings may require such plans and specifications as may be necessary to determine compliance with all pertinent laws of the Commonwealth and may request advisory reviews by other municipal boards and officials. Buildings, structures or signs may not be erected, substantially altered, moved, or changed in use and land may not be substantially altered or changed with regard to size or shape or principal use except in compliance with then-applicable zoning, and after all necessary permits have been received under federal, state, or local law. Issuance of a Building Permit or Certificate of Use and Occupancy, where required under the Commonwealth's State Building Code, may serve as such certification.

(Ord. of 12-23-03, § 1)

**5120. Enforcement.** The Inspector of Buildings shall institute and take any and all such action as may be necessary to enforce full compliance with any and all of the provisions of this Ordinance and of permits, special permits, variances, and site plan approval issued thereunder.

(Ord. of 12-23-03, § 1)

**5130. Penalties.** The penalty for violation of any provision of this Ordinance, of any of the conditions under which a permit is issued, or of any decision rendered by the Board of Appeals, any special permit granting authority, or the Planning Board acting as site plan approval board shall be three hundred dollars (\$300.00) for each offense. Each day that each violation continues shall constitute a separate offense.

(Ord. of 12-23-03, § 1)

**State Law reference—** Enforcement of zoning regulations and penalties for violations, M.G.L.A. c. 40A, §  
Z.

#### **5200. - ZONING BOARD OF APPEALS.**

5210. **Establishment.** The Zoning Board of Appeals (sometimes referred to as the Board of Appeals herein) shall consist of five (5) persons who shall be appointed by the mayor and confirmed by the City Council. One member shall be appointed annually in the month of January to serve for a term of five (5) years or until a successor is duly appointed, confirmed and qualified. Vacancies shall be filled in the manner as provided for original appointments. All members of the Board shall be residents of the City. Each member shall be paid at the rate of twenty dollars (\$20.00) per meeting attended, but in no event shall any member receive in excess of five hundred dollars (\$500.00) in any fiscal year.

5211. In case of a vacancy, inability to act, or interest on the part of a member of the Board of Appeals, such member's place shall be taken by an associate member designated by the presiding member of the Board. There shall be five (5) associate members of the Board of Appeals, who shall be appointed by the mayor and confirmed by the City Council. Annually in the month of January, one member shall be appointed for a term of five (5) years. Vacancies shall be filled in the manner as provided for original appointments. All associate members of the Board of Appeals shall be residents of the City. Each associate member shall be paid at the rate of twenty dollars (\$20.00) per meeting attended, as a member replacing an absent member, and only when acting in that capacity according to the first sentence of this subsection; but in no event shall any associate member receive in excess of five hundred dollars (\$500.00) in any fiscal year.

(Ord. of 12-23-03, § 1)

5220. **Powers.** The Board of Appeals shall have and exercise all the powers granted to it by M.G.L.A. c. 40A, c. 40B, and c. 41 and by this Ordinance. The Board's powers are as follows:

5221. To hear and decide applications for special permits. Where specified herein, the Board of Appeals shall serve as the special permit granting authority, to act in all matters in accordance with the provisions of Section 5300, or as otherwise specified.

5222. To hear and decide appeals or petitions for variances from the terms of this Ordinance, with respect to particular land or structures, as set forth in M.G.L.A. c. 40A, § 10. The Board of Appeals may not grant use variances.

~~5223. To hear and decide appeals taken by any person aggrieved by reason of his inability to obtain a permit or enforcement action from any administrative officer under the provisions of M.G.L.A. c. 40A, §§ 7, 8 and 15.~~

5224. To hear and decide comprehensive permits for construction of low or moderate income housing by a public agency or limited dividend or nonprofit corporation, as set forth in M.G.L.A. c. 40B, §§ 20—23.

(Ord. of 12-23-03, § 1)

5230. **Regulations.** The Board of Appeals may adopt rules and regulations for the administration of its powers.

(Ord. of 12-23-03, § 1)

5240. **Fees.** The Board of Appeals may adopt reasonable administrative fees and technical review fees for petitions for variances, administrative appeals, and applications for comprehensive permits.

(Ord. of 12-23-03, § 1)

**State Law reference—** Zoning board of appeals, M.G.L.A. c. 40A, § 14 et seq.

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**101.4.5 Fire Prevention.** Reference to sections of the *International Fire Code (IFC)* for fire prevention requirements shall be considered reference to 527 CMR: *Board of Fire Prevention Regulations*. The fire official enforces the provisions of 527 CMR. Reference to sections of the *International Fire Code (IFC)* for building code requirements are adopted, except that retroactive requirements of the IFC are not adopted. The building official enforces 780 CMR and all adopted IFC requirements. Modifications, alterations, additions, or deletions to fire protection systems are any changes which affect the performance of the fire protection system. Such changes require a building permit and are subject to other permitting requirements pursuant to applicable provisions of M.G.L. c. 148, § 27A.

The following statutes are enforced by the head of the fire department, and shall be appealed through the automatic sprinkler appeals board:

1. M.G.L. c. 148, § 26A½: certain high-rise buildings constructed prior to January 1, 1975;
2. M.G.L. c. 148, § 26G: certain non-residential structures that exceed 7,500 square feet;
3. M.G.L. c. 148, § 26G½: bars, nightclubs, dance halls, and discotheques with a capacity of 100 or more persons; and
4. M.G.L. c. 148, § 26H (if adopted through local option): lodging or boarding houses with six or more persons boarding or lodging.

The following statute is enforced by the head of the fire department, and shall be appealed through the Building Code Appeals Board:

5. M.G.L. c. 148, § 26A: certain high-rise buildings.

The following statute is enforced by the head of the fire department, and shall be appealed through a court of competent jurisdiction:

6. M.G.L. c. 148, § 26I (if adopted through local option): certain multiple dwelling units.

**101.4.6 Energy.** 780 CMR 13.00: *Energy Efficiency* shall apply to all matters governing the design and construction of buildings for energy efficiency.

**101.4.7 Architectural Access.** Any reference in 780 CMR to accessibility shall be considered reference to 521 CMR: *Architectural Access Board*. 521 CMR is enforced by the building official.

**101.4.8 Environmental Protection.** See 310 CMR: *Department of Environmental Protection* and 314 CMR: *Division of Water Pollution Control*.

**101.4.9 Elevators.** Any reference in 780 CMR to elevators shall be considered reference to 524 CMR: *Board of Elevator Regulations*.

**101.4.10 Electrical.** Any reference in 780 CMR to the *International Electrical Code* shall be considered reference to 527 CMR 12.00: *Massachusetts Electrical Code (Amendments)*.

**101.4.11 Sheet Metal.** See 271 CMR: *Board of Examiners of Sheet Metal Workers*.

**101.4.12 International Residential Code.** Any reference in 780 CMR to the *International Residential Code* shall be considered reference to 780 CMR 51.00 through 120.00.

**101.4.13 Transit and Commuter Rail Stations.** Such stations shall comply with 780 CMR, and NFPA 130-2014, chapters 2, 3, 4, and 5. Any references to NFPA 101 and NFPA 220 shall mean reference to 780 CMR. Where conflict exists between 780 CMR and the referenced standard, compliance with the referenced standard shall be required.

**101.4.14 Residential Contracting.** Residential contracting, as defined by St. 2009, c. 27, § 80, is also regulated by M.G.L. c. 142A and 201 CMR 18.00: *Registration and Enforcement of Home Improvement Contractor Program*. For information including, but not limited to, registrations, renewals, and filing of complaints against a Home Improvement Contractor (HIC), interested persons are directed to contact the Office of Consumer Affairs and Business Regulation, which administers the program.

**101.5 BBRS Advisory Committees.** BBRS technical advisory committees support requests from and by the BBRS as it deems necessary in accordance with M.G.L. c. 143. Titles and membership of these technical advisory committees may be viewed at <http://www.mass.gov/ocabr/government/oca-agencies/dpl-lp/opsi/>. These technical advisory committees include, but are not limited to the following committees with their respective composition listed:

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5. Water tanks supported directly on grade if the capacity is not greater than 5,000 gallons (18,925 L) and the ratio of height to diameter or width is not greater than 2:1.
6. Sidewalks and driveways not more than 30 inches (762 mm) above adjacent grade, and not over any basement or story below and are not part of an accessible route.
7. Painting, papering, tiling, carpeting, cabinets, counter tops and similar finish work.
8. Temporary motion picture, television and theater stage sets and scenery.
9. Prefabricated swimming pools accessory to a Group R-3 occupancy that are less than 24 inches (610 mm) deep, are not greater than 5,000 gallons (18,925 L) and are installed entirely above ground.
10. Shade cloth structures constructed for nursery or agricultural purposes, not including service systems.
11. Swings and other playground equipment accessory to detached one- and two-family dwellings. *See also 521 CMR: Architectural Access Board* for accessibility requirements as applicable.
12. Window awnings in Group R-3 and U occupancies, supported by an exterior wall that do not project more than 54 inches (1,372 mm) from the exterior wall and do not require additional support.
13. Nonfixed and movable fixtures, cases, racks, counters and partitions not over five feet nine inches (1,753 mm) in height.
14. Greenhouses covered exclusively with plastic film. This exemption does not apply if the greenhouse is to be used for large assemblies of people or uses other than normally expected for this purpose.
15. Replacement or repair of any component or components of a fire protection system, where such does not affect system performance and compatibility. No building permit is required for maintenance. Other permits, however, may be required pursuant to applicable provisions of M.G.L. c.148, § 27A and 527 CMR: *Board of Fire Prevention Regulations*.

**105.2.1 Emergency Repairs.** Where replacements and repairs governed by 780 CMR shall be performed in an emergency situation, the permit application shall be submitted within the next working business day to the building official.

*Note:* Pursuant to the terms of the specialized codes of M.G.L. c. 143, § 96, this exemption might not apply to emergency repairs conducted under those specialized codes.

**105.2.2 Repairs.** Application or notice to the building official is not required for ordinary repairs to structures. A permit is required for work including, but not limited to: the substantial cutting away of any wall, partition or portion thereof, the removal or cutting of any structural beam or load-bearing support, or the removal or change of any required means of egress, or rearrangement of parts of a structure affecting the egress requirements or mechanical systems or other work affecting public health or general safety under the jurisdiction of 780 CMR.

**105.3 Application for Permit.** To obtain a permit, the owner or authorized agent shall file a permit application on a form furnished by the building official for that purpose. Standard application forms, along with application forms that some municipalities use, can be found at <http://www.mass.gov/ocabr/government/oca-agencies/dpl-lp/opsi/>. Such applications shall:

1. Identify and describe the work to be covered by the permit for which application is made.
2. Describe the land on which the proposed work is to be done by legal description, street address or similar description that will readily identify and definitely locate the proposed building or work.
3. Indicate the use and occupancy for which the proposed work is intended. If the work involves a care facility or residence licensed by a state agency, indicate the agency name and appropriate licensing regulation on the permit. For example: 115 CMR: *Department of Developmental Services*.
4. Be accompanied by construction documents and other information as required in Section 107. Construction documents shall list any additional building features required by a Massachusetts state agency for its facilities that go beyond the requirements in 780 CMR.
5. State the valuation of the proposed work. The building official has authority to request from the applicant a detailed substantiation of the valuation.
6. Be signed by the owner or authorized agent.

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7. Give such other data and information as required by the building official in accordance with 780 CMR.

8. If applicable, include the registration number and information of home improvement contractors or subcontractors for residential contracting services, in accordance with M.G.L. c. 142A, §§ 9(a) and 13.

**105.3.1 Action on Application.** The building official shall examine or cause to be examined applications for permits and amendments, and shall issue or deny the permit, within 30 days of filing. If the application or the construction documents do not conform to the requirements of 780 CMR and all pertinent laws under the building official's jurisdiction, the building official shall deny such application in writing, stating the reasons therefore. The building official's signature shall be attached to every permit. The following requirements, where applicable, shall be satisfied before a building permit is issued:

1. Zoning: in accordance with M.G.L. c. 40A or St. 1956, c. 665.
2. Railroad Right-of-way: in accordance with M.G.L. c. 40, § 54A.
3. Water Supply: in accordance with M.G.L. c. 40, § 54.
4. Debris Removal: in accordance with M.G.L. c. 40, § 54.
5. Workers Compensation Insurance: in accordance with M.G.L. c. 152, § 25C(6).
6. Hazards to Air Navigation: in accordance with M.G.L. c. 90, § 35B.
7. Construction in coastal dunes: in accordance with flood construction requirements of 780 CMR.

**105.3.2 Time Limitation of Application.** An application for a permit for any proposed work shall be deemed to have been abandoned 180 days after the date of filing, unless such application has been pursued in good faith or a permit has been issued, except that the building official is authorized to grant one or more extensions of time for additional periods not exceeding 90 days each. The extension shall be requested in writing and justifiable cause demonstrated.

**105.4 Validity of Permit.** The issuance or granting of a permit shall not be construed to be a permit for, or an approval of, any violation of any of the provisions of 780 CMR or of any other law or ordinance. Permits presuming to give authority to violate or cancel the provisions of 780 CMR or other laws or ordinances shall not be valid. The issuance of a permit based on construction documents and other data shall not prevent the building official from requiring the correction of errors in the construction documents and other data. The building official is also authorized to prevent occupancy or use of a structure where in violation of 780 CMR or of any other laws or ordinances.

**105.5 Expiration.** Every permit issued shall become invalid unless the work on the site authorized by such permit is commenced within 180 days after its issuance, or if the work authorized on the site by such permit is suspended or abandoned for a period of 180 days after the time the work is commenced. The building official is authorized to grant, in writing, one or more extensions of time, for periods not more than 180 days each. The extension shall be requested in writing and justifiable cause demonstrated.

**105.6 Suspension or Revocation.** The building official is authorized to suspend or revoke a permit issued under the provisions of 780 CMR wherever the permit is issued in error or on the basis of incorrect, inaccurate or incomplete information, or in violation of any ordinance or regulation or any of the provisions of 780 CMR.

**105.7 Placement of Permit.** The permit or copy shall be kept on the site of the work until the completion of the project.

**105.8 Notice of Start.** The building official may require to be notified at least one business day before the start of work.

**105.9 Independent Structural Engineering Review Condition.** As a condition for the issuance of a building permit, the structural design of the following described structures shall be reviewed by a registered design professional to verify that the design of the primary structure is conceptually correct and that there are no major errors in the design:

1. High rise buildings.
2. Structures of unusual complexity or design as determined by the BBRS. A building official may apply to the BBRS for such a determination on a specific structure.



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This requirement shall not preclude an owner from obtaining an independent structural engineering design review of a primary structure, other than those listed in this section.

**105.9.1 Review Requirements.** The independent structural engineering review shall be in accordance with the guidance document found at <http://www.mass.gov/ocabr/government/oca-agencies/dpl-lp/opsi/>.

**105.9.2 Disputes.** Disputes between the structural engineer responsible for the design of the building or structure and the independent structural engineering reviewer shall be resolved by the BBRS or a board established by the BBRS.

### SECTION 106 FLOOR AND ROOF DESIGN LOADS

**106.1 Live Loads Posted.** Where the live loads for which each floor or portion thereof of a commercial or industrial building is or has been designed to exceed 50 psf (2.40 kN/m<sup>2</sup>), such design live loads shall be conspicuously posted by the owner in that part of each story in which they apply, using durable signs. It shall be unlawful to remove or deface such notices

**106.2 Issuance of Certificate of Occupancy.** A certificate of occupancy required by Section 111 shall not be issued until the floor load signs, required by Section 106.1, have been installed.

**106.3 Restrictions on Loading.** It shall be unlawful to place, or cause or permit to be placed, on any floor or roof of a building, structure or portion thereof, a load greater than is permitted by 780 CMR.

### SECTION 107 SUBMITTAL DOCUMENTS AND CONSTRUCTION CONTROL

**107.1 General.** Submittal documents consisting of construction documents, statement of special inspections, geotechnical report and other data shall be submitted in two or more sets with each permit application. The construction documents shall be prepared by a registered design professional where required by the statutes of the jurisdiction in which the project is to be constructed. Where special conditions exist, the building official is authorized to require additional construction documents to be prepared by a registered design professional.

**Exception:** The building official is authorized to waive the submission of construction documents and other data not required to be prepared by a registered design professional if it is found that the nature of the work applied for is such that review of construction documents is not necessary to obtain compliance with 780 CMR.

**107.1.1 Professional Seal and Signature.** All plans and specifications shall bear a seal and signature of the responsible registered design professional in accordance with M.G.L. c. 143, § 54A. See also [www.mass.gov/dpl](http://www.mass.gov/dpl) for policy on electronic seal and signature for certain registered design professionals.

**107.1.2 Fire Department Review.** For permits that include fire protection systems under 780 CMR 4.00: *Special Detailed Requirements Based on Use and Occupancy*, 780 CMR 9.00: *Fire Protection Systems*, or 780 CMR 34.00: *Existing Building Code*, construction documents shall be filed with the building official who shall cause them to be filed with the head of the local fire department for review. The fire department shall have ten working days after receiving the documents to complete its review. Upon the fire department's written request, the building official may grant one or more extensions up to a total review period maximum of 30 days. If the fire department review is not received within the allowed time frame, the building official may upon review deem the documents in compliance with 780 CMR. If the head of the local fire department believes such construction documents to be non-compliant with 780 CMR or reference standards, he or she shall notify the building official in writing citing relevant sections of non-compliance with 780 CMR or the section of the referenced standards adopted in 780 CMR 35.00: *Referenced Standards*. See M.G.L. c. 143, § 28A.

**107.1.3 Manufactured Buildings and Modular Homes.** Document submittal shall be as follows:

1. Site specific plans and specifications.

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2. Plan Identification Number Assignment Form with BBRS number. This is to confirm plans have been approved by the Office and shall include a stamp approval and signature.
3. Plans shall be stamped on every page by a third party inspection agency.
4. Every page showing calculations by a registered design professional shall be provided with their stamp and signature.
5. Energy compliance certificate.
6. Set manuals are required to be on site at time of project set and shall be specific to the project.  
Exception: If all connection details are provided on the plans, then the set manual is not required.
7. Set crew information shall accompany the plan submittal package with approved certification from manufacturer.

**107.2 Construction Documents.** Construction documents shall be in accordance with Sections 107.2.1 through 107.2.6.

**107.2.1 Information on Construction Documents.** Construction documents shall be dimensioned and drawn upon suitable material. Electronic media documents are permitted to be submitted when approved by the building official. Construction documents shall be of sufficient clarity to indicate the location, nature and extent of the work proposed and show in detail that it will conform to the provisions of 780 CMR and relevant laws, ordinances, rules and regulations, as determined by the building official.

**107.2.2 Fire Protection System Shop Drawings.** Shop drawings for the fire protection system(s) shall be submitted to indicate conformance to 780 CMR and the construction documents and shall be approved prior to the start of system installation. Shop drawings shall contain all information as required by the referenced installation standards in 780 CMR 9.00: *Fire Protection Systems*.

**107.2.3 Means of Egress.** The construction documents shall show in sufficient detail the location, construction, size and character of all portions of the means of egress in compliance with the provisions of 780 CMR. In other than occupancies in Groups R-2, R-3, and I-1, the construction documents shall designate the number of occupants to be accommodated on every floor, and in all rooms and spaces.

**107.2.4 Exterior Wall Envelope.** Construction documents for all buildings shall describe the exterior wall envelope in sufficient detail to determine compliance with 780 CMR. The construction documents shall provide details of the exterior wall envelope as required, including flashing, intersections with dissimilar materials, corners, end details, control joints, intersections at roof, eaves or parapets, means of drainage, water-resistive membrane and details around openings. The construction documents shall include manufacturer's installation instructions that provide supporting documentation that the proposed penetration and opening details described in the construction documents maintain the weather resistance of the exterior wall envelope. The supporting documentation shall fully describe the exterior wall system which was tested, where applicable, as well as the test procedure used.

**107.2.5 Site Plan.** The construction documents submitted with the application for permit shall be accompanied by a site plan showing to scale the size and location of new construction and existing structures on the site, distances from lot lines, the established street grades and the proposed finished grades and, as applicable, flood hazard areas, floodways, and design base flood elevations; and it shall be drawn in accordance with an accurate boundary line survey. In the case of demolition, the site plan shall show construction to be demolished and the location and size of existing structures and construction that are to remain on the site or plot. The building official is authorized to waive or modify the requirement for a site plan when the application for permit is for alteration or repair or when otherwise warranted.

**107.2.5.1 Design Flood Elevations.** Where design flood elevations are not specified, they shall be established in accordance with Section 1612.3.1.

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**107.2.6 COMcheck Submittal.** The construction documents submitted with the application for permit shall be accompanied by completed COMcheck Envelope, Lighting and Mechanical Compliance Certificates, and a Plan Review Inspection Checklist for the purposes of demonstrating compliance with the energy provisions of 780 CMR 13.00: *Energy Efficiency*.

**107.3 Examination of Documents.** The building official shall examine or cause to be examined the accompanying submittal documents and shall ascertain by such examinations whether the construction indicated and described is in accordance with the requirements of 780 CMR and other pertinent laws or ordinances.

**107.3.1 Approval of Construction Documents.** When the building official issues a permit, the construction documents shall be approved, in writing or by stamp, as "Reviewed for Code Compliance." One set of construction documents so reviewed shall be retained by the building official. The other set shall be returned to the applicant, shall be kept at the site of work and shall be open to inspection by the building official or a duly authorized representative.

**107.3.2 Previous Approvals.** 780 CMR shall not require changes in the construction documents, construction or designated occupancy of a structure for which a lawful permit has been heretofore issued or otherwise lawfully authorized, and the construction of which has been pursued in good faith within 180 days after the effective date of 780 CMR and has not been abandoned.

**107.3.3 Phased Approval.** The building official is authorized to issue a permit for the construction of foundations or any other part of a building or structure before the construction documents for the whole building or structure have been submitted, provided that adequate information and detailed statements have been filed complying with pertinent requirements of 780 CMR. The holder of such permit for the foundation or other parts of a building or structure shall proceed at the holder's own risk with the building operation and without assurance that a permit for the entire structure will be granted.

**107.3.4 Deferred Submittals.** For the purposes of this section, deferred submittals are defined as those portions of the design that are not submitted at the time of the application and that are to be submitted to the building official within a specified period.

Deferral of any submittal items shall have the prior approval of the building official. The deferred submittal items shall not be installed until the deferred submittal documents have been approved by the building official.

**107.4 Amended Construction Documents.** Work shall be installed in accordance with the approved construction documents, and any changes made during construction that are not in compliance with the approved construction documents shall be resubmitted for approval as an amended set of construction documents.

**107.5 Retention of Construction Documents.** One set of approved construction documents shall be retained by the building official in accordance with M.G.L. c. 66, § 8.

**107.6 Construction Control.**

**107.6.1 General.** This section shall apply to the construction controls, professional services and contractor services required for buildings and structures needing registered design professional services.

The following structures are exempt from the requirements of Section 107.6:

1. Any building containing less than 35,000 cubic feet of enclosed space, measured to the exterior surfaces of walls and roofs and to the top of a ground supported floor, or in the case of a crawl space, to the bottom surface of the crawl space. In the case of basement floors or levels, the calculation of enclosed space shall include such spaces. For additions to existing buildings, the volume of enclosed space shall include the entire existing building and all proposed additions.
2. Any one- or two-family dwelling or any accessory building thereto.
3. Any building used exclusively for agricultural purposes. *See Appendix C: Group U-Agricultural Buildings* for occupancy and other limitations.

1.00: continued

4. Retaining walls less than ten feet in height at all points along the wall as measured from the base of the footing to the top of the wall.

5. Structures where the building official determines that the scope of work is minor in nature and not needing registered design professional services.

Notwithstanding these exemptions, registered design professional services shall be required for activities which are deemed to constitute the practice of architecture or engineering as defined in M.G.L. c. 112, §§ 60A or 81D, except as provided in M.G.L. c. 143, § 54A and any legally required profession or as provided in M.G.L. c. 112, § 81R. Where work is performed by licensed trades people pursuant to M.G.L. c. 112, § 81R, shop drawings or plans and specifications prepared to document that work shall not be required to bear the seal or signature of a registered design professional. In lieu of a seal and signature, the building official may require that the registered design professional review and approve shop or record drawings for general conformance to the design concept.

**107.6.1.1 Specialized Structures.** Telecommunication towers, wind turbine towers, and similar structures are engineered structures and shall be subject to the requirements of Section 107.6.

#### **107.6.2 Registered Design Professional Services.**

**107.6.2.1 Design.** All plans, computations and specifications involving new construction, alterations, repairs, expansions or additions or change in use or occupancy of existing buildings shall be prepared by or under the direct supervision of a registered design professional and shall bear his or her signature and seal (*see* Section 107.1.1).

Said signature and seal shall signify that the plans, computations and specifications meet the applicable provisions of 780 CMR and accepted engineering practices. Any alternative means and methods which deviate from prescriptive requirements of 780 CMR shall be submitted to the building official for approval in a narrative form separate from the plans.

**107.6.2.2 Construction.** The registered design professionals who are responsible for the design, plans, calculations, and specifications, their designee or the registered design professionals who have been retained for construction phase services, shall perform the following tasks:

1. Review, for conformance to 780 CMR and the design concept, shop drawings, samples and other submittals by the contractor in accordance with the requirements of the construction documents.
2. Perform the duties for registered design professionals in 780 CMR.
3. Be present at intervals appropriate to the stage of construction to become generally familiar with the progress and quality of the work and to determine if the work is being performed in a manner consistent with the construction documents and 780 CMR.

The permit application shall not be deemed completed until all of the construction documents required by 780 CMR have been submitted. Documentation indicating that work complies with the plans and specifications shall be provided at the completion of each phase when required by the building official. Upon completion of the work, the registered design professional shall file a final document to the building official indicating that, to the best of his or her knowledge and belief, the work has been performed in accordance with the approved plans and 780 CMR. Forms for construction control when required by the building official shall be those found at <http://www.mass.gov/ocabr/government/oca-agencies/dpl-lp/opsi/>.

**107.6.2.3 Special Inspections and Tests.** Special inspections and tests shall be provided in accordance with 780 CMR 17.00: *Special Inspections and Tests*.

**107.6.2.4 Non Structural System Test and Inspection.** Tests and inspections of non-structural systems shall be performed in accordance with applicable engineering practice standards, referenced standards listed in 780 CMR 35.00: *Referenced Standards*, or as otherwise specified in 780 CMR.

1.00: continued

**107.6.3 Construction Contractor Services.** The actual construction of the work shall be the responsibility of the general contractor as identified on the approved permit and shall involve the following:

1. Execution of all work in accordance with the approved construction documents.
2. Execution and control of all means and methods of construction in a safe and satisfactory manner in accordance with all applicable local, state, and federal statutes and regulations.
3. Upon completion of the construction, certification in writing to the responsible registered design professional that, to the best of the contractor's knowledge and belief, construction has been done in substantial accord with Section 107.6 and with all pertinent deviations specifically noted. The building official may require a copy of this certification.

**107.6.4 Project Representation.** A project representative may be required by the building official. This representative shall keep daily records and submit reports as may be required by the building official. This project representation requirement shall be determined prior to the issuance of the permit and may be a prerequisite for permit issuance. Refusal by the applicant to provide such service if required by the building official shall result in the denial of the permit. All fees and costs related to the performance of project representation shall be borne by the owner. When applications for unusual designs or magnitude of construction are filed, or where reference standards require special architectural or engineering inspections, the building official may require that the project representative be a registered design professional in addition to those registered design professionals required elsewhere in accordance with Section 107.6.

**107.6.5 Building Official Responsibility.** Nothing contained in Section 107.6 shall have the effect of waiving or limiting the building official's authority to enforce 780 CMR with respect to examination of the contract documents, including plans, computations and specifications, and field inspections.

## SECTION 108 TEMPORARY STRUCTURES AND USES

**108.1 General.** The building official is authorized to issue a permit for temporary structures and temporary uses. Such permits shall be limited as to time of service, but shall not be permitted for more than 180 days. The building official is authorized to grant extensions for demonstrated cause.

**108.2 Conformance.** Temporary structures and uses shall conform to the structural strength, fire safety, means of egress, accessibility, light, ventilation and sanitary requirements of 780 CMR as necessary to ensure public health, safety, and general welfare.

**108.3 Fire Department Review.** Temporary structures and uses shall be approved by the building official in consultation with the head of the local fire department.

**108.4 Termination of Approval.** The building official is authorized to terminate for cause and with written notice such permit for a temporary structure or use and to order the temporary structure or use to be discontinued.

**108.5 State of Emergency.** Upon declaration by the governor of a state of emergency under St. 1950, c. 639, or of an emergency detrimental to the public health under M.G.L. c. 17, § 2A, a building or space within a building may be used as a temporary emergency use for purposes of housing and/or caring for persons in accordance with procedures established for such purpose as contained in 780 CMR. See also 780 CMR 31.00: *Special Construction*.

## SECTION 109 FEES

**109.1 Payment of Fees.** A permit shall not be valid until the fees prescribed by law have been paid, nor shall an amendment to a permit be released until the additional fee, if any, has been paid in the amount established by the applicable governing authority.

**109.2 Schedule of Permit Fees.** For state building permit fees, see 901 CMR 4.02: *Fees for Licenses, Permits, and Services to be Charged by State Agencies*. For municipal building permit fees, refer to the municipality.

#### **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)

**Location:** 651 ORCHARD ST**Parcel ID:** 19 48**Zoning:** MUB**Fiscal Year:** 2018**Current Owner Information:**

MELLO CURTIS J "TRUSTEE"  
 WILLIAMS JOHN E "TRUSTEE"  
 651 ORCHARD ST SUITE 204

NEW BEDFORD , MA 02740

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

07/28/2000

**Sale Price:**

\$2,300,000.00

Card No. 1 of 1

**Legal Reference:**

4740-279

**Grantor:**

HOWLAND MILLS REALTY TRUST,

This Parcel contains 2.68 acres of land mainly classified for assessment purposes as SHOP CTR with a(n) GENERAL RETAIL style building, built about 1889, having Brick exterior, Rubber Sheathing roof cover and 140690 Square Feet, with 1 unit(s), total room(s), total bedroom(s) 0 total bath(s), 0 3/4 baths, and 0 total half bath(s).

**Building Value:**

2199200

**Land Value:**

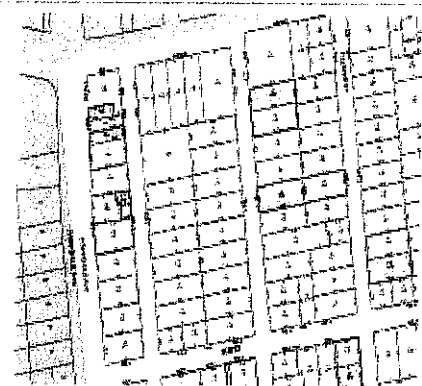
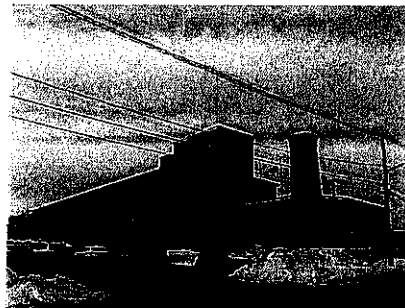
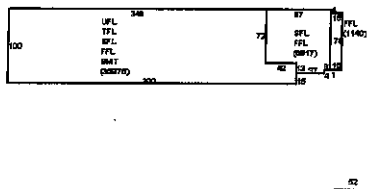
539300

**Yard Items Value:**

54900

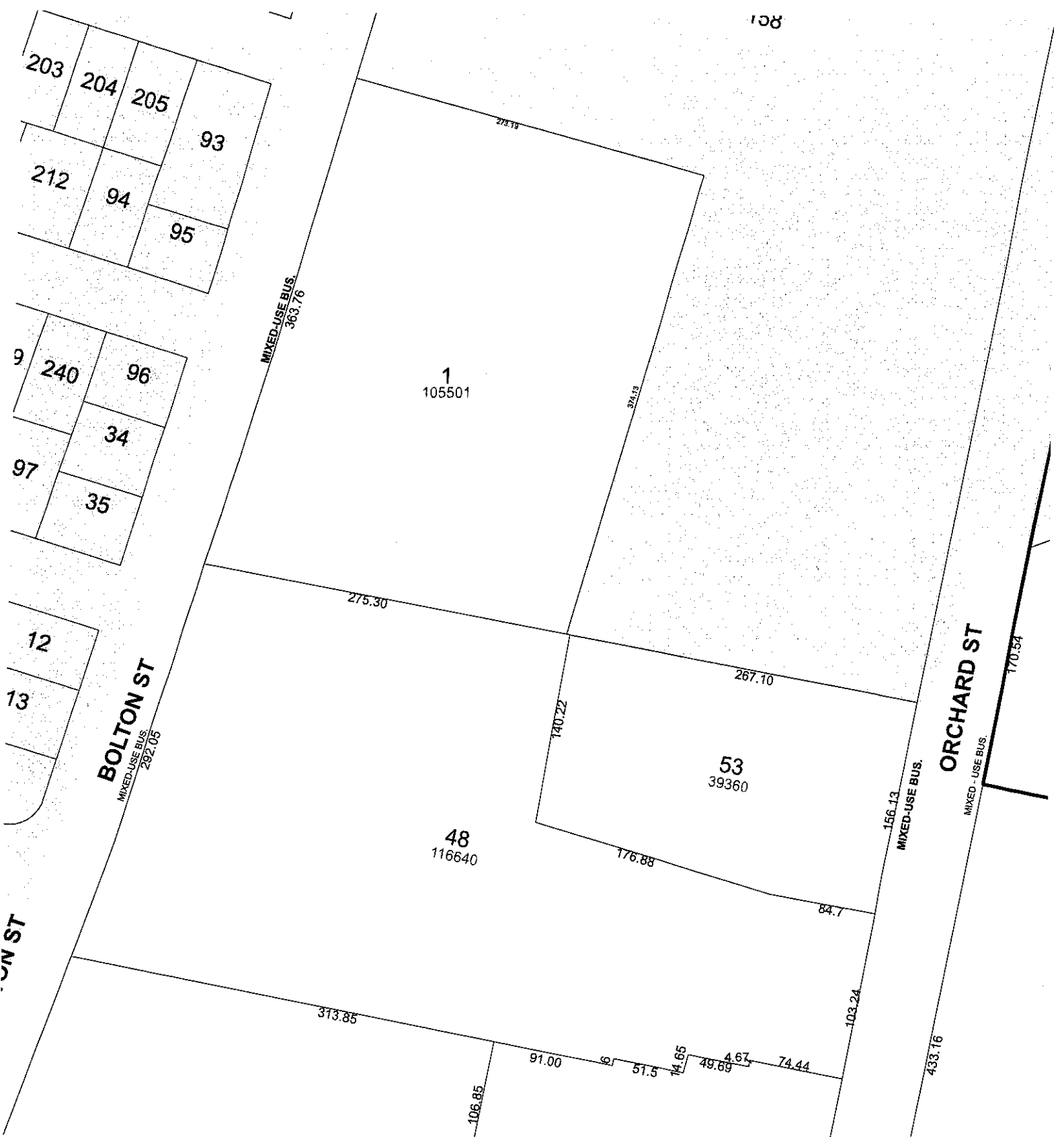
**Total Value:**

2793400

**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:	323	Property Code:	323	Property Code:	323
Total Bldg Value:	2199200	Total Bldg Value:	2199200	Total Bldg Value:	2198800
Total Yard Value:	54900	Total Yard Value:	54900	Total Yard Value:	54900
Total Land Value:	539300	Total Land Value:	539300	Total Land Value:	539300
<b>Total Value:</b>	<b>2793400</b>	<b>Total Value:</b>	<b>2793400</b>	<b>Total Value:</b>	<b>2793000</b>
<b>Tax:</b>	<b>\$99,584.71</b>	<b>Tax:</b>	<b>\$100,646.20</b>	<b>Tax:</b>	<b>\$100,073.19</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  
Information Systems  
January 2017

Map: 019

City of New Bedford  
Massachusetts

Scale: 1 inch = 60 feet  
0 30 60 Feet

Legend:  
☐ Town Boundary  
☐ Engineering Lot Number  
☐ Assessed Parcels  
☐ Planned Subdivision  
☐ Master Parcel Linking to Assessing DB  
☐ Assessed Parcels

Water Bodies  
☐ Town Boundary  
☐ Engineering Lot Number  
☐ Assessed Parcels  
☐ Planned Subdivision  
☐ Master Parcel Linking to Assessing DB  
☐ Assessed Parcels

