



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

2112 Acushnet Ave. – PLOT: 119 – LOT: 13 – ZONED DISTRICT: MUB

Zoning Code Review as follows:

Planning Board Relief - Special Permit – Site Plan Review

❖ Site Plan Review

- 3100. Parking and Loading
- 3110 - 3113. Applicability
- 3120 - 3125. Special Permit
- 3130. Table of Parking and Loading Requirements
- 3140 - 3149. Location and layout of Parking and Loading Facilities
- 3150. Size of Parking Space.
- 5400 - 5470. Site Plan Review (5422)

Zoning Board of Appeals: Special Permit

❖ Sections

- 2400. – Nonconforming Uses and Structures
- 2410. Applicability.
- 2430 – 2432. Nonconforming Structures, Other Than Single- and Two-Family Structures

SECTION 3000. - GENERAL REGULATIONS.

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)

3140. Location and Layout of Parking and Loading Facilities. Off-street parking and loading, for facilities other than single- or two-family residences, may be provided in structures or in the open air, and shall be subject to the following regulations pertaining to their layout and location:

3141. Parking spaces shall be located on the same lot as the building or use where they are intended to serve, except that they may be provided on an adjoining lot in the same ownership.

3142. Where the provisions of subsection 3141 cannot be satisfied and the parking lot contains five (5) or more required spaces, the required parking spaces may be located on a lot in the same ownership within two hundred (200) feet of the building or lot they are intended to serve.

3143. Parking space for three (3) or fewer vehicles may be provided in the form of a driveway on a lot; the improved surface may be extended to one foot of the side line.

3144. Where a drive or aisle, other than a street, is required to maneuver a vehicle into or out of a parking space, such drive or aisle shall be at least twenty-two (22) feet wide for parking spaces situated at right angles, or nearly right angles to the aisle. For parking spaces situated at an angle of thirty (30) to sixty (60) degrees to the aisle, the required width of the aisle shall be at least fifteen (15) feet.

3145. Open-air off-street parking facilities may be located in required front, rear and side yards, except that in a residential district, no open-air off-street parking space shall be located in front of the dwelling or principal building. Notwithstanding the previous sentence, in cases where a garage faces the frontage of the dwelling and is located beneath the dwelling, open-air off-street parking may be located in front of the dwelling in a

residential district provided that the dwelling is set back a minimum of twenty (20) feet from the front property line and provided that said parking occurs only within the driveway, the width of which shall not exceed the lesser of the width of said garage or eighteen (18) feet. Any driveway in a residential district, requiring more than one curb cut, shall require Site Plan Approval. No driveway in a residential district shall exceed eighteen (18) feet in width.

3146. When five (5) or more parking spaces are required on a lot, the provisions of Section 3300 shall apply. All spaces shall be laid out so that vehicles can enter or leave any parking space directly from a drive or aisle other than a street. Additionally, all spaces shall be laid out so the vehicles entering a street may do so facing the street.

3147. All parking spaces and loading areas or berths in the open-air and the access drives or aisles, shall be provided with a concrete or asphalt surface. Compacted gravel or stone shall be permitted only for single- or two-family residential dwellings.

3148. No off-street loading areas or berths shall be laid out in such a manner as will result in loading or unloading being carried on within a street right-of-way or other public property. Each area or berth shall be sufficient size as to accommodate the largest expected truck or tractor trailer common to the building use.

3149. Special Permit for Commercial Parking in Residential Districts. Commercial parking may be allowed on residentially zoned property, held in common ownership and located immediately adjacent to the commercial business to which it is to serve, upon the issuance of a special permit by the Zoning Board of Appeals, if the Board finds that said parking is not detrimental to public health and safety, and that said parking promotes a public benefit. A Special Permit for vehicular access to a building lot accessed from public way that does not constitute frontage of the lot. Upon the issuance of a special permit by the Zoning Board of Appeals, vehicular access may be allowed from a public way that does not constitute the legal frontage of the subject lot if said lot is residentially zoned, if the proposed vehicular access is for the purpose of accessing parking that is located beside or behind the dwelling or principal building, and if the Board finds that said vehicular access promotes a public benefit and is not detrimental to public health and safety. Notwithstanding Section 5240 of Chapter 9 of the Code of Ordinances or any other provision to the contrary, no fee of any kind shall be charged or imposed by the Special Permit Authority to the applicant of a Special Permit applied for under this Section.

(Ord. of 12-23-03, § 1; Ord. of 8-22-06, § 1)

3150. **Size of Parking Space.** A parking space shall be a rectangle at least nine (9) feet by twenty (20) feet exclusive of any required drive or aisle.

3151. The area of required off-street loading space is not to be included as off-street parking space in the computation of required off-street parking space.

(Ord. of 12-23-03, § 1)

3200. - SIGN REGULATIONS.

3201. Purpose.

- (A) Signs constitute a separate and distinct use of the land upon which they are placed and affect the use of adjacent streets sidewalks and other public places and adjacent private places open to the public. The unregulated construction, placement and display of signs constitute a public nuisance detrimental to the health, safety, convenience and welfare of the residents of the City.
- (B) The purpose of article 3200 is to establish reasonable and impartial regulations for all exterior signs and those interior signs designed to attract the attention of persons located outdoors in order to: reduce traffic hazards caused by such unregulated signs which may distract and confuse, and impair the visibility of, motorists and pedestrians; ensure the effectiveness of public traffic signs and signals; protect property values by ensuring the compatibility of property with that surrounding it; provide an attractive visual environment throughout the City; protect the character and appearance of the various neighborhoods in the City; attract tourists to the City; protect the public investment in streets, highways, and other public improvements; and protect and improve the public health, safety, and general welfare. Additionally it is intended to protect the Central Business District and Historic District in accordance with the purposes stated in Section 3200AA.
- (C) The regulations contained in this Section advance these significant government interests and are the minimum amount of regulation necessary to achieve them.

- (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 a 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)

5500. - AMENDMENTS.

This Ordinance may from time to time be changed by amendment, addition, or repeal by the City Council in the manner provided in M.G.L.A. c. 40A, § 5, and any amendments thereto.

5510. **Amendment advertising.** Any advertisement for a hearing, the purpose of which is to serve as notice of a zoning amendment proposal under M.G.L.A. c. 40A, § 5, that proposes to change twenty-five (25) parcels or fewer from one principal use district to another principal use district under Section 2100, shall include the plot and lot number and the street address of the parcel or parcels whenever said plot and lot number and address is reasonably ascertainable.

(Ord. of 12-23-03, § 1; Ord. of 4-19-06, § 1)

5600. - APPLICABILITY.

5610. **Other Laws.** Where the application of this Ordinance imposes greater restrictions than those imposed by any other regulations, permits, restrictions, easements, covenants, or agreements, the provisions of this Ordinance shall control.

(Ord. of 12-23-03, § 1)

5620. **Conformance.** Construction or operations under a Building or Special Permit shall conform to any subsequent amendment of this Ordinance unless the use or construction is commenced within a period of six (6) months after the issuance of the permit, and in cases involving construction, unless such construction is continued through to completion as continuously and expeditiously as is reasonable.

(Ord. of 12-23-03, § 1)

5700. - PLANNING MORATORIUM.

5710. **Moratorium on used car sales permits.** To provide the licensing board with the opportunity to review criteria for granting licenses for used car sales, there is hereby imposed a moratorium on Class II used car sales permits, other than renewals, for a period of one year. During the term of this moratorium (unless earlier terminated by ordinance) the City will not accept any permit applications for Class II used car sales. The moratorium imposed by this Section shall be in effect for one year commencing on the date of passage.

(Ord. of 12-23-03, § 1)

5800—8999. - RESERVED.

2339. Barbed Wire. Barbed wire is prohibited in all residential zones, on property lines abutting residential zones below a height of eight (8) feet above grade.

2339A. Structures used for kennels or the housing of animals. Any structure used for a kennel or for the housing of animals shall be located at least twelve (12) feet from any lot line, street line or dwelling and shall not extend into any front yard or beyond the front sidewall of any dwelling.

(Ord. of 12-23-03, § 1; Ord. of 11-12-04, § 1)

2340. Accessory Dwelling Units. For the purpose of enabling owners of single-family dwellings larger than required for their present needs, particularly elderly homeowners, to share space and the burdens of home ownership, the Board of Appeals may grant a special permit in accordance with the following requirements:

2341. Accessory dwelling units may be allowed on special permit, which shall lapse every two (2) years, in accordance with Section 5300, and provided that each of the following additional criteria are met.

2342. A plot plan, prepared by a registered land surveyor, of the existing dwelling unit and proposed accessory dwelling unit shall be submitted, showing the location of the building on the lot, proposed accessory dwelling unit, location of any septic system and required parking. A mortgage inspection survey, properly adapted by a surveyor, shall be sufficient to meet this requirement;

2343. Certification by affidavit shall be provided that while said accessory dwelling unit is occupied, the primary dwelling until shall be occupied by the owner of the property;

2344. Not more than one accessory dwelling unit may be established on a lot. The accessory dwelling unit shall not exceed one thousand (1,000) square feet in floor space and shall be located in the existing residential structure on the premises;

2345. The external appearance of the structure in which the accessory dwelling unit is to be located shall not be significantly altered from the appearance of a single-family structure, in accordance with the following:

2345.a. Any accessory dwelling unit construction shall not create more than a fifteen (15) percent increase in the gross floor space of the structure existing as of date of enactment, December 23, 2003.

2345.b. Any stairways or access and egress alterations serving the accessory dwelling unit shall be enclosed, screened, or located so that visibility from public ways is minimized.

2345.c. Sufficient and appropriate space for at least one additional parking space shall be constructed by the owner to serve the accessory dwelling unit. Said parking space shall be constructed of materials consistent with the existing driveway and shall have vehicular access to the driveway.

2346. The initial term and subsequent terms of a special permit for an accessory dwelling unit shall expire after two (2) years. In the event such special permit is not renewed, the Board of Appeals shall promptly notify the Inspector of Buildings. Subsequent special permit issuances for existing accessory dwelling unit, if any, shall be granted after certification by affidavit is made by the applicant that the accessory dwelling unit has not been extended, enlarged, or altered to increase its original dimensions, as defined in the initial special permit application, and that the need for the special permit still exists and there has been no change in the use or circumstances for which the special permit was originally granted.

2347. Special permits for an accessory dwelling unit may be issued, after a public hearing, upon a finding that the construction and occupancy of the apartment will not be detrimental to the neighborhood in which the lot is located and after consideration of the factors specified in Section 5300 herein.

(Ord. of 12-23-03, § 1)

2400. - NONCONFORMING USES AND STRUCTURES.

2410. **Applicability.** This Zoning Ordinance shall not apply to structures or uses lawfully in existence or lawfully begun, or to a building or special permit issued before the first publication of notice of the public hearing required by M.G.L.A. c. 40A, § 5, at which this Zoning Ordinance, or any relevant part thereof, was adopted. Such prior, lawfully existing nonconforming uses and structures may continue, provided that no modification of the use or structure is accomplished, unless authorized hereunder.

(Ord. of 12-23-03, § 1)

2420. **Nonconforming Uses.** The Board of Appeals may award a special permit to change a nonconforming use in accordance with this Section only if it determines that such change or extension shall not be substantially more

detrimental than the existing nonconforming use to the neighborhood. The following types of changes to nonconforming uses may be considered by the Board of Appeals:

2421. Change or substantial extension of the use;

2422. Change from one nonconforming use to another, less detrimental, nonconforming use.

(Ord. of 12-23-03, § 1)

2430. Nonconforming Structures, Other Than Single- and Two-Family Structures. The Board of Appeals may award a special permit to reconstruct, extend, alter, or change a nonconforming structure in accordance with this Section only if it determines that such reconstruction, extension, alteration, or change shall not be substantially more detrimental than the existing nonconforming structure to the neighborhood. The following types of changes to nonconforming structures may be considered by the Board of Appeals:

2431. Reconstructed, extended or structurally changed;

2432. Altered to provide for a substantially different purpose or for the same purpose in a substantially different manner or to a substantially greater extent;

The reconstruction, extension or structural change of such nonconforming structures so as to increase an existing nonconformity, or create a new nonconformity, including the extension of an exterior wall at or along the same nonconforming distance within a required yard, shall require the issuance of a variance from the Board of Appeals.

(Ord. of 12-23-03, § 1)

2440. Nonconforming Single- and Two-Family Structures. Nonconforming single- and two-family residential structures may be reconstructed, extended, altered, or structurally changed upon a determination by the Inspector of Buildings that such proposed reconstruction, extension, alteration, or change does not increase the nonconforming nature of said structure, and the issuance of a building permit, where applicable. In the event that the Inspector of Buildings determines that the nonconforming nature of such structure would be increased by the proposed reconstruction, extension, alteration, or change, the Board of Appeals may, by finding (which shall not require a super majority), allow such reconstruction, extension, alteration, or change where it determines that the proposed modification will not be substantially more detrimental than the existing nonconforming structure to the neighborhood.

(Ord. of 12-23-03, § 1)

2450. Abandonment or Non-Use. A nonconforming use or structure which has been abandoned, or not used for a period of two (2) years, shall lose its protected status and be subject to all of the provisions of this Zoning Ordinance.

(Ord. of 12-23-03, § 1)

2460. Catastrophe. Any nonconforming structure may be reconstructed after a fire, explosion or other catastrophe, provided that such reconstruction is completed within twelve months after such catastrophe, and provided that the building(s) as reconstructed shall be only as great in volume or area as the original nonconforming structure unless a larger volume or area is authorized by special permit from the Board of Appeals. Such time for reconstruction may be extended by the Board of Appeals for good cause.

(Ord. of 12-23-03, § 1)

2470. Reversion to Nonconformity. No nonconforming use shall, if changed to a conforming use, revert to a nonconforming use.

(Ord. of 12-23-03, § 1)

2500. - HOME OCCUPATIONS.

2510. Home Occupations as of Right. Businesses or professions incidental to and customarily associated with the principal residential use of premises may be engaged in as an accessory use by the owner of that dwelling; provided, however, that all of the following conditions shall be satisfied:

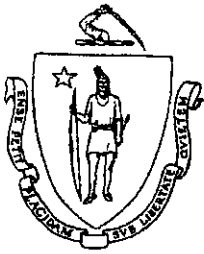
2511. The occupation or profession shall be carried on wholly within the principal building.

2512. Not more than thirty (30) percent of the floor area of the residence shall be used in the home occupation.

2513. No person not a member of the household shall be employed on the premises in the home occupation.

2514. The home occupation shall not serve clients, customers, pupils, salespersons, or the like on the premises.

2515. There shall be no sign, exterior display, no exterior storage of materials, and no other exterior indication of the home occupation, or other variation from the residential character of the premises.



Initial Construction Control Document

To be submitted with the building permit application by a
Registered Design Professional
for work per the 8th edition of the
Massachusetts State Building Code, 780 CMR, Section 107

Project Title: _____ Date: **April 7, 2016**

Property Address: **2112 Acushnet Ave.**

Project: Check (x) one or both as applicable: ___ New construction Existing Construction

Project description: **Interior Renovations**

I **Fred Hanack** MA Registration Number: **8789** Expiration date: **6/30/2016**, am a *registered design professional*, and I have prepared or directly supervised the preparation of all design plans, computations and specifications concerning¹:

Architectural ___ Structural ___ Mechanical
___ Fire Protection ___ Electrical Other: Describe **Interior Renovations**

for the above named project and that to the best of my knowledge, information, and belief such plans, computations and specifications meet the applicable provisions of the Massachusetts State Building Code, (780 CMR), and accepted engineering practices for the proposed project. I understand and agree that I (or my designee) shall perform the necessary professional services and be present on the construction site on a regular and periodic basis to:

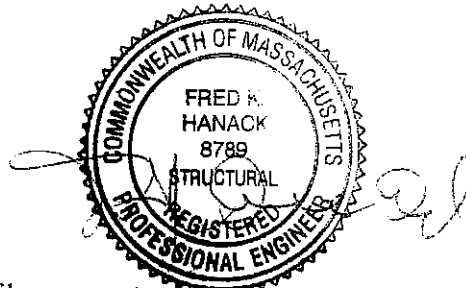
1. Review, for conformance to this code and the design concept, shop drawings, samples and other submittals by the contractor in accordance with the requirements of the construction documents.
2. Perform the duties for registered design professionals in 780 CMR Chapter 17, as applicable.
3. Be present 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 approved construction documents and this code.

Nothing in this document relieves the contractor of its responsibility regarding the provisions of 780 CMR 107.

When required by the building official, I shall submit field/progress reports (see item 3.) together with pertinent comments, in a form acceptable to the building official.

Upon completion of the work, I shall submit to the building official a 'Final Construction Control Document'.

Enter in the space to the right a "wet" or electronic signature and seal:



Phone number: **508-291-1061**

Email: **armando@cdbdesigns.com**

Building Official Use Only

Building Official Name: _____

Permit No. : _____

Date: _____

Note 1. Indicate with an 'x' project design plans, computations and specifications that you prepared or directly supervised. If 'other' is chosen, provide a description.

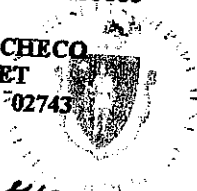


Massachusetts - Department of Public Safety
Board of Building Regulations and Standards
Construction Supervisor

License: **CS-039609**



ANTONIO R PACHECO
22 BLAIN STREET
ACUSHNET MA 02743



Thomas D. Bligh
Commissioner

Expiration
10/21/2016



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

FOR BUILDING DEPT. USE

DATE RECEIVED: 8-8-2019
 RECEIVED BY:
 ISSUED BY:

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

(AT LOCATION) 2112 ADUSHNET AVE
 (NO) (STREET)
 BETWEEN _____ AND _____
 (CROSS STREET) (CROSS STREET)
 PLOT 119 LOT 13 DISTRICT MUB ACCEPTED STREET YES
 PLANS FILED YES NO

Permit No. 19-11-100
 Completion Date

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

- A. TYPE OF IMPROVEMENT COL / AH
- 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
- | | |
|---|---|
| <p>Residential</p> <ol style="list-style-type: none"> 13 <input type="checkbox"/> One family 14 <input type="checkbox"/> Two or more family — Enter number of units _____ 15 <input type="checkbox"/> Transient hotel, motel, or dormitory — Enter number of units _____ 16 <input type="checkbox"/> Garage 17 <input type="checkbox"/> Carport 18 <input type="checkbox"/> Other — Specify _____ | <p>Nonresidential</p> <ol style="list-style-type: none"> 19 <input type="checkbox"/> Amusement, recreational 20 <input type="checkbox"/> Church, other religious 21 <input type="checkbox"/> Industrial 22 <input type="checkbox"/> Parking garage 23 <input type="checkbox"/> Service station, repair garage 24 <input type="checkbox"/> Hospital, institutional 25 <input type="checkbox"/> Office, bank, professional 26 <input type="checkbox"/> Public utility 27 <input type="checkbox"/> School, library, other educational 28 <input type="checkbox"/> Stores, mercantile 29 <input type="checkbox"/> Tanks, towers 30 <input type="checkbox"/> Funeral homes 31 <input type="checkbox"/> Food establishments 32 <input checked="" type="checkbox"/> Other — Specify <u>MIXED USE</u> |
|---|---|
- 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 DECE and the State Dept. of Labor & Industries and results of air sample analysis after asbestos removal is completed.

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

C. COST

10 Cost of construction (Omit cents) \$ 250,000
 To be installed but not included in the above cost

- a. Electrical 1,000
- b. Plumbing _____
- c. Heating, air conditioning _____
- d. Other (elevator, etc.) _____

11. TOTAL VALUE OF CONSTRUCTION _____
 12. TOTAL ASSESSED BLDG. VALUE 206,700

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.
ALTERATIONS/RENOVATIONS

III. SELECTED CHARACTERISTICS OF BUILDING — For new buildings complete part E through I. For demolition, complete only parts G, H & I. For all others, (additions, alterations, repair, moving, foundation), complete E through I.

- 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.)

- J. DIMENSIONS
- 53 Number of stories _____
 - 54 Height _____
 - 55 Total square feet of floor area, all floors based on exterior dimensions _____
 - 56 Building length _____
 - 57 Building width _____
 - 58 Total sq. ft. of bldg. footprint _____
 - 59 Front lot line width _____
 - 60 Rear lot line width _____
 - 61 Depth of lot _____
 - 62 Total sq. ft. of lot size _____
 - 63 % of lot occupied by bldg. (58-62) _____
 - 64 Distance from lot line (front) _____
 - 65 Distance from lot line (rear) _____
 - 66 Distance from lot line (left) _____
 - 67 Distance from lot line (right) _____

- F. PRINCIPAL TYPE OF HEATING FUEL
- 38 Gas
 - 39 Oil
 - 40 Electricity
 - 41 Coal
 - 42 Other — Specify _____

- H. TYPE OF WATER SUPPLY
- 45 Public or private company
 - 46 Private (well, cistern)

- 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

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? _____
Is location part of a known wetland? _____
Has local conservation commission reviewed this site? _____

IV. IDENTIFICATION - ALL APPLICANTS - PLEASE PRINT

| OWNER OR LESSEE NAME | MAILING ADDRESS | ZIP CODE | TELEPHONE NO. |
|-----------------------|--------------------------------------|------------------------------|---------------|
| CMAC REALTY, LLC | 2112 ACUSHNET AVE NEW BEDFORD, MA | 02745 | 508-214-2235 |
| E-mail Address: _____ | | | |
| CONTRACTOR NAME | MAILING ADDRESS | ZIP CODE | TELEPHONE NO. |
| ANTONIO R. PACHECO | 22 BLAIN ST ACUSHNET, MA | 02743 LICENSE # CS 039609 | 508-542-5355 |
| E-mail Address: _____ | | | |
| ARCHITECT NAME | MAILING ADDRESS | ZIP CODE | TELEPHONE NO. |
| FRED HANNAK | 6 WILSON ST | 02789 LICENSE # 8789 | |
| E-mail Address: _____ | | | |
| SIGNATURE OF OWNER | APPLICANT SIGNATURE | DATE | |
| <i>[Signature]</i> | <i>[Signature]</i> | | |

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.

[Signature]
[Signature]

Applicant's Signature _____ Address _____ City _____



The Commonwealth of Massachusetts
 Department of Industrial Accidents
 Office of Investigations
 600 Washington Street
 Boston, MA 02111
 www.mass.gov/dia

Workers' Compensation Insurance Affidavit: Builders/Contractors/Electricians/Plumbers
Applicant Information Please Print Legibly

Name (Business/Organization/Individual): ANTONIO R. PACHECO

Address: 22 BLAIN ST.

City/State/Zip: NEW BEDFORD, MA 01945 Phone #: 508-542-5358

Are you an employer? Check the appropriate box:

- | | |
|---|---|
| <p>1. <input type="checkbox"/> I am an employer with _____ employees (full and/or part-time).*</p> <p>2. <input checked="" type="checkbox"/> I am a sole proprietor or partnership and have no employees working for me in any capacity. [No workers' comp. insurance required.]</p> <p>3. <input type="checkbox"/> I am a homeowner doing all work myself. [No workers' comp. insurance required.] †</p> | <p>4. <input type="checkbox"/> I am a general contractor and I have hired the sub-contractors listed on the attached sheet. These sub-contractors have employees and have workers' comp. insurance. ‡</p> <p>5. <input type="checkbox"/> We are a corporation and its officers have exercised their right of exemption per MGL c. 152, §1(4), and we have no employees. [No workers' comp. insurance required.]</p> |
|---|---|

Type of project (required):

6. New construction
7. Remodeling
8. Demolition
9. Building addition
10. Electrical repairs or additions
11. Plumbing repairs or additions
12. Roof repairs
13. Other: RENOVATION

*Any applicant that checks box #1 must also fill out the section below showing their workers' compensation policy information.

† Homeowners who submit this affidavit indicating they are doing all work and then hire outside contractors must submit a new affidavit indicating such.

‡ Contractors that check this box must attached an additional sheet showing the name of the sub-contractors and state whether or not those entities have employees. If the sub-contractors have employees, they must provide their workers' comp. policy number.

I am an employer that is providing workers' compensation insurance for my employees. Below is the policy and job site information.

Insurance Company Name: _____

Policy # or Self-ins. Lic. #: _____ Expiration Date: _____

Job Site Address: _____ City/State/Zip: _____

Attach a copy of the workers' compensation policy declaration page (showing the policy number and expiration date). Failure to secure coverage as required under Section 25A of MGL c. 152 can lead to the imposition of criminal penalties of a fine up to \$1,500.00 and/or one-year imprisonment, as well as civil penalties in the form of a STOP WORK ORDER and a fine of up to \$250.00 a day against the violator. Be advised that a copy of this statement may be forwarded to the Office of Investigations of the DIA for insurance coverage verification.

I do hereby certify, under the pains and penalties of perjury that the information provided above is true and correct.

Signature: Antonio R. Pacheco Date: 4/7/16

Phone #: 508-542-5358

Official use only. Do not write in this area, to be completed by city or town official.

City or Town: _____ Permit/License # _____

Issuing Authority (circle one):

1. Board of Health 2. Building Department 3. City/Town Clerk 4. Electrical Inspector 5. Plumbing Inspector
 6. Other _____

Contact Person: _____ Phone #: _____

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: _____ USE: _____

FRONTAGE: _____ LOT SIZE: _____

SETBACKS: _____

FRONT: _____ LEFT SIDE: _____ RIGHT SIDE: _____ REAR: _____

PERCENTAGE OF LOT COVERAGE PRIMARY BUILDING _____

VARIANCE HISTORY _____

VII. WORKER'S COMPENSATION INSURANCE AFFIDAVIT

I, ANTONIO R. PACHECO

(licensee/permittee) with a principal place of business/residence at:

22 BLAINE STREET, ACUSHNET AVE, NEW BEDFORD, MA

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

02743

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

Insurance Company _____

Policy Number _____

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

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

Name of contractor _____

Insurance Company/policy number _____

Name of contractor _____

Insurance Company/policy number _____

I am a homeowner performing all the work myself.

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

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

Signed this Antonio R. Pacheco day of _____, 20 _____

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 C 111, S 150A

The debris will be disposed of in: _____

(Location of Facility)

Antoine R. Pickers
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: 212 Acushnet Ave.

Est. Cost _____

Address of Work _____

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 _____

Antoine R. Pickers
Contractor Signature

Registration No. _____

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

Date _____

Antoine R. Pickers
Owner Signature

XII. BUILDING COMMISSIONERS REVIEW COMMENTS AND CONDITIONS

C. Building Permit Rejected

Rejection Date 10/14 2016

Fee _____

Reason For Rejection: Planning Board - Special Permit - Site Plan Review

ZBA - SPECIAL PERMIT

Permit # _____

"See Attachments"

B-16-2016

Comments and Conditions:

Signed _____

Date: _____ 20 _____

Title Building Commissioner

Not valid unless signed (not stamped) by Building Commissioner