

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

330-332 Hathaway Blvd. - Plot: 82- Lot: 225 - Zoned District: MUB

Zoning Review: Special Permit Required From Z.B.A
Special permit For Reduction of Parking-Planning Board

Zoning Code Review as follows:

Special Permit -Z.B.A

- SECTIONS
- 2200 Use Regulations
- 2210 General
- 5300-5330/5360-5390/ Special Permit
- Appendix-A Table of Principle Use Groups
- Commercial #23Restaurant/Fast Food
- Special Permit -Planning Board

SECTIONS

- 3100 Parking and Loading
- 3110 –3113 Applicability
- 3120-3125 Special Permit
- 3130 Table of Parking & Loading Requirements
- Fast Food Carry-Out /25 Spaces Required

Citiz of New Bedlows Marrachusetts

FOR BUILDING DEPT. USE
DATE RECEIVED:
RECEIVED BY:
ISSUEDMAR 2 3 2018
- $ -$

	The state of the s	an coenquen,	NUIBBUTTURABUS	1						
	<i>u</i> •	Building Depar		DATE RECEIVED:						
			RECEIVED BY:							
		ation for Plan and Building f		ISSUED MAR 2 3 2018						
	PA									
IMPORTANT — COMPLETE ALL ITEMS — MARK BOXES WHERE APPLICABLE — PRINT										
IAT LOCATION	330-33	32 Hat	haway BIV	d.						
CA E	(NO)									
N S BETWEEN	CHOSS STREE	·	AND(CI	ROSS STREET)						
PLOT	E PLOT LOT LOT ACCEPTED STREET									
FDANS FICED.	VES NO									
II. TYPE AND COST OF BUIL	DING – all applicar	nts complete parts	A through D - PRINT							
A TYPE OF IMPROVEMENT		D1 PROPOSED U	SE — For demolition most recent (use						
1 New Building		Residential		Nonresidential						
2 Addition (II residential, enter i	number of new housing	13 One fan	•	19 Amusement, recreational						
units added, if any, in Part D.	•	14 L Two or r	nore family — Enter of units	20 L. Church, other religious						
3 Atteration (if residential, enter housing units added, if any, in		-	t hotel, motel, or	21 Lindustrial						
4 Repair, replacement			y — Enter number	22 Fanking gerage						
5 Demolition (If multifamily residuals in building in Part D, 14,		16 Garage		23 L. Service station, repair garage						
indicate most recent use chec		17 L Carport		24 U Hospital, institutional 25 Office, bank, professional						
6 Moving (relocation)	Ţ	18 🗀 Other —	Specify	25 Chos, balla, professional						
7 Li Foundation only			•	27 School, floring, other educational						
B. OWNERSHIP		D.2. Does this building		28 Stores, mercantile						
8 Private (individual, corporation,	•	U YES ₺ N	O If yes complete the following:	29 Tanks, towers						
nonprofit institution, etc.)		Name & Address	of Asbestos Removal Firm:	30 Funeral homes						
9 L Public (Federal, State, or local	government)			31 Food establishments						
C. COST	(Ómit cents)	Submit copy of no	lification sent to DECE and the	32 Other — Specify						
10. Cost of construction	2 <i>0,000-</i>	State Dept. of Lab sample analysis at	or & Industries and results of air er asbestos removal is completed							
the above cost		D.3. Non-residential -	Describe in detail proposed use	of buildings, e.g., food processing plant.						
a. Electricalb. Plumbing		parochial school, ;	machine shop, laundry building at hospital, elementary school, scrondary school, coilege, parochial school, parking garage for department store, rental office building, office building							
c. Heating, air conditioning		at industrial plant. If use of existing building is being changed, enter proposed use. 1046-004 Fond estabish ments								
d. Other (elevator, etc.)		TOPE-OUI	FOOD ESTABLE	Sh M PN+ 5						
11. TOTAL VALUE OF CONSTRUCTION		·		<u>:</u>						
12. TOTAL ASSESSED BLDG, VALUE.		V		*						
II. SELECTED CHARACTERISTI	CS OF BUILDING -	For all others, (addit	ompiete part i: turough L. For den ilons, alterations, repair, moving, i	nolition, complete only parts G; F-& J. foundation), complete Ethrough L.						
PRINCIPAL TYPE OF FRAME	G. TYPE OF SEWAGE D		J. DIMENSIONS							
33 Masonry (wall bearing)	43 Public or pri	ivate company	53 Number of stories							
34 Wood frame	44 Private (sept	lic tank, etc.)	54 Height 55 Total square feet of floor:	arga.						
35 Structural steel	H. TYPE OF WATER SUI	PPLY	all floors based on exterio							
36 Peinforced concrete	45 Public or pri	vate company	56 Building length 57 Building width							
37 Other — Spacify	46 Private (well,	cistem)	58 Total sq. ft. of bidg. feetprint							
RINCIPAL TYPE OF HEATING FUEL	I. TYPE OF MECHANICA	L	59 Front lot line width 60 Rear lot line width							
38 Gas	er system?	61 Depth of lot								
39 📙 011	48 MO	62 Total sq. ft. of lot size 63 % of lot occupied by bldg.	. (58÷62)							
40 Electricity	Will there be central a		64 Distance from fot line (front)							
4î ∐ Coel	Will there be an eleva	O L No	65 Distance from lot line (resr) 66 Distance from lot line (left)							
42 Unther — Specify		z 🗌 🙌	67 Distance from lot line (right							

IX. HOMEOWNER LIC				May
\3	ENSE EXEMPTION			1
Supplement =1 The current exemption for "hosengage an individual for hire with the supplement of the s	mecowner" was extended to ho does not possess a license,	nclude owner-occupied dwelling provided that the owner acts a	gs of two units or les	s and to allow such homeown Building Code Section 110.5\
DEFINITION OF HOMEOWNE Person(s) who own a parcel of attached or detached structures	R: land on which he/she resides accessory to such use and /or luch "homeowner shall submit	or intends to reside, an which the farm structures. A person who con to the Building Official on a form	ere is, or is intended t	to be, a one to two family dw
The undersigned "homeowner as	sumes responsibility for compli	ance with the State Building Code a minimum inspection procedures and	nd other applicable cod	les, ordinance, rules and regula
HOMEOWNERS SIGNATÜI	RE			
X. CONSTRUCTION DE	BRIS DISPOSAL			
disposal facility as defined by Mas	ssachüsetts General Law C 111	0, S54, debris resulting form this w	ork shall be disposed o	of in a properly licensed solid w
The debris will be disposed of in:		(Location of Facility)		,
MILL ALL	L	•	<u>3/</u>	22/10
Signature of Permit Applicant			Date	
XI. HOME IMPROVEMEN	T CONTRACTOR LAW	AFFIDAVIT		
Residential Use Only) Supplemen	nt to Permit Application			
o structures which are adjacer equirements	nt to such residence of bui	pied building containing at leading be conducted by registered Out Food Establish	contractors, with cer	tain exceptions, along with ot
		Date		
nereby certify that: Registration is			o o comment	
	•			
	Job under \$ 1,000	Building not owner-	occupied	Owner obtaining own permi
her (specify)		- <u> </u>		
her (specify) tice is hereby given that: VNERS OBTAINING THEIR OWN NOT HAVE ACCESS TO THE A	PERMIT OR EMPLOYING L REITRATION PROGRAM OF	inregistered contractors Guaranty fund under MG	For applicable H LC. 142a.	ome improvement wor
her (specify) tice is hereby given that: YNERS OBTAINING THEIR OWN	PERMIT OR EMPLOYING L REITRATION PROGRAM OF	inregistered contractors Guaranty fund under MG	For applicable H LC. 142a.	iome improvement wor
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her (specify) ntice is hereby given that: WNERS OBTAINING THEIR OWN NOT HAVE ACCESS TO THE A ned under penalties of perjury: ereby apply for a permit as the age withstanding the above notice, I he BUILDING COMMISSIO	PERMIT OR EMPLOYING L REITRATION PROGRAM OF ent of the owner: Contractor Signature ereby apply for a permit as the Owner Signature INERS REVIEW COMM OPECIAL Permit	e owner of the above property: IENTS AND CONDITIONS - ZBA How of Parking	LC. 142A.	Registration No.
her (specify) ntice is hereby given that: WNERS OBTAINING THEIR OWN NOT HAVE ACCESS TO THE A ned under penalties of perjury: ereby apply for a permit as the age withstanding the above notice, I he BUILDING COMMISSIO	PERMIT OR EMPLOYING L REITRATION PROGRAM OF ent of the owner: Contractor Signature ereby apply for a permit as the Owner Signature INERS REVIEW COMM OPECIAL Permit	e owner of the above property: IENTS AND CONDITIONS - ZBA How of Parking	LC. 142A.	Registration No.
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her (specify) ntice is hereby given that: YNERS OBTAINING THEIR OWN NOT HAVE ACCESS TO THE A ned under penalties of perjury: ereby apply for a permit as the age withstanding the above notice, I he BUILDING COMMISSIO uilding Permit Rejected SPECIAL	PERMIT OR EMPLOYING L REITRATION PROGRAM OF ent of the owner: Contractor Signature ereby apply for a permit as the Owner Signature INERS REVIEW COMM OPECIAL Permit	e owner of the above property: IENTS AND CONDITIONS - ZBA How of Parking	LC. 142A.	Pormit #

OTHER APPLICABLE REVIEWS K FLOODPLAIN Is location within flood hazard area? yes no and base elevation L. WETLANDS PROTECTION Is location subject to flooding? Is location part of a known wetland?

Has local conservation commission reviewed this site?

IV. IDEN	TIFICATION – ALL APPLICAN	TS – PLEASE PRINT	
OWNER OR LESSEE NAME	MAILING ADDRESS	ZIP CODE	TELEPHONE NO.
Rahmanzine (CFC	1 146 Mathew 3	+ .	ACTION AND ACTION
Wazir A Rahmany	New Bedford m	A 02740	** Allen a varyer
E-mail Address:			1946 C - 1 1946 P - 1
CONTRACTOR NAME	MAILING ADDRESS	ZIP CODE	TELEPHONE NO.
Quality Construction-	120 Lewin St. #2	ucense C509969	617-221-515
Hosam Mohmoud	Eall River, mA	and the second s	
E-mail Address: Dualityo (on Struction (PHotmail. Com	HOME IMP # 189801	
ARCHITECT NAME	MAILING ADDRESS	ZIP CODE	TELEPHONE NO.
James Smith	522 Bay Lane	LICENSE *9387	774-322-142
E-mail Address:	centerville, MA	02632	
IGNATURE OF OWNER	APPLICANT SIGNATURE Mul hu	M.	3/22/18

Omission of reference to any provision shall not nullify any

requirement of this code nor exempt any structure from such requirement.

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

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

Applicant's Signature

120 Lewin St. 222 FOUR MA OT 770

The Aguer refused = 30 Aprices existin 12 space reliftrequied FFL (3150) 35 CPY (300) Have Mirt I space for each 200 50 FT fast feed - 25 spaces launchy - 1 space Le 200 59 FT M) Ming H Juneal 30 your Meeting Bspaces reputed for mut & laurely X32'8 579 S. 4 spaces for U-HAUI

25. Just food 72. specer required

3/50 - 379 257/50 FT - 200 56 FT Beauces Location: 330 332 HATHAWAY BLVD

Parcel ID: 82 225

Zoning: MUB

Fiscal Year: 2018

Current Sales Information:

Sale Date:

Current Owner Information:

HARI LLC

01/12/2017

Sale Price:

\$325,000.00

Card No. 1 of 1

330 HATHAWAY BLVD

Building Value:

143000

NEW BEDFORD, MA 02740

11956-94

Grantor:

Land Value:

117000

Legal Reference:

CORDEIRO, JAMES K

This Parcel contains 0.39 acres of land mainly classified for assessment purposes as RETAIL with a(n) GENERAL RETAIL style building, built about 1974, having Conc Blk exterior, Tar&Gravel roof cover and 3150 Square Feet, with 2 unit(s), total room(s), total bedroom(s) 0 total bath(s), 0 3/4 baths, and 4 total half bath(s).

9300

Yard Items Value:

J \$	FFL (989)	25





Total Value:

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:	325	Property Code:	325	Property Code:	325
Total Bldg Value:	143000	Total Bldg Value:	136600	Total Bldg Value:	145900
Total Yard Value:	9300	Total Yard Value:	8900	Total Yard Value:	8900
Total Land Value:	117000	Total Land Value:	117000	Total Land Value:	117000
Total Value:	269300	Total Value:	262500	Total Value:	271800
Tax:	\$9,600.55	Tax:	\$9,457.88	Tax:	\$9,738.59

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 warranteed. 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 <u>Section 5300</u>.

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 <u>Section 5300</u>.

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)

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 <u>Section 5400</u>, 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)

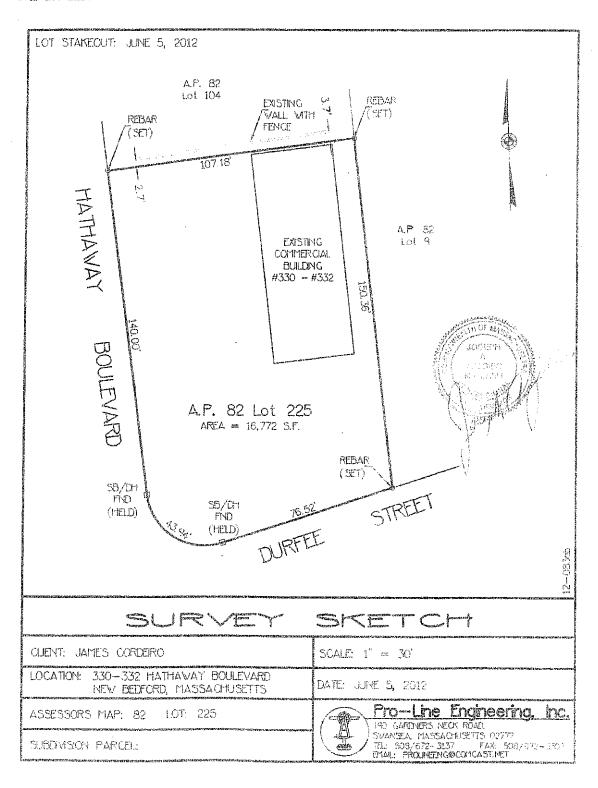
5390. Fees. The special permit granting authority may adopt reasonable administrative fees and technical review fees for applications for special permits.

(Ord. of 12-23-03, § 1)

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

forth		R	i Q	()	1	1	N	٥		j A	Ų.		N.	J
13. Grocery stores		N	ľ	V	N	N	Υ		Υ	ВА	ВА	ВА	N	١
14. Big Box Retail (60,000 Sq. ft. or greater)		N	N	J	N	N	ВА		ва	N	N	N	N	Y
15. Health clubs		N	N	1	N	N	Υ		Y	Υ	Υ	Υ	N	Y
16. Mixed use		N	N	+	N	N	Υ	-	Y	N	N	N	N	Y
17. Live /work		N	N	1	N	N	ВА	E	BA	N	N	N	N	Y
18. Motor vehicle sales and rental		N	N	1	4	N	СС	C	C C	C (CC	N	N	N
19. Motor vehicle general repairs		N	N		1	N	СС	С	C	۷ (C	N	Y	N
20. Motor Vehicle body repairs		N	N	N		N	N	N	1 1	1 C	C	V	N	N
21. Motor vehicle light service	I	4	N	N		N	CC	C	CC	cc	CI	1 C	c	N
22. Restaurant	ı	1	N	N		V	Υ	Υ	Y	١	I Si	P \	 	Υ
23. Restaurant, fast-food	١	1	N	N		7	ВА	ВА	BA	N	N	B	A	ВА
24. Business or professional office	N	- -	1	N	N	J	Υ	Υ	Y	N	Y	Y	. !	Υ
25. Medical offices, center, or clinic	N	1	1	N	N	 E	BA	ВА	ВА	N	ВА	ВА	\	Υ
26. Bank, financial agency	N	1	1	N	N		Y	Υ	Y	N	Y	Υ		Υ
27. Indoor commercial recreation	N	N		N	N	,	1	Υ	Υ	N	N	Υ		Υ
28. Outdoor commercial recreation	N	N		N	N	В	A E	3A	ВА	N	ВА	ВА	E	3A
29. Wireless Communications Facilities	РВ	PE	Р	В	РВ	P	ВР	В	РВ	РВ	РВ	РВ	P	В
30. Theatres and auditoriums	N	N	ľ	ı	N	PI	3 P	B	N	N	N	N	P	В
31. Convention Centers	M	М	N	1	M	PE	3 P	в	PB i	РВ	РΒ	N	P	В

Hotel, motel, bed and breakfast, rooming or boarding or lodging house, tourist home, dormitories, other non-family residence accommodations, excluding group homes	or does not reside on the premises; one (1) space process and the premises one (1) space process are the premises.	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 20 sq. ft. of gross floor area be not less than two (2) space 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
rental, repair, servicing, storage and distribution of motor vehicles,	One (1) space per each 400 sq. ft. of gross floor area, but not less than two (2) paces for each business use intended to occupy the	required for each additional 25,000 sq. ft. of gross floor area



1 Octobrillos

1668-98 Interior Alterations (Sheetrock) Non-Struc. Only
1762-99 Interior Alterations For
Restaurant Take-out (19 Persons)
Certified Letter Cancellation Letter 12/12/00
Certified Letter 6/18/01
1719-02 renovation for coin laundry (plans)
248-05 What B Change of known Relative Delignor Costs of Costs of Cash Express
3-13-12 SI

