

City of New Bedford
ZBA SPECIAL PERMIT APPLICATION

CASE # 4259

1. SUBMITTAL CHECKLIST

The following documentation must be submitted, in duplicate (1 Original and 11 Copies):

Have you included...			Planning staff review finds...	
Yes	No		Yes	No
<input checked="" type="checkbox"/>	<input type="checkbox"/>	A <u>Completed and Signed Application</u>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
<input checked="" type="checkbox"/>	<input type="checkbox"/>	An <u>Existing Conditions Site Plan</u> , drawn to a scale not less than 1 inch: 40 feet, identifying positioning of existing structures must be provided. Your site plan must show footprint and dimensions of rear, front and side distances between structure(s) and boundary lines.	<input checked="" type="checkbox"/>	<input type="checkbox"/>
<input checked="" type="checkbox"/>	<input type="checkbox"/>	A <u>Proposed Site Plan</u> showing all proposed alterations or additions with side, front and rear set property lines identified.	<input checked="" type="checkbox"/>	<input type="checkbox"/>
<input type="checkbox"/>	<input checked="" type="checkbox"/>	<u>Sub-Division Plans</u> if Applicable.	<input type="checkbox"/>	<input checked="" type="checkbox"/>
<input checked="" type="checkbox"/>	<input type="checkbox"/>	A <u>Certified Abutter's List</u> prepared by planning staff and certified by the Assessor's Office.	<input checked="" type="checkbox"/>	<input type="checkbox"/>
<input checked="" type="checkbox"/>	<input type="checkbox"/>	<u>Plot Plan</u> as provided through Department of Inspectional Services or through the Assessor's Office (in person or online through parcel lookup).	<input checked="" type="checkbox"/>	<input type="checkbox"/>
<input checked="" type="checkbox"/>	<input type="checkbox"/>	<u>Filing Fee</u> in check form made payable to the City of New Bedford.	<input checked="" type="checkbox"/>	<input type="checkbox"/>
<input checked="" type="checkbox"/>	<input type="checkbox"/>	Copy of <u>Building Permit Rejection</u> Packet (<i>Containing Rejected Building Permit and all information submitted with Building Permit Application</i>)	<input checked="" type="checkbox"/>	<input type="checkbox"/>
<input checked="" type="checkbox"/>	<input type="checkbox"/>	<u>Owner's Verification</u> including owner's signature and parcel deed for all involved parcels.	<input checked="" type="checkbox"/>	<input type="checkbox"/>
<input checked="" type="checkbox"/>	<input type="checkbox"/>	<u>Development Impact Statement (DIS)</u> , if required (per Chapter 9 section 5350 of the City of New Bedford Zoning Code)	<input checked="" type="checkbox"/>	<input type="checkbox"/>

Official Use Only:

Review of submittal compliance performed by [Signature] of the city's Division of Planning.

Staff review found the application packet to be complete incomplete on this date: _____.

This is page 1 of your ZBA Application.

Please remove the instruction pages when submitting your completed application packet but keep this as your first page.

2. SPECIAL PERMIT SPECIFICS

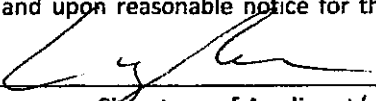
The undersigned petitions the New Bedford Zoning Board of Appeals [ZBA] to grant a SPECIAL PERMIT in the manner and for the reasons set forth here under the provisions of the city's zoning ordinance to the following described premises:

APPLICATION SUMMARY (PLEASE PRINT)

SUBJECT PROPERTY			
ASSESSOR'S MAP PLOT#	119	LOT(S)#	13
REGISTRY OF DEEDS BOOK #:	10323	PAGE #	289
PROPERTY ADDRESS: 2112 Acushnet Ave			
ZONING DISTRICT: MUB			
OWNER INFORMATION			
NAME: CMAC REALTY LLC			
MAILING ADDRESS: 83 CHERSHIRE AVENUE, ACUSHNET, MA 02743			
APPLICANT/CONTACT PERSON INFORMATION			
NAME (IF DIFFERENT): <i>LANCE SYLUIA (Manager)</i>			
APPLICANT'S RELATIONSHIP TO THE PROPERTY: <i>Check one:</i>	OWNER <input checked="" type="checkbox"/>	CONTRACT VENDEE <input type="checkbox"/>	OTHER <i>Describe</i> <input type="checkbox"/>
MAILING ADDRESS (IF DIFFERENT): <i>Same</i>			
TELEPHONE #	508-441-2391		
EMAIL ADDRESS:	bacollect@comcast.net		

CITY CLERK'S OFFICE
 NEW BEDFORD, MA
 2016 NOV 16 P 3:00 PM
 CITY CLERK

By signing below, I/we acknowledge that all information presented herein is true to the best of my/our knowledge. I/we further understand that any false information intentionally provided or omitted is grounds for the revocation of the approval(s). I/we also give planning division staff and ZBA members the right to access the premises (both interior and exterior) at reasonable times and upon reasonable notice for the purpose of taking photographs and conducting other visual inspections.



 Signature of Applicant/s

 11-9-16
 Date

If the applicant differs from the owner, this section must be completed/signed by the property owner/s:

I hereby authorize the applicant represented above and throughout this application to apply and to represent my/our interests on my/our behalf for the relief requested herein for the premises I/we own noted as "property address" above and presented throughout this application. Furthermore, by signing this application I/we acknowledge having read and understood this application and the accompanying instructions and information. If petition is granted, I/we understand the approvals are specific to the plans submitted, unless the Board states otherwise and that if granted, that the special permit must be recorded and acted upon within one year.

 Signature of Owner/s

 Date

APPLICATION SPECIFICS

DIMENSIONS OF LOT/S:	FRONTAGE 117.07'	DEPTH 135.51'	AREA in SQ FT 21,807		
EXISTING BUILDING/S	# OF BLDGS 1	EXISTING SIZE 62'x101'	TOTAL SQ FT BY FLOOR BSMT 3982 FFL 6262 SFL 3982	NUMBER OF FLOORS 3	TOTAL SQ. FT ENTIRE STRUCTURE 14,226
	# OF DWELLING UNITS 0		# OF BEDROOMS 0		
PROPOSED BUILDING/S	# OF BLDGS 1	PROPOSED SIZE 62'x101'	TOTAL SQ FT BY FLOOR BSMT 3982 FFL 6262 SFL 3982	NUMBER OF FLOORS 3	TOTAL SQ. FT ENTIRE STRUCTURE 14,226
	# OF DWELLING UNITS 3		# OF BEDROOMS 5		EXTENT OF PROPOSED ALTERATIONS Interior
EXISTING USE OF PREMISES:	MIX USE BUSINESS				
PROPOSED USE OF PREMISES:	MIX USE BUSINESS WITH 3 RESIDENTIAL UNITS				
EXPLAIN WHAT MODIFICATIONS YOU ARE PROPOSING THAT NECESSITATE THE REQUESTED SPECIAL PERMIT:	<u>Existing Mix Use Building with undocumented and unauthorized use in 2 of the 3 spaces on the upper level. Request to convert all existing 3-units on upper level to 3-living residential living units.</u>				

If there's a commercial use existing and/or proposed; please complete the following:

	EXISTING	PROPOSED
NUMBER OF CUSTOMERS PER DAY	Varies (around 65)	Varies (around 65)
NUMBER OF EMPLOYEES	Varies (around 5)	Varies (around 5)
HOURS OF OPERATION	6a- 11p (Laundry, Restau, Billiards)	6a- 11p (Laundry, Restau, Billiards)
DAYS OF OPERATION	7	7
HOURS OF DELIVERIES	9-5	9-5
FREQUENCY OF DELIVERIES (Check frequency)	<input checked="" type="checkbox"/> DAILY <input type="checkbox"/> WEEKLY <input type="checkbox"/> MONTHLY <input type="checkbox"/> OTHER	<input checked="" type="checkbox"/> DAILY <input type="checkbox"/> WEEKLY <input type="checkbox"/> MONTHLY <input type="checkbox"/> OTHER

If you are also requesting site plan review and special permit/s from the planning board, please specify here:

Site Plan Review: Requesting a reduction of parking.

3. PARCEL LEGAL DOCUMENTATION

Title Reference to Property 2112 ACUSHNET AVE, NEW BEDFORD, MA
(Attach copy of Deed, Certificate of Title & most recent Recorded Plans showing affected lot or lots)

Is the applicant also the owner? Yes No

If no, please attach the following three items to your application and indicate they are attached:

A notarized authorization letter on letterhead from the owner to tenant/buyer for application of this permit.

If the Applicant is Not the Owner, Provide:

A copy of the Purchase & Sale Agreement or lease, where applicable.

A copy of the deed or deeds of abutting parcels if said parcels have been held in common ownership with the subject property at any time since January 1, 1976.

4. REQUIRED FINDINGS FOR GRANTING A SPECIAL PERMIT

City of New Bedford Code of Ordinances Chapter 9 Section 5320 requires the ZBA to **find the benefit to the City and the neighborhood outweighs the adverse effects of the proposed use**, taking into account the characteristics of the site and of the proposal in relation to that site.

This determination includes consideration of each of the following:

- A**
Social, economic, or community needs which are served by the proposal
- B**
Traffic flow and safety, including parking and loading
- C**
Adequacy of utilities and other public services
- D**
Neighborhood character and social structures
- E**
Impacts on the natural environment
- F**
Potential fiscal impact, including impact on City services, tax base, and employment

The full text of New Bedford Code of Ordinances can be accessed from: www.newbedford-ma.gov

Because the ZBA must be able to articulate their findings on each of the items listed above in order to grant a special permit, you must make your case as to HOW your application affects each of the criteria for consideration. ***This is an extremely important question and it is recommended that you answer this VERY carefully.*** You may use an additional sheet if needed.

A Describe any social, economic, or community needs which are served by your proposal:

By converting the upper level floor undocumented/business units to a residential unit there is traffic relief to the neighborhood, creating housing and economic stimulus.

B Describe how traffic flow and safety, including parking and loading, are addressed in your proposal:

By converting the upper level floor undocumented/business units to a residential unit there is traffic relief to the neighborhood because there is a reduction of visitors to the building, residents leave and return only a few times a day were business traffic is constant during the day.

C Describe the utilities and other public services necessary for your proposal, and explain how these are adequately available for your proposal:

No new utilities are required, the existing utilities provide adequate service to the structure for the proposed use.

D Describe the neighborhood character and social structures surrounding your proposed location, and how your proposal will fit in this area:

The existing site sits on the corner of Acushnet Ave., Harwich St., with retail on the south side and an abandon building in the rear and is completely covered with a bituminous concrete finish with parking. This fits into the neighborhood because of the commercial setting.

E Describe any impacts on the natural environments your proposal may have:

There is no proposed building footprint increase, by converting the upper level to residential units all work will occur on the interior of the structure, there is existing parking and no excavation is required for any exterior work.

F Describe any potential fiscal impact, including impact on City services, tax base, and employment your proposal may have:

The proposed alteration does not impact the city, the city will not need to provide any additional services that it does not already provide; the proposed alteration actually provides traffic relief to the neighborhood.

***** Please review the section(s) of the zoning ordinance under which your Special Permit request is made, there may be additional criteria required for your request.

Describe how your proposal meets any additional criteria required under zoning ordinance:

The proposed alteration does not substantially change nor does it create a more detrimental impact than the existing nonconforming structure to the neighborhood because all the work is occurring on the interior of the building with that blends in with the character of existing buildings in the neighborhood.

**Development Impact Statement
For
2112 Acushnet Ave.
New Bedford, MA**

Property History:

The existing property consists of a parcel that contains 0.501 acres of land mainly classified as retail with a general retail style three level building built around 1979. The building is constructed of concrete block exterior, aluminum windows, and a metal roof cover and consists of 7 units totaling 14,226 sf of floor area. The lower level is accessed from the east side of the property which provides access to two tenants, Billiards and Hair Salon; the main level is accessed from the west side or Acushnet Ave. side servicing a laundry and food establishment; the upper level is accessed on the north and south sides of the building accessing the three units on the upper level.

Proposed Project:

Existing Mix Use Building with undocumented and unauthorized use in two of the three spaces on the upper level. The proposed project is to convert all three existing units on upper level to three residential living units.

Site:

The existing site sits on the corner of Acushnet Ave. on the west, Harwich St. on the north, CVS Pharmacy to the south side, and an abandoned office style two story building on the east side. The site is completely covered with a bituminous concrete finish with a total of 43 parking spaces.

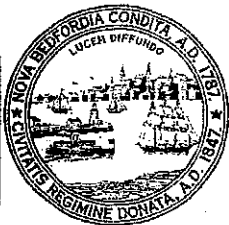
Development Impact:

Allowing the change of use from office/business use to residential units on the upper level reduces the demand for client visits and additional parking. The conversion of the three units on the upper level will provide a relief for parking and additional traffic to the building during the day.

Scheduled Improvements

The proposed conversion/improvements are on the inside of the building which will not interfere with any exterior traffic flow or endanger the public in any way and all work shall be performed in full compliance with all state codes, rules, and regulations as required by the Commonwealth of Massachusetts State Building Code, 8th edition.

The work shall begin once all approvals have been obtained and continue until all work is completed.



City of New Bedford
REQUEST for a CERTIFIED ABUTTERS LIST

This information is needed so that an official abutters list as required by MA General Law may be created and used in notifying abutters. You, as applicant, are responsible for picking up and paying for the certified abutters list from the assessor's office (city hall, room #109).

SUBJECT PROPERTY			
MAP #	119	LOT(S)#	13
ADDRESS: 2112 Acushnet Ave.			
OWNER INFORMATION			
NAME: CMAC REALTY LLC			
MAILING ADDRESS: 83 CHERSHIRE AVENUE, ACUSHNET, MA 02743			
APPLICANT/CONTACT PERSON INFORMATION			
NAME (IF DIFFERENT): <i>Lance Sylora (Manager)</i>			
MAILING ADDRESS (IF DIFFERENT):			
TELEPHONE #	508-441-2391		
EMAIL ADDRESS:	bacollect@comcast.net		
REASON FOR THIS REQUEST: Check appropriate			
<input checked="" type="checkbox"/>	ZONING BOARD OF APPEALS APPLICATION		
<input checked="" type="checkbox"/>	PLANNING BOARD APPLICATION		
<input type="checkbox"/>	CONSERVATION COMMISSION APPLICATION		
<input type="checkbox"/>	LICENSING BOARD APPLICATION		
<input type="checkbox"/>	OTHER (Please explain):		

PLANNING
NOV 10 2015
DEPARTMENT

CITY CLERKS OFFICE
NEW BEDFORD, MA
2016 NOV 16 P 3:06

Once obtained, the Certified List of Abutters must be attached to this Certification Letter.

This sheet is NOT part of your ZBA application but you will need to submit this form to the Planning Division Room 303 in City Hall, 133 William Street. You, as applicant, are responsible for picking up and paying for the certified abutters list from the assessor's office (city hall, room #109).

Official Use Only:

As Administrative Assistant to the City of New Bedford's Board of Assessors, I do hereby certify that the names and addresses as identified on the attached "abutters list" are duly recorded and appear on the most recent tax.

Carlos Amado

Printed Name

Carlos Amado

Signature

11/14/2016

Date

November 10, 2016

Dear Applicant,

Please find below the List of Abutters within 300 feet of the property known as 2112 Acushnet Avenue (119-13). The current ownership listed herein must be checked and verified by the City of New Bedford Assessor's Office. Following said verification, the list shall be considered a Certified List of Abutters.

Please note that multiple listed properties with identical owner name and mailing address shall be considered duplicates, and shall require only 1 mailing. Additionally, City of New Bedford-Owned properties shall not require mailed notice.

<u>Parcel</u>	<u>Location</u>	<u>Owner and Mailing Address</u>
119-223	2125 ACUSHNET AVE	ADAMS PHILIP J, 252 NORTH MAIN ST ACUSHNET, MA 02743
119-72	2103 ACUSHNET AVE	JERONYMO ALBERT JR, JERONYMO JEANNE A 2103 ACUSHNET AVE NEW BEDFORD, MA 02745
116-308	39 BREWSTER ST	COLON MIZRAIN, 39 BREWSTER STREET NEW BEDFORD, MA 02745
119-235	2100 ACUSHNET AVE	FIRST JASON CORPORATION, C/O ALEX SKENE 17 BUCKINGHAM ROAD <i>PO Box 106</i> NORWOOD, MA 02062 <i>Watertown, MA 02471</i>
119-277 <i>ES</i>	ACUSHNET AVE	BRANDT ASSOCIATES INC, 2108 ACUSHNET AVENUE NEW BEDFORD, MA 02745
116-5	2090 ACUSHNET AVE	POLOCHICK GEORGE J, POLOCHICK ELIZABETH B 2090 ACUSHNET AVE NEW BEDFORD, MA 02745
119-12	120 DAWSON ST	NEW BEDFORD CREDIT UNION, 1150 PURCHASE STREET NEW BEDFORD, MA 02740
119-13	2112 ACUSHNET AVE	CMAC REALTY LLC, 83 CHERSHIRE AVENUE ACUSHNET, MA 02743
119-278 <i>SS</i>	HARWICH ST	NEW MASHPEE ENTERPRISES INC "TRUSTEE", ACUSHNET PLACE STORAGE TRUST 300 FALMOUTH ROAD MASHPEE, MA 02649-2669
119-258	2104 ACUSHNET AVE <i>-2110</i>	PHOENIX PLACE REALTY TRUST, 871 BUMPS RIVER ROAD CENTERVILLE, MA 02632
119-71	2111 ACUSHNET AVE <i>-2113</i>	VIEIRA BEATRICE "TRUSTEE", BRANSCOMB ST REALTY TRUST 26 MATTAPOISETT ROAD ACUSHNET, MA 02743
116-309	49 BREWSTER ST	MARCOTTE ERICA M, 49 BREWSTER ST NEW BEDFORD, MA 02745
116-311	59 BREWSTER ST	SILVA ALFREDO N, SILVA MARIA F 59 BREWSTER ST NEW BEDFORD, MA 02745



Legend

119-13

02

03

