



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

NS Holden Street – Plot: 118 – Lot: 223 – Zoned District: RB

Variance Required from the Zoning Board of Appeals

Zoning Code Review as follows:

Variance

❖ SECTION

- 2700 – Dimensional Regulation
- 2710 – General
- 2711 – Lot Change
- 2720 – Table of Dimensional Requirements – Appendix-B
 - Minimum Lot Size
 - Rear Yard-ft
- 2750 – Yards in Residence District
- 2753 – Rear Yard

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, S150A

The debris will be disposed of in: _____

(Location of Facility)

Signature of Permit Applicant _____

Date _____

XI. HOME IMPROVEMENT CONTRACTOR LAW AFFIDAVIT

(Residential Use Only) Supplement to Permit Application

Supplement #3

MGLc. 142 A requires that the "reconstruction, alteration, renovation, repair, modernization, conversion, improvement, removal, demolition, or construction of an addition to any pre-existing owner-occupied building containing at least one but not more than four dwelling units... or to structures which are adjacent to such residence of building" be conducted by registered contractors, with certain exceptions, along with other requirements.

Type of Work: _____

NS Holden (House single family)

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 _____

Contractor Signature _____

Registration No. _____

OR:

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

Date _____

Owner Signature _____

XII. BUILDING COMMISSIONERS REVIEW COMMENTS AND CONDITIONS

C. Building Permit Rejected *Variance ZBA*

Reason For Rejection:

SEE ATTACHMENTS

Fee _____

Permit # _____

Comments and Conditions:

Signed _____

D. Anthony D. Romanowicz

Date: _____

6-23

2016

Title _____

Building Commissioner

Not valid unless signed (not stamped) by Building Commissioner

2700. - DIMENSIONAL REGULATIONS.

2710. **General.** No structure shall be erected or used, premises used, or lot changed in size or shape except in conformity with the requirements of this Section, unless exempted by this Ordinance or by statute.

2711. Lot change. No existing conforming or nonconforming lot shall be changed in size or shape except through a public land taking or donation for road widening, drainage, utility improvements or except where otherwise permitted herein, so as to violate the provisions of this Ordinance with respect to the size of lots or yards or to create a nonconformity or increase the degree of nonconformity that presently exists.

2712. Merger of lots. Adjacent lots held in common ownership on or after the effective date of this Section shall be treated as a single lot for zoning purposes so as to minimize nonconformities with the dimensional requirements of this Ordinance. Notwithstanding the previous sentence, adjacent lots in common ownership may be treated as separate lots for zoning purposes upon a finding by the zoning enforcement officer that the owner of said lots has expressly exhibited the intent to maintain the lots as separate. In making said finding the zoning enforcement officer shall rely on the following factors:

2712.a. The existence and maintenance of walls or fences along the original lot lines;

2712.b. The fact that the lots are separately assessed for tax purposes;

2712.c. The placement of structures on the various lots.

The manner in which said lots were acquired or the fact that said lots were separately described on a deed shall not be considered by the zoning enforcement officer in making said finding.

2713. Recorded Lots. A lot or parcel of land having an area or frontage of lesser amounts than required in the following schedule of dimensional requirements may be considered as satisfying the area and frontage requirements of this Section provided such lot or parcel of land was shown on a plan or described in a duly recorded deed or registered at the time of adoption of this Ordinance and did not at the time of adoptions of adjoin other land of the same owner available for use in connection with such lot or parcel.

(Ord. of 12-23-03, § 1)

2720. **Table of Dimensional Requirements.** See Appendix B.

(Ord. of 12-23-03, § 1)

2730. **Dimensional Variation.** The Board of Appeals may vary otherwise applicable dimensional requirements pertaining to frontage, lot area, building height and sidelines upon finding that owing to circumstances relating to the soil conditions, shape, or topography of such land or structures and especially affecting such land or structures but not affecting generally the zoning district in which it is located, a literal enforcement of the provisions of the ordinance or by-law would involve substantial hardship, financial or otherwise, to the petitioner or appellant, and that desirable relief may be granted without substantial detriment to the public good and without nullifying or substantially derogating from the intent or purpose of such ordinance or by-law.

(Ord. of 12-23-03, § 1)

2740. Vision Clearance on Corner Lots in Residence Districts. On a corner lot no fence, wall or structure more than three and one-half (3½) feet high above the plane of the established grades of the streets shall be erected on a front or side yard herein established which is included within the street lines of the intersecting streets and a straight line connecting said street lines at points which are twenty (20) feet distant from their point of intersection, measured along said street line, and no trees or hedges which will materially obstruct the view of a driver of a vehicle approaching the street intersection shall be placed or maintained within such area.

(Ord. of 12-23-03, § 1)

2750. Yards in Residence Districts.

2751. Front Yards. No story or part of any building except projecting eaves or uncovered steps shall be erected nearer to the street line of any street on which it fronts than the average alignment of the corresponding stories or parts of existing buildings within two hundred (200) feet on each side of the lot and within the same block and district. Where there is a building on one or both of the adjoining lots, the front yard for a building shall have a depth equal to the average of the front yard depths of the two (2) adjoining lots. A lot without a building shall be counted as having a front yard of the depth required by this Ordinance. If there are no existing buildings on the same side of the street, the average setback alignment of corresponding stories within two hundred (200) feet on each side of and directly opposite the lot shall govern. Nothing in this Ordinance shall require any story or part of a building to set back more than fifteen (15) feet from any street line. One street frontage of a corner lot shall be exempt from these provisions as provided in subsection 2752. The front yard of a lot shall remain clear of debris and junk.

2752. Where the alignment of a building is not controlled by subsection 2751, between every building and the line of the street upon which it fronts there shall be a front yard of a clear depth of fifteen (15) feet, except that on one side of a corner lot a yard of a clear depth of not less than ten (10) feet shall be provided, in which case this distance shall not be considered in determining the front yard depths on such street.

2753. Rear Yards. There shall be a rear yard on every lot and it shall be at least thirty (30) feet deep behind a dwelling, except that a ground story deck or porch, without a permanent roof, a patio, or a pool (including any projections therefrom) may extend to six (6) feet of a rear lot line. An unattached private garage may extend to four feet of a rear yard. A storage shed may extend to eighteen (18) inches of a rear yard unless a fence is erected on the property along the rear yard line. In such case the storage shed may extend to eighteen (18) inches of the fence or fence post whichever is closest. Unless referenced in this Code, nothing may be placed or constructed in or upon the ground within six (6) feet of a rear lot line. Notwithstanding the previous sentence, a fence may be constructed near or along a rear lot line and vegetation may also be planted within six (6) feet of a rear lot line.

2754. Where a lot is more than one hundred (100) feet deep, one-half (½) of the additional depth of the lot in excess of one hundred (100) feet shall be added to said rear yard depth; but in no case shall a rear yard depth in excess of forty (40) feet be required. The setbacks referenced in the previous section shall also apply to this Section.

2755. Side Yards. There shall be a side yard on every lot and it shall be at least ten (10) feet on one side and twelve (12) feet on the other side. The side yard shall be unobstructed from the line of the street to the rear lot line except that open porches, decks, steps, patios and pools (including any projections therefrom), which are located behind the dwelling within the rear yard, may extend to six (6) feet of a side lot line, driveways may extend to four (4) feet of a side lot line and storage sheds, which are located behind the dwelling within the rear yard may extend to eighteen (18) inches of a side yard unless a fence is erected on the property along the side yard line. In such case the storage shed may extend eighteen (18) inches of the fence or fence post whichever is closest. For all driveways, including those regulated under Section 2756, the area between a driveway and the side lot line shall be of a different material than the material used for the driveway and shall not be covered with an impervious surface or crushed stone.

Notwithstanding any provision to the contrary, any driveway existing prior to April 15, 2009, that is made of a material that creates an impervious surface, may be permitted for repair, resurfacing or reconstruction with substantially the same type of material provided that the dimensions of the driveway are not increased and the location of the driveway layout is not altered.

2756. Special Driveway Side Yard Requirements. For existing dwellings on lot sizes of less than five thousand (5,000) square feet, driveways shall not extend to the side lot line closer than ten (10) percent of the distance between the side lot line and the principle dwelling. For any driveway in excess of thirteen (13) feet in width, the provisions of Section 2755 regulating driveway setbacks shall apply and this section shall not apply.

(Ord. of 12-23-03, § 1; Ord. of 4-15-10, § 1; Ord. of 10-20-11, § 1; Ord. of 1-15-13, §§ 1, 2)

2760. Cornices and Belt Courses.

2761. A cornice shall not project more than one-third (1/3) of the width of a required open space.

2762. A belt course or other ornamental feature shall not project more than nine (9) inches into a required open space.

(Ord. of 12-23-03, § 1)

2770. Courts.

2771. If any part of a story of a nonresidence building is used for offices, studios or workshops which are not lighted from the street or the rear yard, there shall be a court starting not more than fifty (50) feet from the main exterior walls of that story.

2772. If any part of a story is used for living or sleeping rooms which are not lighted from the street or the rear yard, such court shall be required starting not more than two (2) rooms or thirty-five (35) feet from the main exterior walls of that story.

2773. An inner court shall be at least one-third (1/3) as wide as it is high, measured from the sills of the lowest windows served by it to the average level of the tops of the enclosing walls, and shall be at least twice as long as its required width or of an equivalent area, but no court shall be less than ten (10) feet in width.

2774. The minimum width of an outer court shall be double that required in this Section for an inner court.

2775. A cornice or belt course shall not project more than six (6) inches into any inner court.

(Ord. of 12-23-03, § 1)

2780. **Height of Buildings.** The provisions governing the height of buildings in Appendix B shall apply to chimneys, cooling towers, flagpoles, elevator bulkheads, skylights, ventilators, and other necessary appurtenant features usually carried above roofs; to domes, stacks or spires and also to wireless communications facilities.

(Ord. of 12-23-03, § 1)

APPENDIX B - TABLE OF DIMENSIONAL REGULATIONS
DISTRICTS

REQUIREMENT	RA	RB	RC	RAA	MUB	PB	IA	IB	IC	WI
Minimum Lot Size (sq. ft.)	8,000	8,000 for uses allowed in RA; 10,000 for two family units	8,000 for uses allowed in RA; 10,000 for two family units; 15,000 for 3 or more family units	16,000	8,000 for uses allowed in residence A; 10,000 for two family units; 15,000 for 3 or more family units	0	0	0	0	0
Density of Dwelling Units per Lot	1 per 10,000 sq. ft.	1 per 10,000 sq. ft. for single family; 1 per 5,000 sq. feet for two family	1 per 10,000 sq. ft. for single family; 1 per 5,000 sq. feet for two	1 per 16,000 sq. ft.	1 per 10,000 sq. ft. for single family; 1 per 5,000 sq. feet for two family; 1 per 1,000	N/A	N/A	N/A	N/A	N/A

			family; 1 per 1,000 sq. feet for three or more family	sq. feet for three or more family	sq. feet for three or more family				
Lot Frontage (ft.)	75	75 for uses allowed in RA; 100 for two family	75 for uses allowed in RA; 100 for two family; 150 for 3 or more family	150	75 for uses allowed in RA; 100 for two family; 150 for 3 or more family; 0 for other allowed uses	0	0	0	0
Height of Buildings (ft.)	45; 60 for religious, educational, or institutional buildings	45; 60 for religious, educational, or institutional buildings	60	35; 60 for religious, educational, or institutional buildings	45 for single or two family; 60 for three family, 100 ¹ for other allowed	25	100 ¹	100 ¹	100 ¹

Height of Buildings (# stories)	2.5; 3 for religious, educational, or institutional buildings	2.5; 3 for religious, educational, or institutional buildings	4	2.5; 3 for religious, educational, or institutional buildings	uses allowed in residence A or B; 4 for three or more family; 7 for other allowed uses	2	7	7	7	7	7
Front Yard (ft.)	20 ²	20 ²	20 ²	40 ²	20 for uses allowed in residential district ¹ ; 0 for other allowed uses	25	25	25	25	25	10
Side Yard (ft.)	10 on one side; 12 on the other	10 on one side; 12 on the other	10 on one side; 12 on the other	16 on one side; 24 on the other	10 on one side, 12 on the other for uses allowed in residential district; for other	25	25	25	25	25	10

Rear Yard (ft.)	30	30	30	30	uses, 10 on any side where adjacent lot is in a residential district or used for residential purposes	25	25	25	25	10 for 1-2 story buildings; 20 feet for 3 or more stories								
Lot Coverage by Buildings (%)	30; 40 on corner lots	30; 40 on corner lots	30; 40 on corner lots	30; 40 on corner lots	30; 40 on corner lots for uses allowed in	50	50	50	50									

Green Space	35%	35%	35%	35%	residential district; 0 for other uses	20%	20%	20%	20%
					35% for uses allowed in residential districts; 0 for other uses	20%	20%	20%	20%

¹Provided, however, that no part of any building shall be erected to a height in excess of $1\frac{3}{4}$ times the horizontal distance from its face to the opposite street line.

²Provided, however, that no story or part of any building except projecting eaves or uncovered steps shall be erected nearer to the street line of any street on which it fronts than the average alignment of the corresponding stories or parts of existing buildings within two hundred (200) feet on each side of the lot and within the same block and district. Where there is a building on one or both of the adjoining lots, the front yard for a building shall have a depth equal to the average of the front yard depths of the two (2) adjoining lots. A lot without a building shall be counted as having a front yard of the depth required by this chapter. If there are no existing buildings on the same side of the street, the average setback alignment of corresponding stories within two hundred (200) feet on each side of and directly opposite the lot shall govern. One street frontage of a corner lot shall have a clear depth of no less than ten (10) feet, in which case this distance shall not be considered in determining the front yard depths on such street. Nothing in this chapter shall require any building hereafter erected between two (2) existing buildings or immediately adjacent lots to set back from the street a greater distance than that one of such two (2) existing buildings which is farther from the street line.



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

FOR BUILDING DEPT. USE

DATE RECEIVED
 RECEIVED BY MAF 3.0.2016
 ISSUED BY [Signature]

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

Permit No.
 Completion Date

(AT LOCATION) 208 Staradale Hill Road / NS Holden Street
 BETWEEN Pelton Street AND Conduit Street
 PLOT 1118 OR 202, 223 DISTRICT RES-2B ACCEPTED STREET Yes
 PLANS FILED YES NO

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

A. TYPE OF IMPROVEMENT

- 1 New Building
- 2 Addition (If residential, enter number of new housing units added, if any, in Part C-10)
- 3 Alteration (If residential, enter number of new housing units added, if any, in Part C-10)
- 4 Repair/replacement
- 5 Demolition (If multifamily residential, enter number of units in building in Part C-10; if commercial, indicate most recent use, checking D-13 - D-15)
- 6 Moving (relocation)
- 7 Foundation only

- 8 Nonresidential
- 9 Amusement, recreational
- 10 Church, other religious
- 11 Industrial
- 12 Parking garage
- 13 Service station, repair garage
- 14 Hospital, institutional
- 15 Office, bank, professional
- 16 Public utility
- 17 School, library, sewer, educational
- 18 Sports, mercantile
- 19 Tanks, green
- 20 Funeral homes
- 21 Food establishments
- 22 Other - Specify _____

B. OWNERSHIP

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

10. Name of building contractor(s)
 11. License No. (if applicable) and following
 Name & Address of Applicant (Remove from
 application if applicant is a contractor)

C. COST

- 10. Cost of construction to be installed but not included in the above cost
 - a. Electrical _____
 - b. Plumbing _____
 - c. Heating, air conditioning _____
 - d. Other (elevator, etc.) _____

11. Submitter certifies compliance with DEC and the
 Submitter certifies that the following information is true and correct as of the date the application is completed

12. Describe in detail the proposed use of buildings, e.g., food processing plant, hospital, school, day care, hospital, elementary school, secondary school, college, church, school, day care, for department store, retail office building, office building, etc. (If building is to be demolished, enter proposed use)

11. TOTAL VALUE OF CONSTRUCTION: 200000
 12. TOTAL ASSESSED BLDG. VALUE _____

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

H. TYPE OF WATER SUPPLY

- 45 Public or private company
- 46 Private (well, cistern)

I. DIMENSIONS

53 Number of stories	2
54 Height	30
55 Total square feet of floor area (all floors based on exterior dimensions)	3000
56 Building length	56
57 Building width	28
58 Total sq. ft. of bldg. footprint	1800
59 Front lot line width	80
60 Rear lot line width	80
61 Depth of lot	66
62 Total sq. ft. of lot size	5510
63 % of lot occupied by bldg. (58+62)	30
64 Distance from lot line (front)	10
65 Distance from lot line (rear)	20
66 Distance from lot line (left)	10
67 Distance from lot line (right)	13

F. PRINCIPAL TYPE OF HEATING FUEL

- 38 Gas
- 39 Oil
- 40 Electricity
- 41 Coal
- 42 Other - Specify _____

I. TYPE OF MECHANICAL

- 47 YES 48 NO
Is there a fire sprinkler system?
- 49 Yes 50 No
Will there be central air conditioning?
- 51 Yes 52 No
Will there be an elevator?

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? no
 Is location part of a known wetland? no
 Has local conservation commission reviewed this site? no

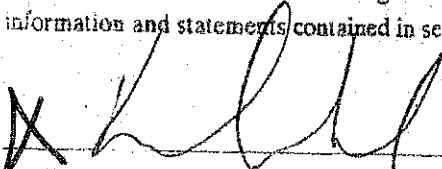
IV. IDENTIFICATION - ALL APPLICANTS - PLEASE PRINT

OWNER OR LESSEE NAME	MAILING ADDRESS	ZIP CODE	TELEPHONE NO.
Mario & Kristina Amaral	208 Tarkiln Hill Road NB, MA	02745	
CONTRACTOR NAME	MAILING ADDRESS	ZIP CODE	TELEPHONE NO.
		LICENSE #	
ARCHITECT NAME	MAILING ADDRESS	ZIP CODE	TELEPHONE NO.
		LICENSE #	
SIGNATURE OF OWNER	APPLICANT SIGNATURE	DATE	

Omission of reference to any provision shall not nullify any requirement of this code nor exempt any structure from such requirement.

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

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

 _____
 Applicant's Signature Address City

3/22/16

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

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

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 23rd day of March, 2016

