City of New Bedford

ZBA SPECIAL PERMIT APPLICATION

CASE # 4240

1. SUBMITTAL CHECKLIST

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

Have you included... Yes	Have you included... No		Planning staff review finds... Yes	Planning staff review finds... No
☑	☐	A Completed and Signed Application	☑	☐
☑	☐	An Existing Conditions Site Plan, 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.	☑	☐
☑	☐	A Proposed Site Plan showing all proposed alterations or additions with side, front and rear set property lines identified.	☑	☐
☐	☐	Sub-Division Plans if Applicable.	☐	☑
☑	☐	A Certified Abutter's List prepared by planning staff and certified by the Assessor's Office.	☑	☐
☑	☐	Plot Plan as provided through Department of Inspectional Services or through the Assessor's Office (in person or online through parcel lookup).	☑	☐
☑	☐	Filing Fee in check form made payable to the City of New Bedford.	☑	☐
☑	☐	Copy of Building Permit Rejection Packet *(Containing Rejected Building Permit and all information submitted with Building Permit Application)*	☑	☐
☑	☐	Owner's Verification including owner's signature and parcel deed for all involved parcels.	☑	☐
☑	☐	Development Impact Statement (DIS), *if required* (per Chapter 9 section 5350 of the City of New Bedford Zoning Code)	☑	☐

Official Use Only:

Review of submittal compliance performed by _____ 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#	130 B	LOT(S)#	244
REGISTRY OF DEEDS BOOK #:	3079 2941	PAGE #	0150 1
PROPERTY ADDRESS: 2883 Acushnet Ave, New Bedford MA 02745			
ZONING DISTRICT: MVB			

OWNER INFORMATION
NAME: Evelyn Carvalho
MAILING ADDRESS: 232 Lawrence St. New Bedford MA, 02745

APPLICANT/CONTACT PERSON INFORMATION			
NAME (IF DIFFERENT): CANDICE REGO			
APPLICANT'S RELATIONSHIP TO THE PROPERTY: *Check one:*	OWNER ☐	CONTRACT VENDEE ☐	OTHER *Describe* ☑ LESSEE
MAILING ADDRESS (IF DIFFERENT): 2883 ACUSHNET AVE NEW Bedford, MA. 02745			
TELEPHONE #	508-991-1345		
EMAIL ADDRESS:	CANDISCORNERSALON@HOTMAIL.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.

Signature of Applicant/s — Date: 6/20/16

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.

Evelyn Carvalho — Signature of Owner/s — Date: 6-20/16

APPLICATION SPECIFICS

DIMENSIONS OF LOT/S:	FRONTAGE 164.79 ft	DEPTH ~~95.06 ft~~ 127.06	AREA in SQ FT 11,961		
EXISTING BUILDING/S	# OF BLDGS 1	EXISTING SIZE 40'X39'	TOTAL SQ FT BY FLOOR 1,000	NUMBER OF FLOORS 1	TOTAL SQ. FT ENTIRE STRUCTURE 6,842
	# OF DWELLING UNITS 4		# OF BEDROOMS N/A		
PROPOSED BUILDING/S	# OF BLDGS 1	PROPOSED SIZE 40'X39'	TOTAL SQ FT BY FLOOR 1000	NUMBER OF FLOORS 1	TOTAL SQ. FT ENTIRE STRUCTURE 6,842
	# OF DWELLING UNITS 4		# OF BEDROOMS N/A		EXTENT OF PROPOSED ALTERATIONS

EXISTING USE OF PREMISES:	Hair and Nail Salon
PROPOSED USE OF PREMISES:	Adding Permanent Make-up and Body Art
EXPLAIN WHAT MODIFICATIONS YOU ARE PROPOSING THAT NECESSITATE THE REQUESTED SPECIAL PERMIT:	Adding ~~Perma~~ Permanent make-up and body Art ~~in~~ services in back room.

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

	EXISTING	PROPOSED
NUMBER OF CUSTOMERS PER DAY	8-10	12-14
NUMBER OF EMPLOYEES	3	4
HOURS OF OPERATION	9Am - 9pm	9 Am - 9pm
DAYS OF OPERATION	Mon - Sat	Mon - Sat
HOURS OF DELIVERIES	N/A	N/A
FREQUENCY OF DELIVERIES *(Check frequency)*	☐ DAILY ☐ WEEKLY ☐ MONTHLY ☒ OTHER	☐ DAILY ☐ WEEKLY ☐ MONTHLY ☒ OTHER

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

3. PARCEL LEGAL DOCUMENTATION

Title Reference to Property 2883 Acushnet Ave. New Bedford MA 02745

(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:

Nipple & Areola reconstruction for breast Cancer survivors, and other medical conditions. Eyebrow's for women who have problems with hair loss. Functions to help local schools with Art & back to school supplies. (additional information on sheet)

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

2 to 4 clients a day will cause no hindrance for local traffic or parking. (additional information on sheet)

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

There will not be a need for any additional utilities as the salon is already equipped.

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

(See attached sheet.)

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

There are no harmful impact on the natural environment. all sharps containers will be picked up by a contracted 3rd Party.

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

(see attached sheet.)

***** 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:

this location is outside of the 200 ft radius of any school or church property and outside of the 1000 ft radius of any other body Art establishment. (see additional sheet)

A: * Holiday Fundraisers (toy, food collections)

*Cancer/MS/Autism Awareness/Relay for life

*Sponsor local youth sports and recreation.

B: *All supplies would be delivered either by using the existing services used by the salon or I will have items shipped to my home as to not increase traffic, create congestion, or take parking from our clientele and our neighboring businesses customers.

D: * There are many commercial properties with local businesses in the area including gas stations, grocery stores, restaurants, and coffee shops. The location allows networking with the surrounding businesses and the community all while promoting the Arts in the North End of New Bedford. The proposed site has been a functioning locality for many years therefore there will be no physical changes needed to the area.

F: * In time the business would like to employ a 2nd artist as well as possible apprentice.

* Clientele from out of town will be spending money at the surrounding businesses.

* Clients within the city who don't have transportation would be able to utilize the cities busing and or cab services.

Additonal Zoning Ordinance

* The permanent makeup an body art will be screened from the public viewing do to all procedures will be done in a private room located in the back of the salon.

4261 * Owner of Establishment

Candice Rego

140 Sherman St. So. Dartmouth, MA. 02748

4262 * Interest in Establishment

N/A

4263 * Manager

Steven Costa

44 Wing Rd. Acushnet, MA. 02743

4264 * Number of Employees

1

4265 * Proposed provisions for security

We are looking into security cameras that will cover the waiting room area as well as the front door.

Date: 6/17/16

To whom it may concearn:

I, Evelyn Carvalho confirm that I am the owner of the property and located at 2883 Acushnet Avenue, New Bedford, Ma. Candi's Corner (owner, Candice Rego) conducts business at this location. I give my consent for Candi's Corner to obtain any necessary licensing enabling them to offer the services of doing permanent make-up and body art.

Signature: Evelyn Carvalho

Commonwealth of Massachusetts

Bristol, ss
at New Bedford

On this 17TH day of June, 2016, before me, the undersigned Notary Public, personally appeared the above-named, EVELYN CARVALHO, personally known to me. to be the person whose name is signed hereon, and acknowledged to me that she signed this document, freely and voluntarily, for its stated purpose, before, me.

Notary Public
Georgia M. Morse, Jr.
My comm. exp. 2/24/2017

BK3079P60150

MASSACHUSETTS QUITCLAIM DEED INDIVIDUAL NOND FORM) 888

14675

I, EVELYN F. CARVALHO

of New Bedford Bristol County, Massachusetts,

being unmarried, for consideration paid, and in full consideration of $1.00

grant to Evelyn F. Carvalho, Trustee of The Evelyn F. Carvalho Realty Trust, under Declaration of Trust dated November 12, 1992 and recorded in the Bristol County (S.D.) Registry of Deeds in Book 2941, Page 1

of 232 Lawrence Street, New Bedford, Massachusetts with quitclaim covenants

all of my right, title and interest in and to

the land in New Bedford, with all buildings thereon, bounded and described as follows:

[Description and encumbrances, if any]

BEGINNING at the northeast corner of the land hereby conveyed at the point of intersection of the south line of Belair Street with the west line of Acushnet Avenue; thence

SOUTHERLY in said west line of Acushnet Avenue and in the west line of Ashley Boulevard from the point at which it merges with said Avenue, One Hundred Sixty-four and 47/100 (164.47) feet to the north line of King-Croft Street; thence

WESTERLY therein, Fifty-six and 59/100 (56.59) feet to Lot 243 on "Plan of King-Croft" made by E.W. Seamons, C.E., dated December, 1906 and filed with the Bristol County (S.D.) Registry of Deeds in Plan Book 5, Page 55; thence

NORTHERLY by said Lot 243 and Lot 248 as shown on said Plan, One Hundred Sixty (160) feet to said south line of Belair Street; and thence

EASTERLY therein, Ninety-five and 06/100 (95.06) feet to said west line of Acushnet Avenue and the point of beginning.

CONTAINING 11,961 square feet and being Lot 247 and a part of Lots 246, 245 and 244 as shown on said plan.

BEING the same premises conveyed to me and my late husband, Joseph Carvalho by deed from Cumberland Farms, Inc., dated May 10, 1990 and recorded in the Bristol County (S.D.) Registry of Deeds in Book 2490, Page 315.

DEEDS REG 07
BRISTOL SOUTH

06/15/93

XMPT 0.00
CASH 0.00

2532A12B 15:21
EXCISE TAX

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

Witness my hand and seal this 15th day of June, 1993

Evelyn Carvalho

The Commonwealth of Massachusetts

Bristol SS. June 15 1993

Then personally appeared the above named Evelyn F. Carvalho

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

Paul [illegible]

Notary Public — Justice of the Peace

My commission expires 11/1/96 19

Received & Recorded June 15, 1993 at 3 hrs 12 min P.M.

Attest: John [illegible] Register

CHAPTER 183 SEC. 6 AS AMENDED BY CHAPTER 497 of 1969

Every deed presented for record shall contain or have endorsed upon it the full name, residence and post office address of the grantee and a recital of the amount of the full consideration thereof in dollars or the nature of the other consideration therefor, if not delivered for a specific monetary sum. The full consideration shall mean the total price for the conveyance without deduction for any liens or encumbrances assumed by the grantee or remaining thereon. All such endorsements and recitals shall be considered as part of the deed. Failure to comply with this section shall not affect the validity of any deed. No register of deeds shall accept a deed for recording unless it is in compliance with the requirements of this section.

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 #	130 B	LOT(S)#	244
ADDRESS: 2883 Acushnet Ave			

OWNER INFORMATION
NAME:
MAILING ADDRESS:

APPLICANT/CONTACT PERSON INFORMATION	
NAME (IF DIFFERENT): Steven Costa	
MAILING ADDRESS (IF DIFFERENT): 44 Wing Rd Acushnet MA	
TELEPHONE #	508-663-7068
EMAIL ADDRESS:	scmotox21@gmail.com

REASON FOR THIS REQUEST: *Check appropriate*	
✓	ZONING BOARD OF APPEALS APPLICATION
	PLANNING BOARD APPLICATION
	CONSERVATION COMMISSION APPLICATION
	LICENSING BOARD APPLICATION
	OTHER (*Please explain*):

PLANNING DEPARTMENT MAY 18 2016

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	Carlos Amado	5/18/2016
Printed Name	Signature	Date

City of New Bedford

ZBA APPLICATION FEES

RESIDENTIAL	
Dimensional variance	$350.00
Variance for allowed uses	$350.00
Special permit	$350.00
Determination of finding	$350.00
Signage and flag poles (residential)	$350.00
Special permit for residential driveway	$300.00*
Administrative appeal under MGL c.40A §8	$350.00
COMMERCIAL OR COMMERCIAL RESIDENCE	
Variance or special permit	$750.00 *up to 10,000 sq.ft. plus $200 for every additional 10,000 sq.ft.*
Signage and flag poles (commercial)	$750.00
Administrative Appeal under MGL C 40A §8	$750.00
WIRELESS COMMUNICATIONS	
Wireless consultancy fee	$2,500.00**

**Advertising only*
*** Reduced fee may be applicable with multiple applications*

Under MGL CHAPTER 40 the ZBA is mandated by law to advertise your request for an appeal two times prior to the scheduled hearing date. The application fees cover the costs of advertising in the Standard Times and also all copying and postage expenses the city incurs in the processing of your application.

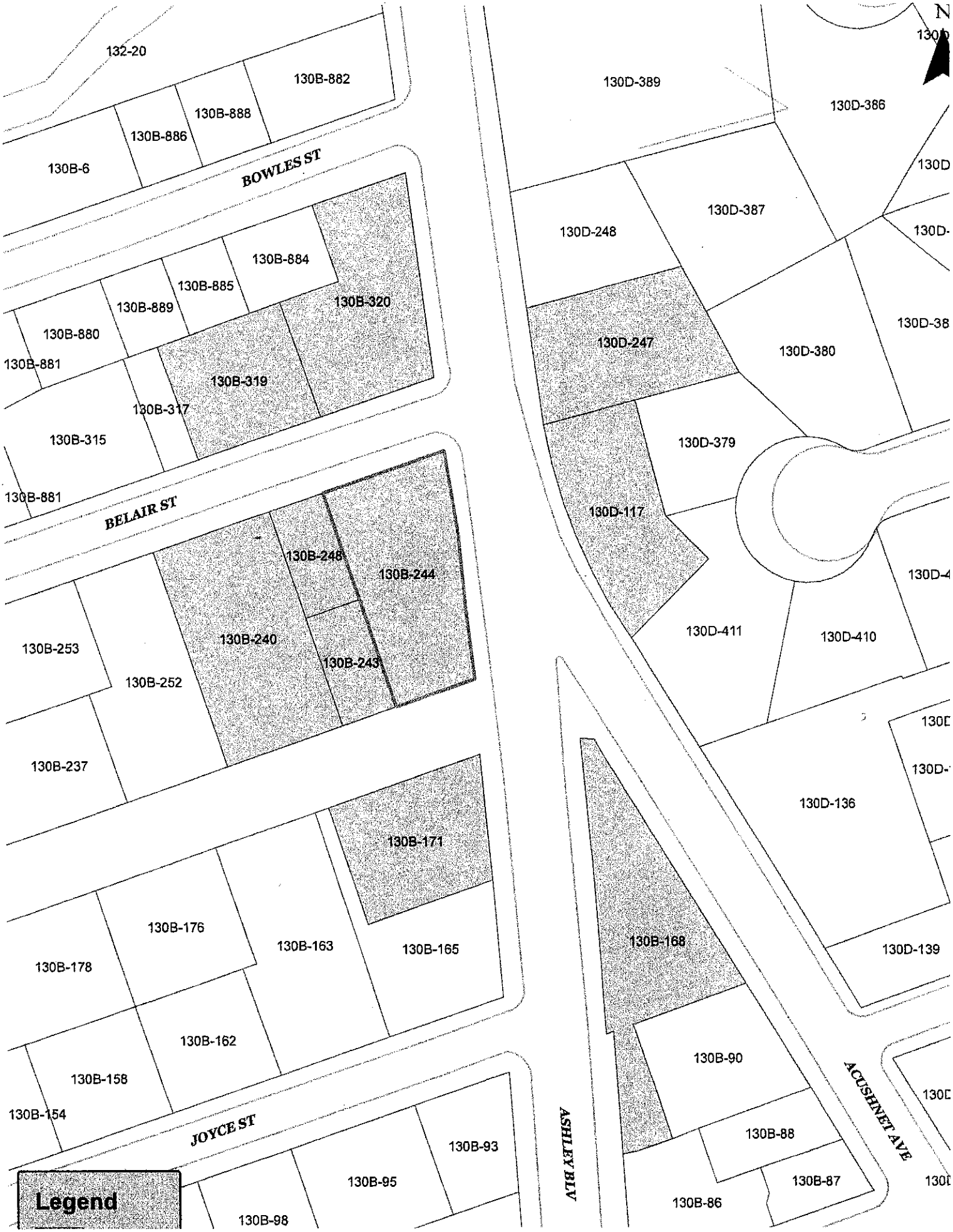
Upon consideration of any and all requests (meaning, if your application is withdrawn, extended, there's been a change in plans/reviews, etc.) you will still be required to pay a $100.00 fee if there has been no advertising and a $350.00 fee if any portion of advertising has occurred.

May 18, 2016
Dear Applicant,

Please find below the List of Abutters within 300 feet of the property known as 2883 Acushnet Avenue (130B-244). 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
130D-117	ACUSHNET AVE	NEW BEDFORD COUSINS LLC, P O BOX 36 SCITUATE, MA 02066
130B-171	1373 ASHLEY BLVD	MELLO WAYNE P, 1373 ASHLEY BLVD NEW BEDFORD, MA 02745
130B-240	220 BELAIR ST	LAWRENCE PATRICK D, LAWRENCE MARIA D 220 BELAIR ST NEW BEDFORD, MA 02745
130B-244	2883 ACUSHNET AVE 2901	CARVALHO EVELYN F "TRUSTEE", EVELYN F CARVALHO REALTY TRUST 232 LAWRENCE STREET NEW BEDFORD, MA 02745
130D-247	2904 ACUSHNET AVE	BURGESS KEVIN, 2904 ACUSHNET AVENUE NEW BEDFORD, MA 02745
130B-320	2907 ACUSHNET AVE 2917	CARVALHO EVELYN F "TRS", EVELYN F CARVALHO REALTY TRUST 232 LAWRENCE STREET NEW BEDFORD, MA 02745-1418
130B-248	214 BELAIR ST	CARREIRO FRANCIS R, ~~214 BELAIR ST~~ 8 Mindy Lane ~~NEW BEDFORD, MA 02745~~ Assonet, MA 02702
130B-243 115	KINGCROFT ST	ROUSSEAU EVA, C/O LILIANE DUARTE 214 BELAIR ST NEW BEDFORD, MA 02745
130B-168	2857 ACUSHNET AVE	RAFFA VINCENT, 3570 ACUSHNET AVE NEW BEDFORD, MA 02745
130B-319	211 BELAIR ST 213	CARVALHO JEFFREY J, CARVALHO SUSAN 211 BELAIR STREET NEW BEDFORD, MA 02745


132-20
130B-882
130B-888
130B-886
130B-6
BOWLES ST
130B-884
130B-885
130B-889
130B-320
130B-880
130B-881
130B-319
130B-317
130B-315
130B-881
BELAIR ST
130B-248
130B-244
130B-253
130B-240
130B-243
130B-252
130B-237
130B-171
130B-176
130B-163
130B-165
130B-178
130B-162
130B-158
130B-154
JOYCE ST
130B-93
130B-95
130B-98
Legend
130D-389
130D-386
130D-387
130D-248
130D-247
130D-380
130D-379
130D-117
130D-411
130D-410
130D-136
130D-139
130B-168
130B-90
130B-88
130B-87
130B-86
ASHLEY BLV
ACUSHNET AVE

MAY 12 2016
ZBA

CITY OF NEW BEDFORD

In the Year Two Thousand and Sixteen

AN ORDINANCE

RELATIVE TO BODY ART ESTABLISHMENTS

31- 509

Be it ordained by the City Council of the City of New Bedford as follows:—

SECTION 1.

Section 4212 of Chapter 9 of the Code of Ordinances is hereby amended by striking said Section in its' entirety and inserting, in place thereof, the following Section:-

4212. *Zoning Board Authority.* The Zoning Board of Appeals shall have the authority to issue special permits in accordance with Sections 4200 through 4267and shall have the authority to impose any reasonable conditions for maintaining and ensuring the health, safety and welfare of the general public except that no conditions shall be imposed that require screening that is more restrictive than the screening requirements pursuant to Sections 4250 through 4252. The Zoning Board may impose more restrictive screening conditions upon a finding that a body art establishment violated the provisions of Sections 4250 through 4252.

SECTION 2. Chapter 9 of the Code of Ordinances is hereby amended by inserting, after Section 4212.2, the following Sections:-

4212.3. A body art establishment or affected persons of any reasonable conditions imposed by the Zoning Board of Appeals pursuant to this Ordinance shall have the right to request clarification of any of the terms of such conditions by submitting the language that requires clarification and reasoning for requesting such clarification. The Board of Appeals may set a fee for such requests not to exceed $50.

4212.4 A body art establishment or affected persons may appeal any enforcement decision of the Building Commissioner related to this Ordinance or related to any reasonable conditions imposed by the Board of Appeals to the Board of Appeals. The Board of Appeals may set a fee for such requests not to exceed $50.

SECTION 3. Chapter 9 of the Code of Ordinances is hereby further amended by striking section 4252 in its' entirety and inserting, in place thereof, the following Section:-

4252. Any work or business being carried on in a body art establishment licensed pursuant to the provisions of Sections 4200 through 4267 that requires the exposure of a person's

genitals, pubic areas, buttocks or the breasts of the female shall be completely and appropriately screened in a manner that prevents any visual access to any person situated at the exterior of the establishment or to any person on the interior who has not explicitly consented to visual access prior to acquiring such visual access.

SECTION 4. This Ordinance shall take effect in accordance with the provisions of Chapter 40A of the General Laws.

IN CITY COUNCIL, April 14, 2016
Passed to a Second Reading – Yeas 8, Nays 1. Dennis W. Farias, City Clerk

IN CITY COUNCIL, May 12, 2016
Passed to be Ordained and Rule 40 Waived – Yeas 10, Nays 1. Dennis W. Farias, City Clerk
Presented to the Mayor for Approval May 13, 2016. Dennis W. Farias, City Clerk
RETURNED UNSIGNED JUNE 03, 2016.

a true copy, attest:

Dennis W. Farias

City Clerk