



City of New Bedford
ZBA VARIANCE APPLICATION

CASE # 4242

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 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 type="checkbox"/>	Sub-Division Plans 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 type="checkbox"/>	<input type="checkbox"/>	<u>Filing Fee</u> in check form made payable to the City of New Bedford.	<input 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 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"/>

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.

If your petition is denied, after the official decision is recorded with the City Clerk, there is a twenty (20) day period you may appeal to the Massachusetts Superior Court. (*The 20 day appeal period begins from the date of the decision's filing with the City Clerk, not the date of the decision.*) The procedures for appeal are set forth in Massachusetts General Laws Chapter 40A Section 17.

WHAT IF I NEED TO REQUEST A POSTPONEMENT?

All requests for postponement will be considered on the scheduled hearing date. The petitioner must appear before the Board. If that is not possible an appointed representative of the petitioner must appear with a signed letter of authorization to act on their behalf. The appointed representative must be authorized to sign an extension of time limits of approximately 30-90 days. If the Board grants the postponement, an agreed upon hearing date will be set and announced at that time, to accommodate the petitioner and the abutters. The Board will not re-advertise or re-notify abutters of the newly scheduled hearing. The Notice of Hearing will be posted at the City Clerk's Office at City Hall for informational purposes.

CAN I WITHDRAW MY APPLICATION?

You may withdraw your application without prejudice prior to the publication of the notice of a public hearing. If you withdraw prior to the publication of the notice, your filing fee is refundable.

If the public hearing notice has been published, the ZBA must approve your request to withdraw without prejudice at the scheduled hearing date. Once the notice has been published—even if it is only once—no part of the filing fee is refundable.

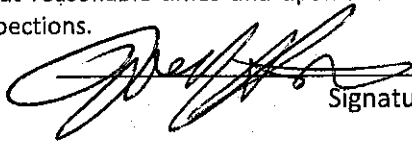
2. VARIANCE SPECIFICS

The undersigned petitions the New Bedford Zoning Board of Appeals [ZBA] to grant a VARIANCE 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)

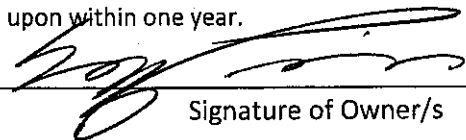
SUBJECT PROPERTY				CITY CLERK	JUL 22 10:55 AM	CLERK'S OFFICE NEW BEDFORD, MA
ASSESSOR'S MAP PLOT#	52	LOT(S)#	289			
REGISTRY OF DEEDS BOOK:	11483	PAGE #	71			
PROPERTY ADDRESS:	801 - 813 Purchase St					
ZONING DISTRICT:	MUB					
OWNER INFORMATION						
NAME: 813 Real Estate Trust						
MAILING ADDRESS: 813 Purchase St N.B 02740						
APPLICANT/CONTACT PERSON INFORMATION						
NAME (IF DIFFERENT): Jeff St. Pierre						
APPLICANT'S RELATIONSHIP TO THE PROPERTY: Check one: <u>Renter/Business</u>				OWNER <input type="checkbox"/>	CONTRACT VENDEE <input type="checkbox"/>	OTHER Describe <input type="checkbox"/> _____
MAILING ADDRESS (IF DIFFERENT): 98 William St.						
TELEPHONE #	588 889 3106					
EMAIL ADDRESS:	NbBarberCo. @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.

 _____ Date _____
Signature of Applicant/s

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 variance must be recorded and acted upon within one year.

 _____ Date _____
Signature of Owner/s

APPLICATION SPECIFICS

DIMENSIONS OF LOT/S:	FRONTAGE <i>69'</i>	DEPTH <i>126'</i>	AREA in SQ FT <i>8776</i>		
EXISTING BUILDING/S	# OF BLDGS <i>1</i>	EXISTING SIZE <i>21,481</i>	TOTAL SQ FT BY FLOOR <i>8776</i>	NUMBER OF FLOORS <i>3</i>	TOTAL SQ. FT ENTIRE STRUCTURE <i>21,481</i>
	# OF DWELLING UNITS <i>0</i>		# OF BEDROOMS <i>0</i>		
PROPOSED BUILDING/S	# OF BLDGS	PROPOSED SIZE	TOTAL SQ FT BY FLOOR	NUMBER OF FLOORS	TOTAL SQ. FT ENTIRE STRUCTURE
	# OF DWELLING UNITS		# OF BEDROOMS		EXTENT OF PROPOSED ALTERATIONS
EXISTING USE OF PREMISES:	<i>Mixed Commercial.</i>				
PROPOSED USE OF PREMISES:	<i>Barber Shop</i>				
EXPLAIN WHAT MODIFICATIONS YOU ARE PROPOSING THAT NECESSITATE THE REQUESTED VARIANCE:	<hr/> <hr/> <hr/> <hr/>				

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

	EXISTING		PROPOSED	
NUMBER OF CUSTOMERS PER DAY			<i>30</i>	
NUMBER OF EMPLOYEES	<i>Vacant</i>		<i>4.5</i>	
HOURS OF OPERATION			<i>6Am - 8pm</i>	
DAYS OF OPERATION			<i>mon - Sat</i>	
HOURS OF DELIVERIES				
FREQUENCY OF DELIVERIES (Check frequency)	<input type="checkbox"/> DAILY	<input type="checkbox"/> WEEKLY	<input type="checkbox"/> DAILY	<input type="checkbox"/> WEEKLY
	<input type="checkbox"/> MONTHLY	<input type="checkbox"/> OTHER	<input type="checkbox"/> MONTHLY	<input checked="" type="checkbox"/> OTHER

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

Complete each item that is relevant to your variance request:

	Existing	Allowed/ Required	Proposed
Lot Area (sq ft)	8776		
Lot Width (ft)	69' X 126'		
Number of Dwelling Units	0		
Total Gross Floor Area (sq ft)	8004'		
Residential Gross Floor Area (sq ft)	0		
Non-Residential Gross Floor Area (sq ft)			
Building Height (ft)	3 STORIES		
Front Setback (ft)	0		
Side Setback (ft)	0		
Side Setback (ft)	0		
Rear Setback (ft)	0		
Lot Coverage by Buildings (% of Lot Area)	100%		
Permeable Open Space (% of Lot Area)	0		
Green Space (% of Lot Area)	0		
Off-Street Parking Spaces	0	5	0
Loading Bays	0		
Number of Ground Signs	0		
Height of Ground Sign	0		
Proximity of Ground Sign to Property Line	-		
Area of Wall Sign (sq ft)	3' X 2'		
Number of Wall Signs	1		

3. PARCEL LEGAL DOCUMENTATION

Title Reference to Property Book 11403 / Page 71
 (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 VARIANCE

Massachusetts General Law Chapter 40A Section 10 requires the "permit granting authority" (which, in this instance is the Zoning Board of Appeals) to make ALL the following findings before a variance can be granted:

<p>A</p> <p>That there are circumstances relating to the soil conditions, shape or topography which especially affect the land or structure in question, but which do not affect generally the zoning district in which the land or structure is located</p>	<p>B</p> <p>That due to those circumstances especially affecting the land or structure, literal enforcement of the provisions of the Zoning Ordinance or By Law would involve substantial hardship, financial or otherwise, to the petitioner or appellant.</p>	<p>C</p> <p>That desirable relief may be granted without nullifying or substantially derogating from the intent or purpose of the Zoning Ordinance or Bylaw.</p>	<p>D</p> <p>That desirable relief may be granted without substantial detriment to the public good.</p>
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The full text of M.G.L. Chapter 40A, Section 10 can be viewed at: <http://www.mass.gov/legis/laws/mal/>

Because the ZBA must be able to articulate each of these four findings in order to grant a variance, you must make your case as to WHY your application meets each of these four points. **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 circumstances relating to soil conditions, shape or topography which especially affect the land or structure in question but that doesn't generally affect the zoning district in which your premises is located:
Bld. takes up whole lot. This leaves no other room for a parking lot or structure to support the additional spaces required.

B Describe how circumstances unique to your land or structure would mean a substantial hardship to you if the city were to literally enforce the zoning ordinance:
The current layout of the downtown area with in MUB zone allows for no required space and diminishes room for parking. To renovate building would create hardship to accommodate parking.

C Describe how granting you relief would not take away from the purpose of the city's zoning ordinance:
The majority of our customer base will be foot traffic who already live/work in the area. Also the option of municipal parking is close by.

D Describe why nobody else would be hurt if the city granted your requested zoning relief:
As the downtown area continues to grow, none of the existing businesses were only affected in a positive manner by new potential customers being exposed to there establish



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 #	52	LOT(S)#	289
ADDRESS:	801-813 Purchase Street		
OWNER INFORMATION			
NAME:			
MAILING ADDRESS:			
APPLICANT/CONTACT PERSON INFORMATION			
NAME (IF DIFFERENT):	Jeffrey S. Pieme		
MAILING ADDRESS (IF DIFFERENT):			
TELEPHONE #	508-889-3106		
EMAIL ADDRESS:			
REASON FOR THIS REQUEST: Check appropriate			
<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):		

CITY CLERKS OFFICE
 NEW BEDFORD, MA
 JUL 22 A 10:59

PLANNING
 JUL 14 2016
 DEPARTMENT

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

Signature

7/20/2016
 Date

Printed Name



City of New Bedford
DEPARTMENT SIGN OFF SHEET

DEPARTMENT	COPIES	SIGNATURE	DATE
ZBA BOARD MEMBERS City Hall #303	5		
CITY PLANNING City Hall #303	1		
CITY CLERK City Hall #118	Original		
CITY SOLICITOR City Hall #203	1		
INSPECTIONAL SERVICES City Hall #308	1		
DEPT OF PUBLIC INFRASTRUCTURE 1105 Shawmut Avenue	1		
CONSERVATION COMMISSION City Hall #304	1		
FIRE PREVENTION 1204 Purchase Street	1		
TOTAL COPIES	12		

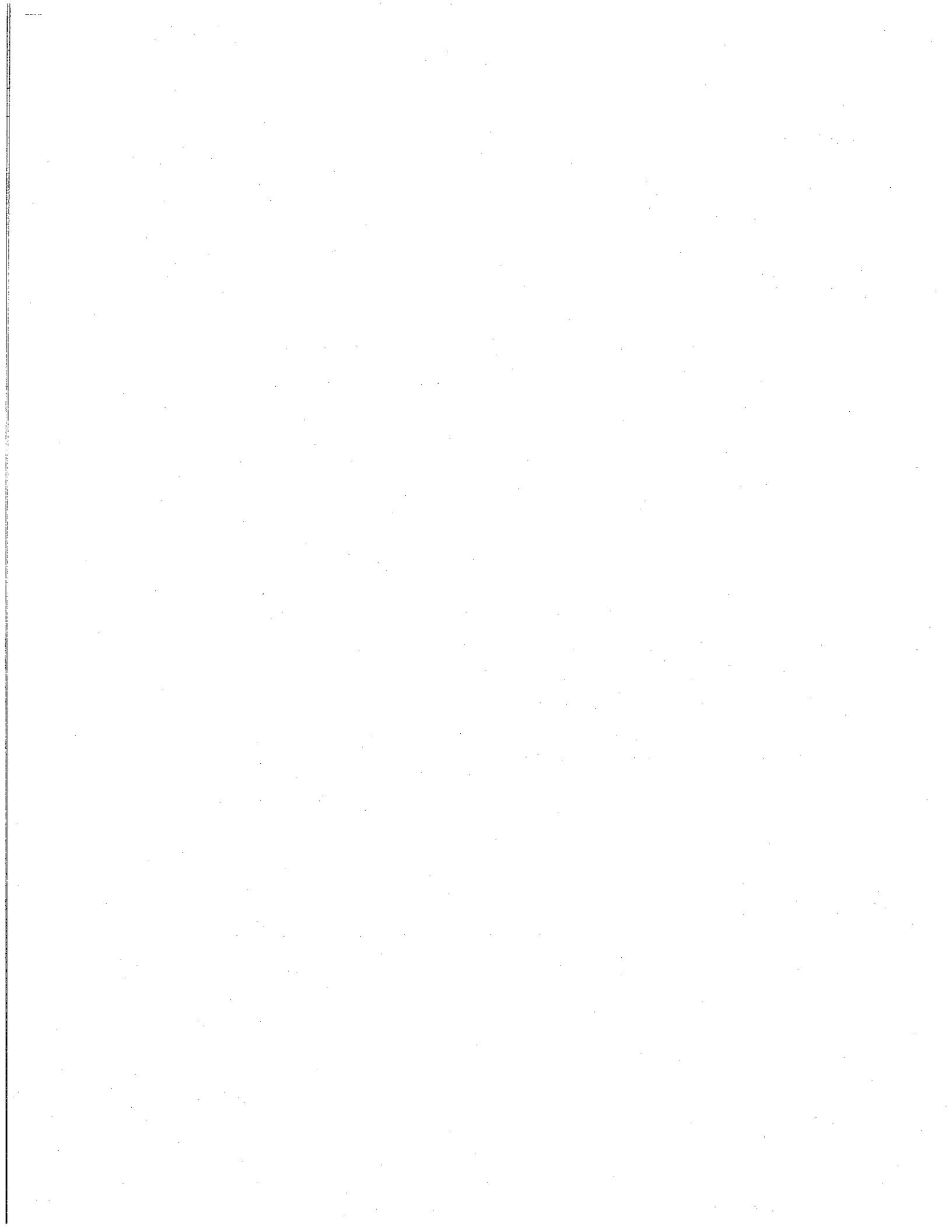
This sheet is NOT part of your ZBA application but you will need to deliver your applications to the appropriate departments once you have been given the go-ahead by planning staff and have the respective departments sign/date this sheet for you. Once this sheet is completed you will need to turn this into the city's planning division at city hall.

July 18, 2016
Dear Applicant,

Please find below the List of Abutters within 300 feet of the property known as 801-813 Purchase Street (52-289). 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
52-345	105 WILLIAM ST	KEOHANE DENIS "TRUSTEE", 105 WILLIAM STREET REALTY TRUST 18 WOLCOTT STREET <i>469 Neponset Avenue</i> HYDE PARK, MA 02136 <i>Boston, MA 02122</i>
53-128	794 PURCHASE ST	NEW BEDFORD AREA CHAMBER OF, COMMERCE INC 794 PURCHASE STREET NEW BEDFORD, MA 02740
52-156	600 PLEASANT ST - <i>612</i>	HOUSING 70 CORP, 133 WILLIAM STREET NEW BEDFORD, MA 02740
52-297	771 PURCHASE ST - <i>777</i>	SALTMARSH ROBERT J, 771 PURCHASE ST NEW BEDFORD, MA 02740
52-229	628 PLEASANT ST - <i>640</i>	MAIDEN COMPANY INC (THE), 628 PLEASANT STREET NEW BEDFORD, MA 02740
52-231	95 WILLIAM ST <i>-101</i>	BERKMAN BERNARD G "TRUSTEE", PILGRIM CAPITAL TRUST 842A BEACON STREET BOSTON, MA 02215
52-290	596 PLEASANT ST	ACADEMY OF THE IMMACULATE INC, THE 600 PLEASANT STREET NEW BEDFORD, MA 02740
53-129 <i>ES</i>	PURCHASE ST	CITY OF NEW BEDFORD, 131 WILLIAM ST NEW BEDFORD, MA 02740
52-292	791 PURCHASE ST - <i>797</i>	OLD DARTMOUTH HISTORICAL, SOCIETY <i>Miller Holdings LLC</i> 18 JOHNNYCAKE HILL <i>171 Mendell Rd.</i> NEW BEDFORD, MA 02740 <i>Rochester, MA 02770</i>
53-121	800 PURCHASE ST - <i>806</i>	STORE MASTER FUNDING VII, 8501 E PRINCESS DRIVE - SUITE 190 SCOTTSDALE, AZ 85255
52-289	801 PURCHASE ST - <i>813</i>	QUEBEC PROPERTIES LLC, <i>813 Real Estate LLC</i> P O BOX 2120 <i>813 Purchase St.</i> VINEYARD HAVEN, MA 02568 <i>New Bedford, MA 02740</i>
52-295	572 PLEASANT ST - <i>576</i>	CITY OF NEW BEDFORD, 133 WILLIAM STREET NEW BEDFORD, MA 02740
53-81	824 PURCHASE ST	MAXI DRUG INC, C/O RITE AID CORPORATION P O BOX 3165 HARRISBURG, PA 17105





Legend

 Abutters

52-148

52-101

53-35

53-278

ELM ST

53-73

52-224

52-226

53-75

52-153

52-154

53-77

52-225

52-228

53-30

MECHANICS LN

53-80

53-83

53-84

52-212

52-229

52-345

52-231

53-81

52-220

WILLIAM ST

52-156

52-289

53-121

53-135

52-279

52-290

52-292

53-128

53-245

MARKET ST

52-280

52-285

52-286

53-129

53-130

53-136

52-281

52-282

52-283

52-284

52-295

52-297

52-300

53-131

53-137

PURCHASE ST

52-298

52-359

52-299

52-150

53-132

53-36

53-138

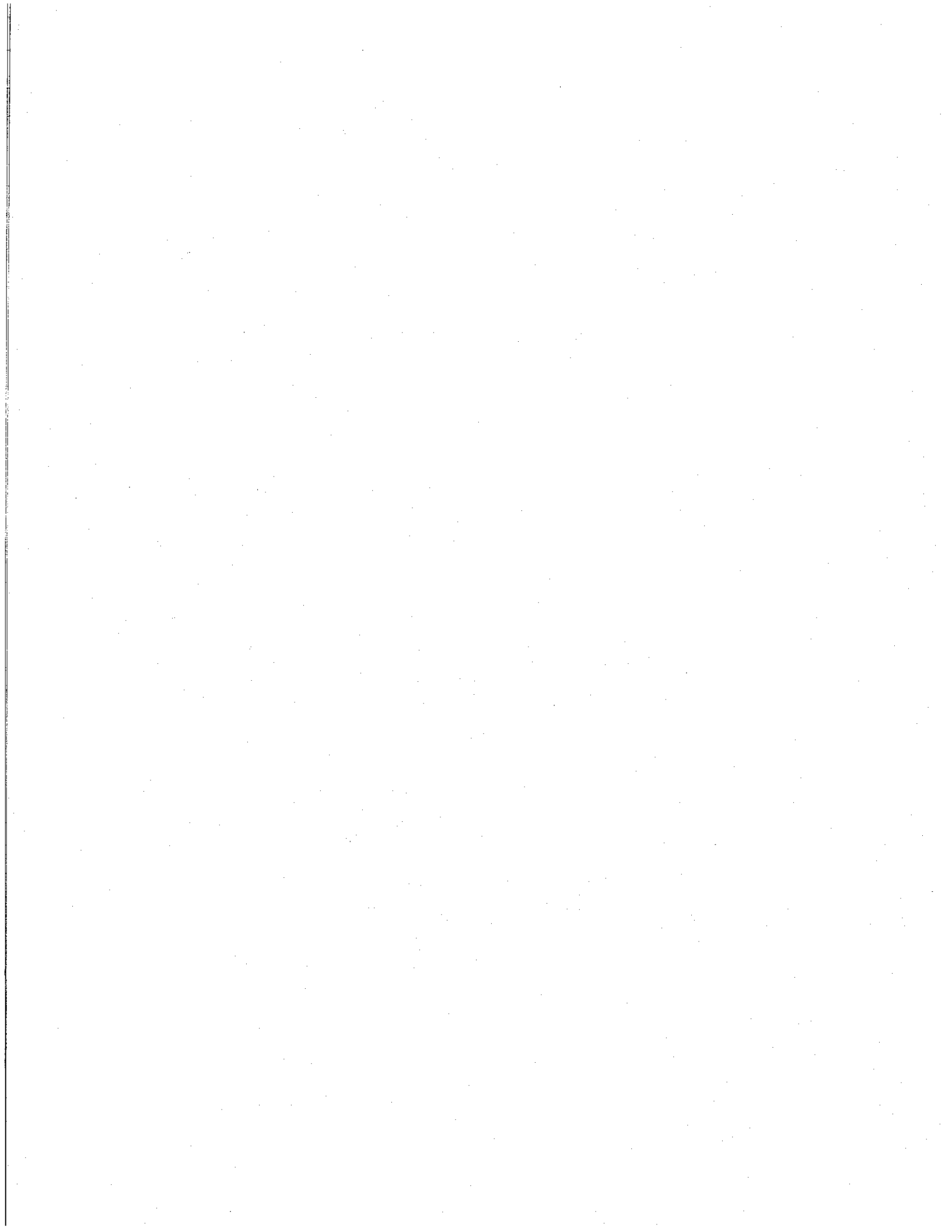
UNION ST

Legend



Abutters

46-41



80.57

53.55

BUSINESS

WILLIAM ST

BUSINESS

79.82

46.45

69.92

340

5574

69.20

289
3202

80.43

111.45

46.37

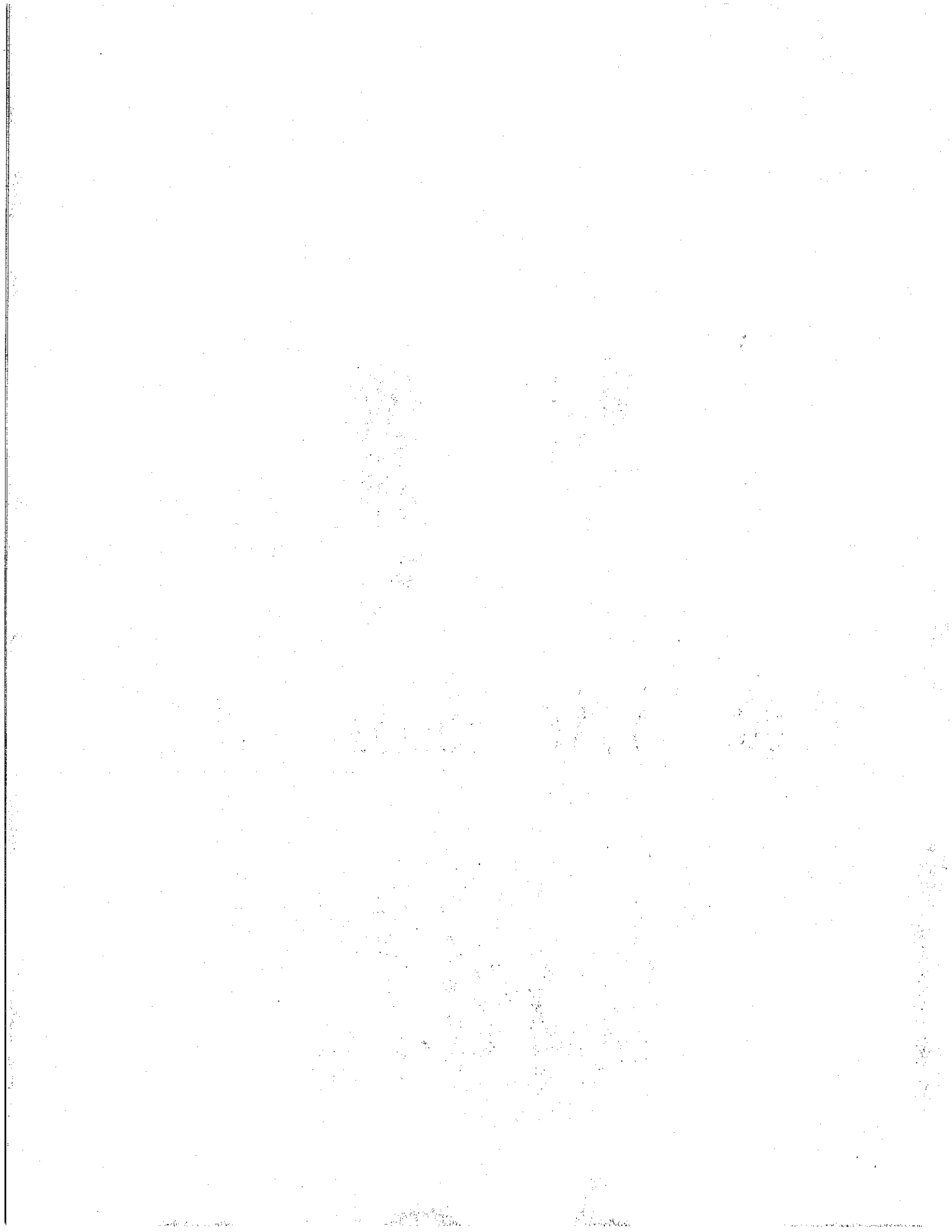
21.5

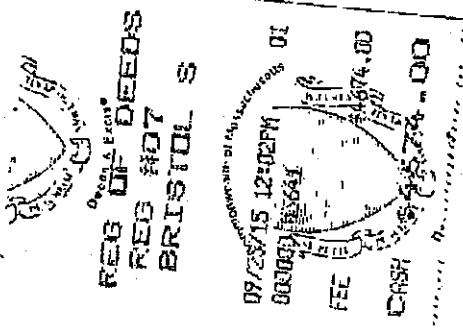
58.28

292

85.26

BUSINESS





QUITCLAIM DEED

Queequeg Properties, LLC, a Massachusetts limited liability company, with a principal place of business in Tisbury, Massachusetts

in consideration of One Million Twenty-Five Thousand and 00/100 (\$1,025,000.00) Dollars

grant to **813 Real Estate, LLC**, a Massachusetts limited liability company with a mailing address of 813 Purchase Street, New Bedford, MA 02470

with *quitclaim covenants*

The land with the buildings and improvements thereon situated in New Bedford, Bristol County, Massachusetts, being more particularly bounded and described as follows:

BEGINNING at the southeasterly corner of the premises herein described at a point in the westerly line of Purchase Street and at the northeasterly corner of land formerly of one Tappan; thence

NORTHERLY in the said westerly line of Purchase Street sixty-eight and 58/100 (68.58) feet, more or less, to the southerly line of William Street; thence

WESTERLY in the said south line of William Street, one hundred twenty-nine and 65/100 (129.65) feet, more or less, to the easterly face of the Music Hall Building, so-called, said point being eighty-one and 2/100 (81.02) feet east of the easterly line of Pleasant Street; thence

SOUTHERLY in line of said wall, sixty-nine and 92/100 (69.92) feet, more or less, to land formerly of Bates & Kirby; and thence

EASTERLY in line of last-named land, and land formerly of said Tappan, one hundred thirty and 35/100 (130.35) feet, more or less, to the said westerly line of Purchase Street and the point of beginning.

Subject to and with the benefit of any easements, restrictions and reservations of record insofar as the same are still in force and applicable.

The Grantor is not taxed as a corporation under the laws of the Commonwealth of Massachusetts.

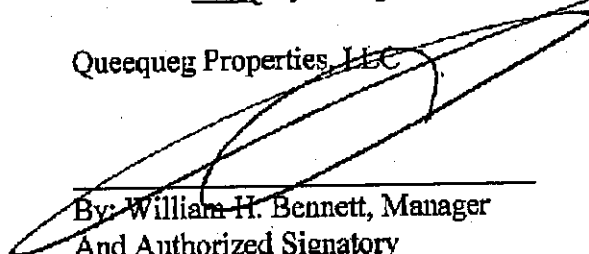
Property Address: 801-813 Purchase Street & 96 William Street, New Bedford, Massachusetts

The Premises are a commercial property and therefore no homestead right or interest exists in the Premises.

For title see Deed of Bryan M. Gitlin, Trustee dated July 1, 2008 and recorded with the Bristol South Registry of Deeds in Book 9083, Page 41.

Executed as a sealed instrument on this 22 day of September, 2015

Queequeg Properties, LLC


By: William H. Bennett, Manager
And Authorized Signatory

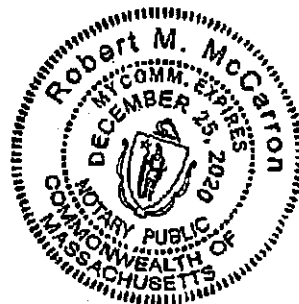
COMMONWEALTH OF MASSACHUSETTS

County of Dukes County, ss

On this 22 day of September, 2015, before me, the undersigned notary public, personally appeared William H. Bennett, to me personally known to be the person whose name is signed on the preceding or attached document, and who, as Manager and Authorized Signatory of Queequeg Properties, LLC, acknowledged to me that he signed it voluntarily for its stated purpose and swore or affirmed to me that the contents of the document are truthful and accurate to the best of his knowledge and belief.



Notary Public: Robert M. McCarron
My Commission Expires: 12/25/2020





The Commonwealth of Massachusetts
Secretary of the Commonwealth
State House, Boston, Massachusetts 02133

William Francis Galvin
Secretary of the
Commonwealth

July 22, 2015

TO WHOM IT MAY CONCERN:

I hereby certify that a certificate of organization of a Limited Liability Company was filed in this office by

813 REAL ESTATE, LLC

in accordance with the provisions of Massachusetts General Laws Chapter 156C on **February 4, 2015.**

I further certify that said Limited Liability Company has filed all annual reports due and paid all fees with respect to such reports; that said Limited Liability Company has not filed a certificate of cancellation or withdrawal; and that said Limited Liability Company is in good standing with this office.

I also certify that the names of all managers listed in the most recent filing are: **CRAIG PAIVA**

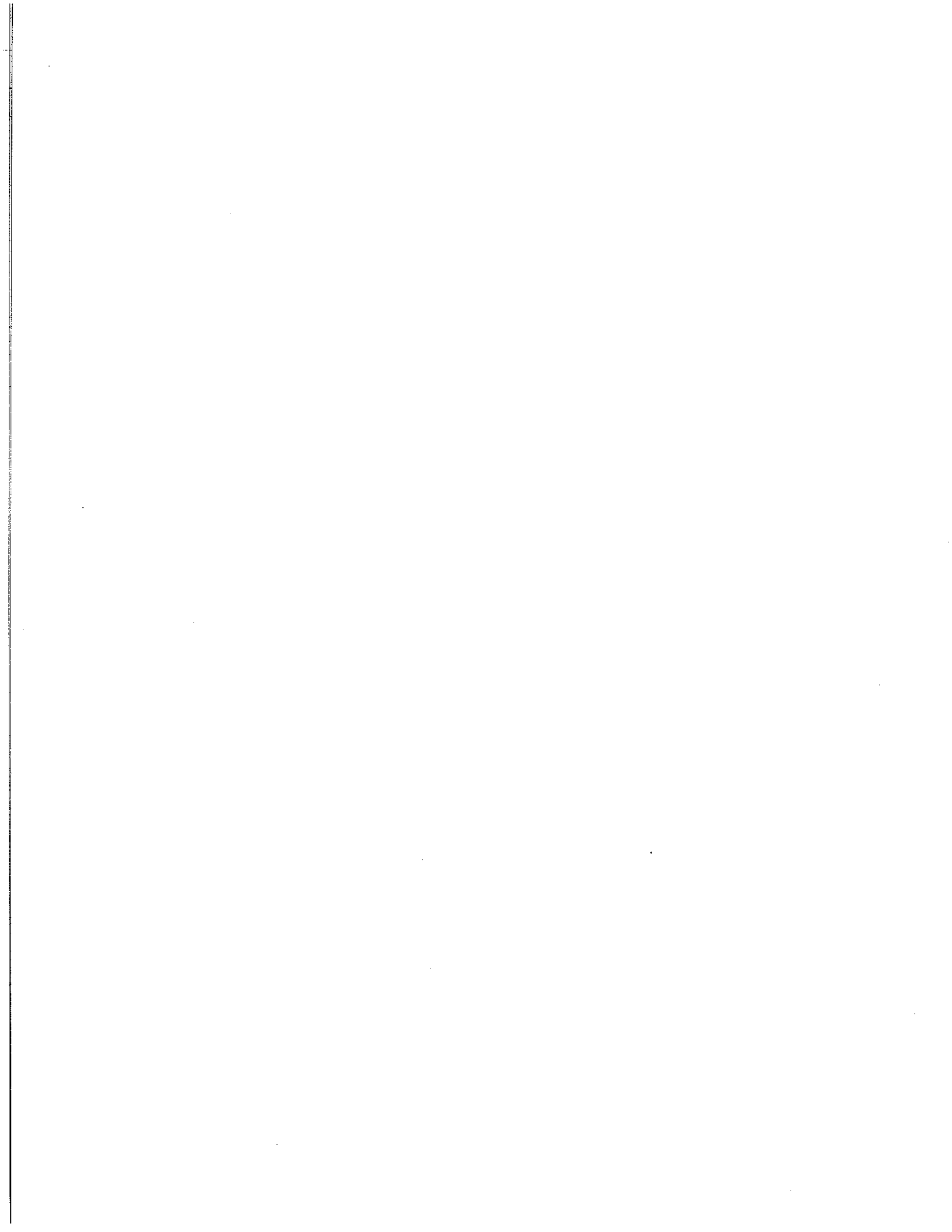
I further certify, the names of all persons authorized to execute documents filed with this office and listed in the most recent filing are: **CRAIG PAIVA**

The names of all persons authorized to act with respect to real property listed in the most recent filing are: **CRAIG PAIVA**



In testimony of which,
I have hereunto affixed the
Great Seal of the Commonwealth
on the date first above written.

William Francis Galvin
Secretary of the Commonwealth



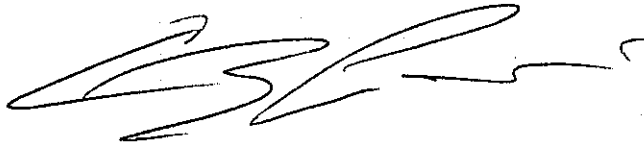
July 21, 2016

City of New Bedford

To Whom it May Concern;

I Craig Paiva owner of Cummings Building located at 98 William Street, New Bedford, Ma do without hesitation authorize Jeffrey St. Pierre and Ryan Tavares of New Bedford Barber Co to apply for a parking variance.

Sincerely,

A handwritten signature in black ink, appearing to read 'Craig Paiva', with a stylized flourish at the end.

Craig Paiva
Owner

