

DEPARTMENT OF INSPECTIONAL SERVICES 133 WILLIAM STREET - ROOM 308 NEW BEDFORD, MA 02740

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

306 MT PLEASANT ST. - PLOT: 91 - LOT: 49 - ZONED DISTRICT: RB

Zoning Code Review as follows:

Special Permit - Zoning Board of Appeals

SECTIONS

- 2400 Nonconforming Uses and Structures
- 2410 Applicability
- 2420 2422 Nonconforming Uses
- 5300-5330 &5360-5390 Special Permit

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IX. Homeowner licens	Z EXEMPTION				Control of the Contro
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Tax:

\$7,610.29

Tax:

Parcel ID: 91 49	Zoning: RB	Fiscal Year: 2016		
Sale Date: 07/14/1994 Sale Price:	nformation:			
	: :	Card No. 1 of 1		
3330-219 Grantor: DOHERTY JAMES	NA			
	Current Sales in Sale Date: 07/14/1994 Sale Price: \$100.00 Legal Reference 3330-219 Grantor:	Current Sales Information: Sale Date: 07/14/1994 Sale Price: \$100.00 Legal Reference: 3330-219		

This Parcel contains 0.218 acres of land mainly classified for assessment purposes as OFFICE with a(n) General Office style building, built about 1922, having Wood Shingle exterior, Asphalt Shingles roof cover and 2664 Square Feet, with 1 unit(s), total room(s), total bedroom(s) 0 total bath(s), 0 3/4 baths, and 2 total half bath(s).

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Total Land Value:	101000	Total Land Value:	101000	Total Land Value:	101000
Total Value:	212400	Total Value:	204400	Total Value:	204400

Disclaimer: Classification is not an indication of uses allowed under city zoning. This information is believed to be correct but is subject to change and is not warranteed.

\$6,859.66

Tax:

\$6,352.75

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 <u>Section 5300</u> 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)

5220. Powers. The Board of Appeals shall have and exercise all the powers granted to it by M.G.L.A. ϵ . 40A, ϵ . 40B, and ϵ . 41 and by this Ordinance. The Board's powers are as follows:

5221. To hear and decide applications for special permits. Where specified herein, the Board of Appeals shall serve as the special permit granting authority, to act in all matters in accordance with the provisions of <u>Section 5300</u>, or as otherwise specified.

5222. To hear and decide appeals or petitions for variances from the terms of this Ordinance, with respect to particular land or structures, as set forth in M.G.L.A. c. 40A, § 10. The Board of Appeals may not grant use variances.

5223. To hear and decide appeals taken by any person aggrieved by reason of his inability to obtain a permit or enforcement action from any administrative officer under the provisions of M.G.L.A. c. 40A, §§ 7, 8 and 15.

5224. To hear and decide comprehensive permits for construction of low or moderate income housing by a public agency or limited dividend or nonprofit corporation, as set forth in M.G.L.A. c. 40B, §§ 20—23.

(Ord. of 12-23-03, § 1)

5230. **Regulations.** The Board of Appeals may adopt rules and regulations for the administration of its powers.

(Ord. of 12-23-03, § 1)

5240. Fees. The Board of Appeals may adopt reasonable administrative fees and technical review fees for petitions for variances, administrative appeals, and applications for comprehensive permits.

(Ord. of 12-23-03, § 1)

State Law reference— Zoning board of appeals, M.G.L.A. c. 40A, § 14 et seq.

5300. - SPECIAL PERMITS.

5310. Special Permit Granting Authority. The Zoning Board of Appeals, the Planning Board or the City Council shall act as the Special Permit Granting Authority under this Chapter as specifically designated in a particular Section or in accordance with the Specific Designations in the Table of Principal Use Regulations under Appendix A of this Chapter.

(Ord. of 12-23-03, § 1; Ord. of 12-8-05, § 1)

5320. **Criteria**. Special permits shall be granted by the special permit granting authority, unless otherwise specified herein, only upon its written determination that the benefit to the City and the neighborhood outweigh the adverse effects of the proposed use, taking into account the characteristics of the site and of the proposal in relation to that site. In addition to any specific factors that may be set forth in this Ordinance, the determination shall include consideration of each of the following:

5321. Social, economic, or community needs which are served by the proposal;

5322. Traffic flow and safety, including parking and loading;

5323. Adequacy of utilities and other public services;

5324. Neighborhood character and social structures;

5325. impacts on the natural environment; and

5326. Potential fiscal impact, including impact on City services, tax base, and employment.

(Ord. of 12-23-03, § 1)

5330. **Procedures.** Applications for special permits shall be filed in accordance with the rules and regulations of the various special permit granting authorities, as may be applicable.

(Ord. of 12-23-03, § 1)

5340. **Plans.** An applicant for a special permit shall submit a plan in substantial conformance with the requirements of <u>Section 5400</u>, herein.

(Ord. of 12-23-03, § 1)

5350. **Development Impact Statement (DIS).** At the discretion of the special permit granting authority, the submittal of a development impact statement (DIS) may be required. The DIS shall be prepared by an interdisciplinary team including a Registered Landscape Architect or Architect, a Registered Professional or Civil Engineer, and a Registered Surveyor.

5351. Physical Environment.

- (a) Describe the general physical conditions of the site, including amounts and varieties of vegetation, general topography, unusual geologic, archeological, scenic and historical features or structures, location of significant viewpoints, stone walls, trees over sixteen (16) inches in diameter, trails and open space links, and indigenous wildlife.
- (b) Describe how the project will affect these conditions, providing a complete physical description of the project and its relationship to the immediate surrounding area.

5352. Surface Water and Subsurface Conditions.

- (a) Describe location, extent, and type of existing water and wetlands, including existing surface drainage characteristics, both within and adjacent to the site.
- (b) Describe any proposed alterations of shore lines, marshes, or seasonal wet areas.
- (c) Describe any limitations imposed on the project by the site's soil and water conditions.
- (d) Describe the impact upon ground and surface water quality and recharge, including estimated phosphate and nitrate loading on groundwater and surface water from septic tanks, lawn fertilizer, and other activities within the site.

5353. Circulation Systems.

Project the number of motor vehicles to enter depart the site per average day and peak hour. Also state the number of motor vehicles to use streets adjacent to the site per average day and peak hour. Such data shall be sufficient to enable the special permit granting authority to evaluate (i) existing traffic on streets adjacent to or approaching the site, (ii) traffic generated or resulting from the site, and (iii) the impact of such additional traffic on all ways within and providing access to the site. Actual study results, a description of the study methodology, and the name, address, and telephone number of the person responsible for implementing the study, shall be attached to the DIS.

5354. Support Systems.

- (a) Water Distribution: Discuss the types of wells or water system proposed for the site, means of providing water for firefighting, and any problems unique to the site.
- (b) Sewage Disposal: Discuss the type of on-site or sewer system to be used, suitability of soils, procedures and results of percolation tests, and evaluate impact of disposal methods on surface and groundwater.
- (c) Refuse Disposal: Discuss the location and type of facilities, the impact on existing City refuse disposal capacity, hazardous materials requiring special precautions.
- (d) Fire Protection: Discuss the type, location, and capacity of fuel storage facilities or other flammables, distance to fire station, and adequacy of existing firefighting equipment to confront potential fires on the proposed site.
- (e) Recreation: Discuss the distance to and type of public facilities to be used by residents of the proposed site, and the type of private recreation facilities to be provided on the site.
- (f) Schools: Project the increase to the student population for nursery, elementary, junior high school, and high school levels, also indicating present enrollment in the nearest public schools serving these categories of students.

5355. Phasing. Where development of the site will be phased over more than one year, indicate the following:

- (a) Describe the methods to be used during construction to control erosion and sedimentation through use of sediment basins, mulching, matting, temporary vegetation, or covering of soil stockpiles. Describe the approximate size and location of portion of the parcel to be cleared at any given time and length of time of exposure.
- (b) Describe the phased construction, if any, of any required public improvements, and how such improvements are to be integrated into site development.

(Ord. of 12-23-03, § 1)

5360. **Conditions.** Special permits may be granted with such reasonable conditions, safeguards, or limitations on time or use, including performance guarantees, as the special permit granting authority may deem necessary to serve the purposes of this Ordinance.

(Ord. of 12-23-03, § 1)

5370. **Lapse.** Special permits shall lapse if a substantial use thereof or construction thereunder has not begun, except for good cause, within twelve (12) months following the filing of the special permit approval (plus such time required to pursue or await the determination of an appeal referred to in M.G.L.A. c. 40A, § 17, from the grant thereof) with the City Clerk.

(Ord. of 12-23-03, § 1)

5380. **Regulations**. The special permit granting authority may adopt rules and regulations for the administration of this Section.

(Ord. of 12-23-03, § 1)

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

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ONSIGN APPLICABLE REVIEWS

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	If yes, zone : and base elevation	
	wetlands protection	
	Is location subject to Booding?	
	Is location part of a known wetland?	
	Has local conservation commission reviewed this site?	

IV. IDENT	THICATION - ALL APPLICANTS	S – PLEASE PRINT	
OWNER OR LESSEE NAME	MAILING ADDRESS	ZIP CODE	TELEPHONE NO.
Michael Fries	131 Will. 4 57	53740	College G. D. and G. S. C.
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CONTRACTOR NAME	MAILING ADDRESS	ZIP CODE	TELEPHONE NO.
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ARCHITECT NAME	MAILING ADDRESS	ZP CODE	TELEPHONE NO.
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SIGNATURE OF OWNER.	APPLICANT SIGNATURE [Midfool]	t Cial	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 these 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 liceuse 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.

Willis SY

Applicant's Signature

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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

<u>Applicant Information</u>

<u>Please Print Legibly</u>

Name (Business/Organization/Individual): Military	el Prias/NB counsling (Nove
- Address: 306 MT Pleasan	, , , , , , , , , , , , , , , , , , , ,
City/State/Zip: 02740	Phone #: 508-617-3643
employees (full and/or part-time).* 2. I am a sole proprietor or partnership and have no employees working for me in any capacity. [No workers' comp. insurance required.] 3. I am a homeowner doing all work myself. [No workers' comp. insurance required.] † bave hire listed on These suffers we employee comp. insurance comp. insurance comp. insurance required.] † bave hire listed on These suffers we employee comp. insurance comp. insurance comp. insurance required.] †	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
*Any applicant that checks box #1 must also fill out the section below showin Homeowners who submit this affidavit indicating they are doing all work at *Contractors that check this box must attached an additional sheet showing the employees. If the sub-contractors have employees, they must provide their was an employer that is providing workers' compensation in information.	nd then hire outside contractors must submit a new affidavit indicating such. se name of the sub-contractors and state whether or not those entities have vorkers' comp. policy number.
Insurance Company Name:	
Policy # or Self-ins. Lic. #:	Expiration Date:
Job Site Address:	City/State/Zip:
Failure to secure coverage as required under Section 25A of N	ation page (showing the policy number and expiration date). AGL c. 152 can lead to the imposition of criminal penalties of a civil penalties in the form of a STOP WORK ORDER and a fine copy of this statement may be forwarded to the Office of
I do hereby certify under the pains and penalties of perjury to	hat the information provided above is true and correct.
Signature: Michael Crowl	- Date: 8-22-16
Phone #: 508-617-3643	
Official use only. Do not write in this area, to be complete	ed by city or town official.
City or Town: Issuing Authority (circle one): 1. Board of Health 2. Building Department 3. City/Tow	
6. Other Contact Person:	Phone #:

ORIGINAL CARD MISSING

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1485-98.6.A. CASE #3248 INSURANCE AND ACCOUNTING OFFICE CERMITED CLIMAL DOLLARS PROJECT FREETHAND SIGN "IN DOLLARS SIGN "IN D

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