

# City of New Bedford ZBA SPECIAL PERMIT APPLICATION

CASE # 4254

## 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"/> <i>N/A</i>
<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 Packet</u> (Containing Rejected Building Permit and all information submitted with Building Permit Application)	<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 JG of the city's Division of Planning.

Staff review found the application packet to be  complete  incomplete on this date: 10/17/16

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.

4254

## 2. SPECIAL PERMIT SPECIFICS

10 OCT 17 P 3:45  
CITY CLERK

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 INFORMATION

SUBJECT PROPERTY			
ASSESSOR'S MAP PLOT#	127A	LOT(S)#	179
REGISTRY OF DEEDS BOOK #:	2978	PAGE #	0204
PROPERTY ADDRESS: 87 LAWRENCE STREET NEW BEDFORD MA			
ZONING DISTRICT: RESA			
OWNER INFORMATION			
NAME: FRANCISCO ROCHA			
MAILING ADDRESS: 4441 EDINBRIDGE CIRCLE SARASOTA FL 34235			
APPLICANT/CONTACT PERSON INFORMATION			
NAME (IF DIFFERENT): JOSEPH E SWIFT			
APPLICANT'S RELATIONSHIP TO THE PROPERTY: Check one:	OWNER <input type="checkbox"/>	CONTRACT VENDEE <input type="checkbox"/>	OTHER Describe <input checked="" type="checkbox"/> POTENTIAL BUYER
MAILING ADDRESS (IF DIFFERENT): 25 NELSON AVE FAIRHAVEN MA 02719			
TELEPHONE #	508-328-3853		
EMAIL ADDRESS:	JESWIFT317@GMAIL.COM		

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.

Joseph E Swift Signature of Applicant/s 8-26-2016 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.

Francisco Rocha Signature of Owner/s 8/27/16 Date



### 3. PARCEL LEGAL DOCUMENTATION

Title Reference to Property \_\_\_\_\_

*(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:

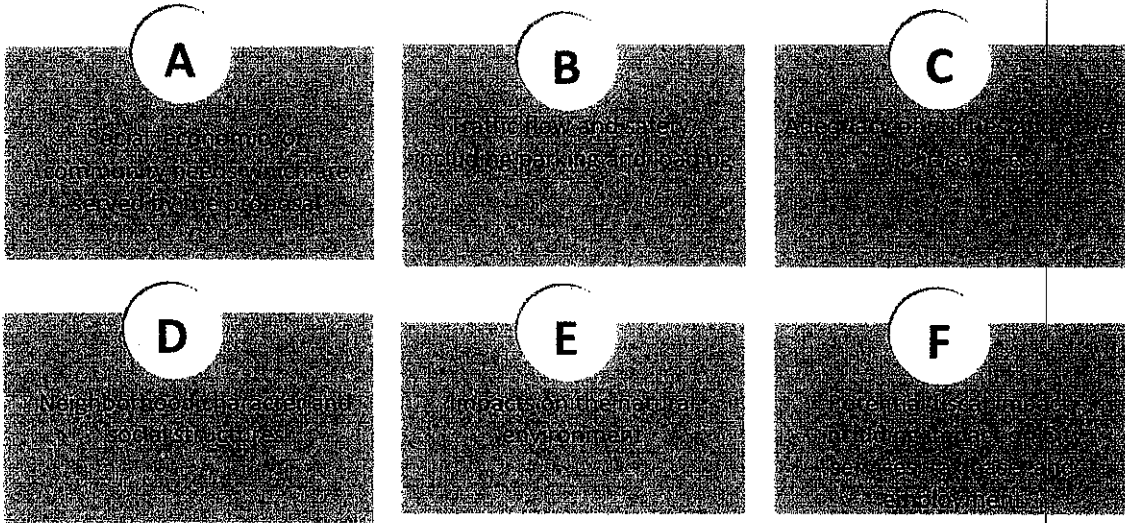
A copy of the Purchase & Sale Agreement or lease, where applicable.

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:



The full text of New Bedford Code of Ordinances can be accessed from: [www.newbedford-ma.gov](http://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:  
 THE AREA IS A NEIGHBORHOOD WITH SINGLE AND FAMILY HOMES.  
 THIS WOULD SERVE BETTER IN THE NEIGHBORHOOD AS A SINGLE FAMILY HOME THAN SOMEONE RUNNING A BUSINESS OUT OF IT. IT SHOULD ALSO INCREASE THE TAX BASIS FOR THE CITY (See Exhibit A.)
- B** Describe how traffic flow and safety, including parking and loading, are addressed in your proposal:  
 LAWRENCE STREET HAS A LOW VOLUME OF TRAFFIC AS IT IS OFF STREET  
 AND THE EXISTING PROPERTY HAS PARKING FOR AT LEAST 2 CARS.  
 I FEEL AS THOUGH THERE WOULD BE LESS TRAFFIC FLOW SAFETY, PARKING OR LOADING ISSUES AS A SINGLE FAMILY HOME THAN WHAT WOULD EXIST AS A SMALL BUSINESS IN THE SAME AREA (WAS A PLUMBER THERE, THEN A CONTRACTOR)  
 (See Exhibit A)

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

There are no utilities necessary for my proposal. Already existing are; WATER, SEWER, GAS, ELECTRIC.

(See Exhibit A)

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

THE NEIGHBORHOOD IS QUIET, SINGLE FAMILY and a couple of 2 Family Homes in the AREA. IT WOULD DEFINITELY FIT MORE AS a SINGLE family than as an OFFICE/BUSINESS.

(See Exhibit A)

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

~~I don't see any impacts~~

I see very limited impact on the natural environment. A

Building already exist and I am only proposing a small roof over the entry as far as impermeables go. Other than that, the taller structure may cast larger shadows. (See Exhibit A)

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

A single family home should increase the tax base and

putting on an addition could potentially employ some

local people to do the work.

(See Exhibit A)

**\*** 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:**

(See Exhibit A)

## **EXHIBIT "A"**

Joseph E. Swift (hereinafter referred to as "the applicant") has entered into a Purchase and Sales Agreement to purchase 87 Lawrence Street, New Bedford, MA, and more particularly identified on the City of New Bedford Assessors Map 127A, Lot 179. The present owner is Francisco Rocha. The lot consists of 7,033 square feet of land and is located in a Residence "A" Zoning District. The applicant seeks a special permit from the Zoning Board of Appeals, pursuant to section 2400, 2410, 2430-2432 and sections 5300-5330 and 5360-5390 of the City of New Bedford Zoning Bylaws.

The property consists of an existing two car garage with office and bathroom. The applicant proposes to construct a second story on the existing structure to create a two story single family dwelling. The existing setbacks will remain the same and the construction will create an additional 1,000 sq. ft. of living space for a total square footage of 2,000 sq. ft.

Pursuant to Section 5300 of the City of New Bedford Zoning Bylaw, the applicant must meet certain criteria as outlined in section 5320. The proposed expansion will be in harmony with section 5321 of the Zoning Bylaw in that it will be consistent with the social economic and community needs of the neighborhood and surrounding area. The existing structure was used for business purposes in a Residence "A" Zoning District. The conversion will create a single family home consistent with other single families in the Residence "A" Zoning District and will be in harmony with the zoning map and will have an increase on the tax basis on the City of New Bedford.

Under section 5322, the traffic flow and off-street parking will be consistent with other single residences in the neighborhood and will be laid out in a safe manner. Under section 5323, there are no additional burdens on public services or utilities consistent with the Zoning Bylaw. The expansion would improve the neighborhood character and social structure and will be an improvement in that a business will be removed from a residential zoning district and in harmony with section 5324 of the Zoning Bylaw. The expansion will not have an adverse impact on the natural environment as outlined in section 5325 of the Zoning Bylaw. Lastly under 5326, the expansion will improve the tax base and will be an overall improvement to the City of New Bedford. For the reasons that are stated above, the applicant respectfully requests the Zoning Board of Appeals approve the Special Permit.





*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 #	127 A
LOT(S)#	179
ADDRESS: 87 LAWRENCE ST	
OWNER INFORMATION	
NAME: FRANCISCO ROCHA	
MAILING ADDRESS: 93 LAWRENCE	
APPLICANT/CONTACT PERSON INFORMATION	
NAME (IF DIFFERENT): JOSEPH SWIFT	
MAILING ADDRESS (IF DIFFERENT): 25 NELSON AVE FVN 02719	
TELEPHONE #	508-328-3853
EMAIL ADDRESS:	
REASON FOR THIS REQUEST: <i>Check appropriate</i>	
<input checked="" type="checkbox"/>	ZONING BOARD OF APPEALS APPLICATION
<input type="checkbox"/>	PLANNING BOARD APPLICATION
<input type="checkbox"/>	CONSERVATION COMMISSION APPLICATION
<input type="checkbox"/>	LICENSING BOARD APPLICATION
<input type="checkbox"/>	OTHER (Please explain):

PLANNING  
 AUG 26 2016  
 DEPARTMENT

2016 OCT 17 P 3:46  
 CITY CLERK  
 CITY CLERKS OFFICE  
 NEW BEDFORD, MA

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:**



August 29, 2016

Dear Applicant,

Please find below the List of Abutters within 300 feet of the property known as 87 Lawrence Street (127A-179). 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.

Parcel	Location	Owner and Mailing Address
127A-179	87 LAWRENCE ST	ROCHA FRANCISCO M O, <i>c/o Frank Rocha</i> <del>93 LAWRENCE STREET</del> <i>4441 Edinbridge Circle</i> <del>NEW BEDFORD, MA 02745</del> <i>Sarasota, FL 34235</i>
127A-284	82 LAWRENCE ST	MACHADO JOSE, COURTNEY CASSANDRA M 82 LAWRENCE STREET NEW BEDFORD, MA 02745
126-163	462 TARKILN HILL RD	CORREIA JOAO P, CORREIA EUNICE M 462 TARKILN HILL ROAD NEW BEDFORD, MA 02745
126-22	480 TARKILN HILL RD	PIRES EDMUND C, PIRES ROSEMAND 480 TARKILN HILL ROAD NEW BEDFORD, MA 02745
127A-181	93 LAWRENCE ST	<del>ROCHA FRANCISCO M O, ROCHA JULIETTE</del> , <i>Kazi Z. Hussain,</i> 93 LAWRENCE ST <i>Rumena Kazi</i> NEW BEDFORD, MA 02745
126-190	472 TARKILN HILL RD	WEST DONNA J, 472 TARKILN HILL RD NEW BEDFORD, MA 02745
127A-194	92 LAWRENCE ST - <i>94</i>	QUANN MARIA FERNANDA "TRS", QUANN REALTY TRUST 28 MANSFIELD STREET NEW BEDFORD, MA 02746
127A-164	477 TARKILN HILL RD	QUANN MARIA FERNANDA "TRUSTEE, MARTINS-QUANN REALTY TRUST 28 MANSFIELD STREET NEW BEDFORD, MA 02746
127A-166	364 HAWES ST	PENTON PAULINE, 364 HAWES STREET NEW BEDFORD, MA 02745
127A-167	370 HAWES ST	FERREIRA ARTHUR J JR, FERREIRA DOREEN N 370 HAWES ST NEW BEDFORD, MA 02745
127A-182	103 LAWRENCE ST	MOURATIDIS GEORGE, MOURATIDIS ANTONIOS 587 TARKILN HILL ROAD NEW BEDFORD, MA 02745-5519



127B-203  
127B-202

127B-240

127B-278 127B-316  
BROCKTON ST

127C-14

127C-214

127C-249

127C-369

OHIO ST

127C-12

127C-377

127C-215

127C-50

127A-144 127A-162  
127A-286 127A-160  
127A-143  
127A-141 127A-157  
127A-139  
127A-285 127A-155  
127A-138 127A-153  
127A-119 127A-136  
127A-117 127A-151  
127A-115 127A-134  
127A-114 127A-132 127A-148  
127A-113 127A-130 127A-147  
127A-110 127A-128  
127A-109

127A-177 127A-192  
127A-176  
127A-175  
127A-173 127A-187  
127A-172  
127A-169 127A-184

127A-208 127A-220  
127A-206 127A-219  
127A-217  
127A-203 127A-215  
127A-201 127A-213  
127A-199 127A-212  
127A-198 127A-209  
127A-197 127A-283  
127A-195

127C-351 127C-355  
127C-360  
127C-364  
127C-354  
127C-397 127C-19  
127C-455 127C-257

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126-45  
126-44

PRESCOTT ST

TARKILN HILL RD

LOWELL ST

LAWRENCE ST

MARY ST

HAWES ST

HAWES ST

PRESCOTT ST

ASHLEY BLV



TARKILN HILL RD

SKILN HILL RD

PRESCOTT ST

OLIVER ST

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Francisco Rocha

4941 Edinbridge Circle

Sarasota, FL 34235

August 26, 2016

To Whom It May Concern:

I, Francisco Rocha, authorize Joseph E. Swift to act as my agent in all matters concerning the special permit process, and the permit process for my property, Plot 127A, Lot 179, located at 87 Lawrence Street, New Bedford MA 02745.

Thank You

Francisco Rocha

Francisco Rocha

8/27/16

Date

Roy Kellogg

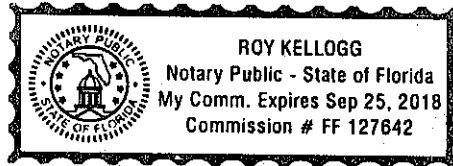
Notary Public

8/27/16

Date

Sept 25, 2018

Commission Expire Date



BK2978PG0204

100

MASSACHUSETTS QUIETCLAIM DEED INDIVIDUAL (LONG FORM) 68B

I, Peter J. Duff,

of 1126 Pequot Street, New Bedford, Bristol County, Massachusetts

being unmarried, for consideration paid, and in full consideration of Forty-two Thousand Five Hundred (\$42,500.00) Dollars

grant to Francisco M.O. Rocha \*

of 95 Lawrence Street New Bedford, Bristol County, Massachusetts with quiet claim

the land with any buildings thereon situated in New Bedford, Massachusetts bounded and described as follows:

(Description and circumstances, if any)

BEGINNING at a point at the intersection of the westerly line of Lawrence Street in the northerly line of Parkin Hill Road as shown on a plan of Land hereinafter mentioned; thence running

NORTHERLY by the west side of Lawrence Street Ninety-seven and 54/100 (97.54) feet to land now or formerly of Ronald Smith; thence

WESTERLY by said Smith land Eighty-six and 30/100 (86.30) feet to a point; thence

SOUTHERLY Fifty-four and 56/100 (54.56) feet to the southerly line of Lot A as shown on said plan; thence

EASTERLY by said Lot A Forty-four and 47/100 (44.47) feet to a point; thence

SOUTHERLY Fifty-two and 10/100 (52.10) feet to the Northerly line of Parkin Hill Road; and thence

EASTERLY Forty-seven and 88/100 (47.88) feet to the point and place of beginning.

CONTAINING 7,033 square feet and being shown as Lot B on "Subdivision Plan of Land in New Bedford, Mass." belonging to Edgar L. and Lucille R. Dupont, Scale 1" = 30', dated October 21, 1972 and recorded in the Bristol County (S.D.) Registry of Deeds in Plan Book 89, Page 27.

BEING a portion of Parcel Three and Parcel Four described in a deed to the within Grantor dated January 23, 1973 and recorded in the Bristol County (S.D.) Registry of Deeds in Book 1637, Page 145.

RECORDS REG-87  
BRISTOL COUNTY

11/24/93

TAX 96.80  
CHECK 96.80

0273A128 12430  
EXCISE TAX

(\*Individual — Joint Tenants — Tenants in Common.)

BK2978PG0205

Witness my hand and seal this 21st day of December 19 92

*[Signature]*  
.....  
.....  
.....

The Commonwealth of Massachusetts

Bristol ss. December 21, 19 92

Then personally appeared the above named Peter J. Duff

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

*[Signature]*  
.....  
Notary Public - JAMES H. HENNINGER

His commission expires 3/25/94 19

Received & Recorded Jan. 4, 1993 at 12 hrs. 39 min. P.M.

Attest: *John Connel* Register