



City of New Bedford

Department of Planning, Housing & Community Development

608 Pleasant St, New Bedford, Massachusetts 02740
Telephone: (508) 979.1500 Facsimile: (508) 979.1575

PATRICK J. SULLIVAN
DIRECTOR

STAFF COMMENTS

PLANNING BOARD MEETING

December 9, 2015

Case # 26-15: Rezoning
OAKDALE STREET
Map: 74, Lot: 95

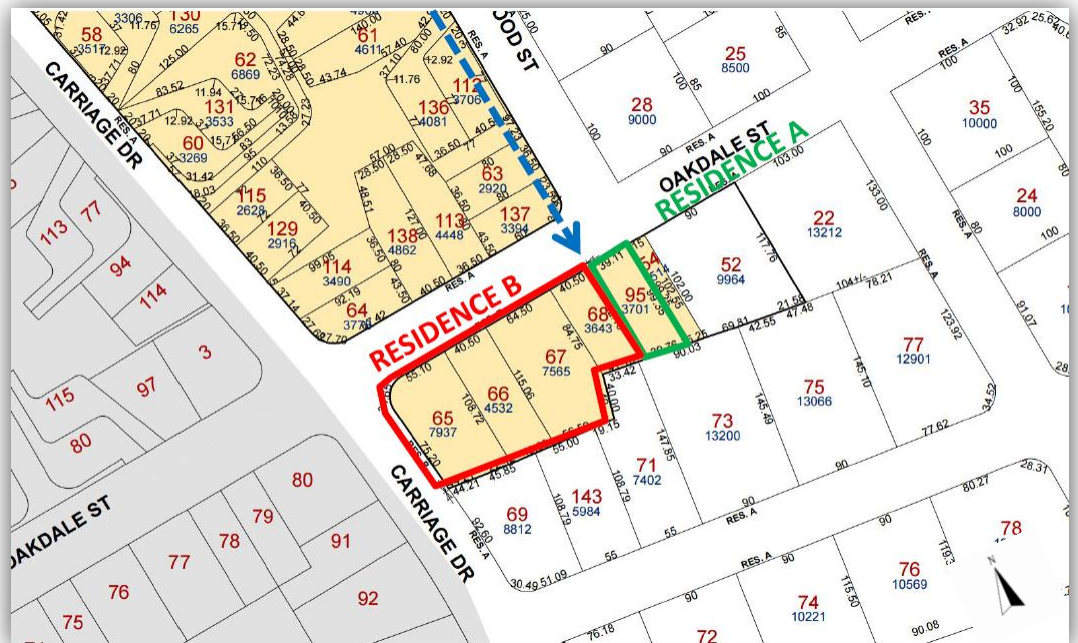
Petitioner: City Councilor-at-Large David Alves
133 William Street, Room 215
New Bedford, MA 02740

Overview of Request:

The Planning Board reviews rezoning petitions as a standard of practice and makes a recommendation based on their findings to the City Council Committee on Ordinances. City Councilor-at-Large David Alves resubmitted a request on October 28, 2015 to rezone a lot from Residence A to Residence B. The Board may recall that this item was originally on its October 7th agenda as Case # 24-15 and continued to the November 4th Planning Board meeting, then subsequently withdrawn without prejudice due to a City Council error in advertisement of the proposal.

Existing Conditions:

An apartment style dwelling had been constructed at this site. Damaged by fire, the structure was described by news reports as a three-family building spanning multiple lots. Two lots, known as 68 and 95 share a property line which divides Residential A and Residential B zoning districts. Residential B zoning allows, by right, multifamily dwelling units. Residence A is zoned for Single-Family residential



use. The parcel (95) which is the subject of this zoning change request represents the “dividing line” between multi-family residential to the west and north, and lower density single family housing to its east/south and north.

Review Comments:

The proposal was distributed under previous submittal Case #24-15 to City Clerk, City Solicitor, Health Department, Inspectional Services, Engineering, Public Infrastructure, Conservation Commission, Fire Department and School Department.

The following comments have been received:

- The Conservation Commission states the property is not in or within 100’ of State or local wetland resources.
- On November 24, 2015 City Councilor Henry G. Bousquet (Ward 3) submitted a written motion on behalf of neighborhood residents to City Council expressing residents’ objection of this petition for rezoning citing public safety, spot zoning, and general quality of life concerns in the area.
- Neighborhood opposition to the zoning proposal had been received into the record at the October 7, 2015 Planning Board meeting and included in this report as an attachment.

Staff Findings:

Research reveals a subdivision of land was created as a Plan of Land in New Bedford, Mass prepared for Rockdale West at New Bedford on August 22, 1972 and recorded in the Registry of Deeds (S.D) Bristol County on August 29, 1972 at Book 88, Page 72. This plan of land clearly illustrates parcel lot numbers 68 and 95 as being shown on the recorded plan of land as Lots 37 and 37A.

City of New Bedford Assessor’s Parcel Map 74, Lot 54 is an 18’ +/- buffer strip of land held by the owner of the single family residential dwelling on Map 74, Lot 52.

In addition, the GIS City of New Bedford Parcel Identification maps depict the subdivision of land as being one parcel, shown as Map 73, Lot 68, under ownership of Rockdale West LLC, as recorded at the Bristol County Registry of Deeds (S.D.) at Book 4269, Page 350.

Therefore, while respectful of the concerns expressed by the area residents and City Councilor Bousquet, staff is of the opinion that when the assessor maps were drafted, a scribe’s error was made, shifting the zoning line, thereby excluding the most eastern lot, known as Lot 95, from Residence B to Residence A.

For Board Member Consideration:

Courts will look to the characteristics of the land, public benefit, and compliance with the comprehensive plan of the community when rendering a decision on zoning and property rights.

Chairman Dawicki highlighted at the October 7 meeting the following conditions weighed by the court in deciding a rezoning case:

- Uniformity-the extent to which the zoning change would resemble the surrounding zoning;
- Whether or not the parcel is being singled out for a zoning change;
- The size parcel affected by the zone change;
- Any neighborhood change;
- Impact on economic development; or

- Reclassification of a small parcel that allows a use beneficial to the property owner to the detriment of the neighbors or community at large.

Housing is the most prevalent land use in New Bedford, and its cost and availability are critical components defining the character of the city. The age and condition of a significant portion of the housing stock is of concern. The long term needs of the community and affordability of quality housing must be addressed to sustain New Bedford's viability.

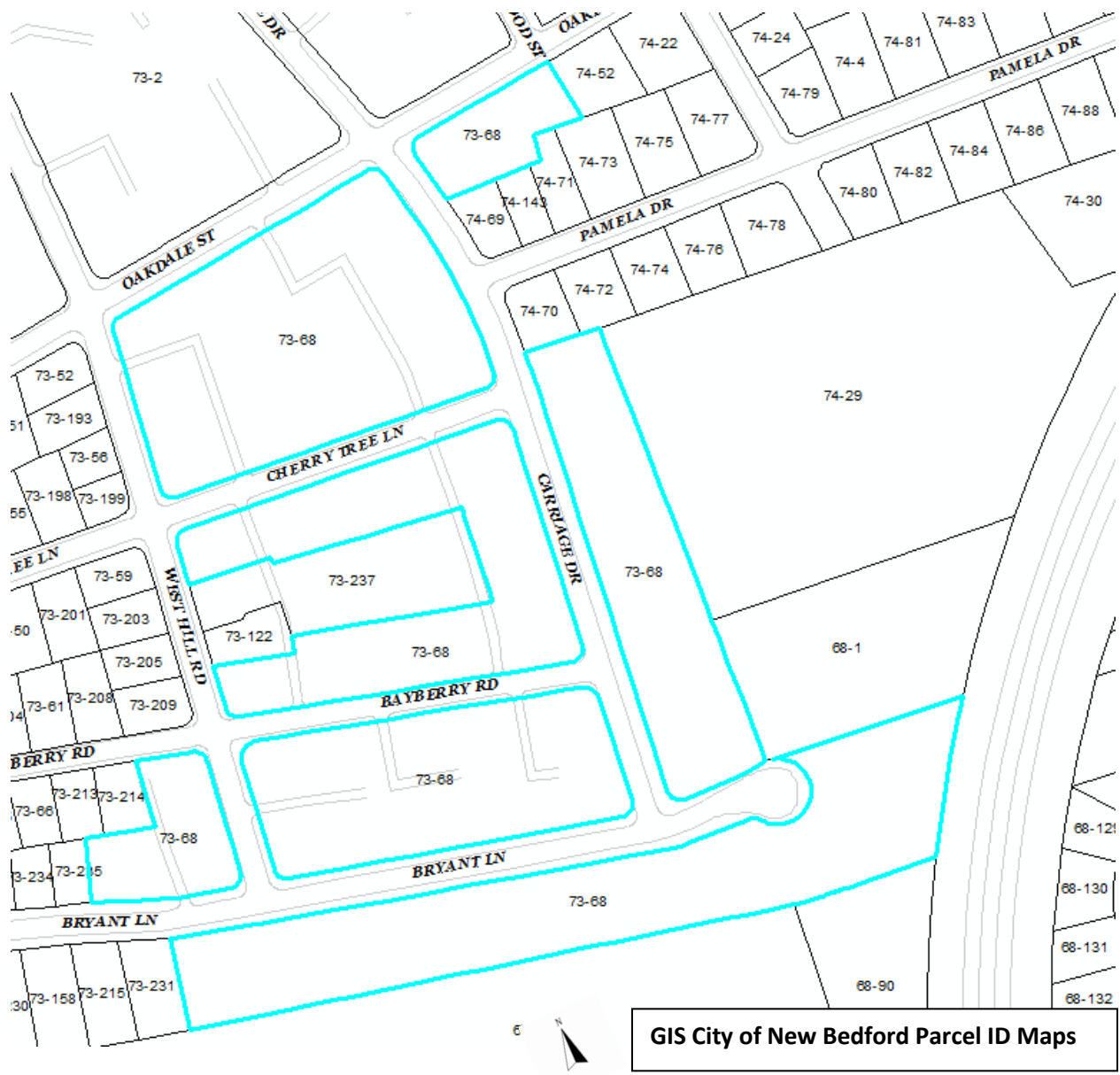
On this site currently stands a structure severely damaged by fire which presents a public safety hazard. Staff recommends supporting this zoning change as a correction of a scribe's error and redevelopment of the site as a multifamily use that is compatible to the context and character of the adjacent residential architecture, design and density. |



This is not an example of Spot Zoning for the proposed zone is contiguous with the existing Residential B zoning district, and therefore, not inconsistent with the surrounding use.

Attachments:

1. Written Motion by Councilor at Large David Alves
2. Written Motion by City Councilor (Ward 3) Henry G. Bousquet
3. Case #24-15 Planning Board Meeting Minutes dated October 7, 2015
4. Public Correspondence
5. Plan of Land Prepared for Rockdale West at New Bedford dated August 22, 1972 Bristol County (S.D) Registry of Deeds Book 88, Page 72
6. Bristol County (S.D.) Registry of Deeds Quitclaim Deed Book 4269, Page 350
7. Plan of Land in New Bedford, Mass for Joseph S. Silva Jr and Barbara A. Silva



GIS City of New Bedford Parcel ID Maps

Planning Board



CITY OF NEW BEDFORD

CITY COUNCIL

October 22, 2015

WRITTEN MOTION

Requesting that the lot on Oakdale Street, identified on Assessor's Map 74, Lot 95 be rezoned from Residence A to RESIDENCE B. (To be Referred to the Committee on Ordinances and the Planning Board.)

David Alves, Councillor at Large

IN CITY COUNCIL, October 22, 2015

Referred to the Committee on Ordinances and the Planning Board.

Dennis W. Farias, City Clerk

a true copy attest:

City Clerk

ATTACHMENT 1

OMB 26-15

PLANNING
OCT 28 2015
DEPARTMENT



CITY OF NEW BEDFORD

CITY COUNCIL

November 24, 2015

Planning Board

WRITTEN MOTION

On behalf of the residents of the Ward Three neighboring Hidden Brook Housing Development, who have public safety concerns, spot zoning concerns, and general quality of life concerns in the area, regarding the re-zoning of a property on Oakdale Street, residents object to having said property re-zoned. (To be Referred to the Planning Board and the Zoning Board of Appeals.)

Henry G. Bousquet, Councillor Ward Three

IN CITY COUNCIL, November 24, 2015

TABLED.

Removed from the TABLE and Referred to the Planning Board and the Zoning Board of Appeals.

Dennis W. Farias, City Clerk

a true copy attest:

City Clerk

ATTACHMENT 2

Case 26-15

PLANNING

NOV 30 2015

DEPARTMENT

3. MINUTES REVIEW AND APPROVAL

Ms. Dawicki asked board members for approval of the previous meeting minutes.

A motion was made (KD) and seconded (AG) to approve the September 9, 2015 meeting minutes. Motion passed unopposed.

Ms. Dawicki then requested taking the agenda out of order.

A motion was made (KD) and seconded (AG) to take out of order Case #24-15. Motion passed unopposed.

PUBLIC HEARING

- 4. CASE 24-15: Request by the New Bedford City Councillor David Alves for recommendation by the Planning Board for the reclassification of a lot on Oakdale Street, located at Map 74, Lot 95, from: half residence A and half residence B zoning districts, to: Residence B zoning district, to allow for reconstruction/replacement of a building destroyed by fire.**

Ms. Clarke stated they are in receipt of correspondence from Mark Deshaies on behalf of an abutter, which challenges the legality of the actual ~~add~~ placed related to this hearing being identical to the information city council. She stated the ~~add~~ describes the property incorrectly in terms of zoning as half Residence A and half Residence B, when in fact the subject property is completely Residence A. She recommended, under advice of counsel, that this being merely a recommendation to the city council the board continue the hearing.

Councillor David Alves addressed the board stating that what was before them was a letter from legal counsel for one of the abutters and is a non-binding recommendation, not a definitive action. Recommendations parcels of land, being 1A and 1B and he believes they were both part of the two unit condo building. He stated they are looking to replace the building. He stated the original building was built in the 1950's and they are looking to build a 2015 style piece of property. He stated they are looking to change the Residential A into Residential B.

Councillor Alves stated that all of the property within the development is Residential B property. He stated it has been part of the development for a number of years. He stated he is seeking action from the board for a recommendation to the full city council. He stated that any issue would come before the city solicitor and she can make an appropriate definitive legal action. He stated he is requesting the recommendation be contiguous that all of the Claremont property Residential B. The neighbor that has a concern relates to a row of arborvitaes that precludes any visibility to this property. The building is contiguous use to all the other pieces of property there. He stated basically they are replacing a burnt out building with a new one. He stated they seek to make the whole parcel Residential B and are looking for a recommendation from this board to the full city council for approval.

A motion was made (KD) and seconded (AG) to open the public hearing. Motion passed unopposed.

Ms. Dawicki again explained the action before the board this evening is merely for a recommendation to city council.

ATTACHMENT 3

In response to Ms. Dawicki's invitation to speak or be recorded in favor, Atty. Christopher Saunders of Pleasant Street, on behalf of the property owner Rockdale West, LLC, explained to the board that last December there was a fire at the unit. He stated that after discussion with the city solicitor, it came to his attention that there were two lots, one being an A and one a B zoned lot. The intent is to create that one lot into one zoning district. He stated the entire Rockdale West development is Residence B and this is the only parcel that is Residence A. He stated the action is to clean up a zoning matter. He stated they had a favorable determination from Building Commissioner Romanowicz that they can rebuild the structures. Atty. Saunders requested the board to vote favorably on the non-binding recommendation. He reiterated what Councillor Alves had stated, that any questions regarding the legal advertisement could be directed to the city solicitor, and he assured the board he would contact them in the morning.

There was no response to Ms. Dawicki's further invitation to speak or be recorded in favor

In response to Ms. Dawicki's invitation to speak or be recorded in opposition, Atty. Mark Deshaies of 388 County Street, New Bedford, stated he intended to make a point of order that the notice that was published is deficient on its face in so far as it identifies the lot incorrectly. He stated the notice requirement is to put the general public on notice as to what, non-binding or otherwise, is before the board in order for them to come and express their agreement or opposition. He sought to have this made a point of order as he does not believe the matter is properly before the board. He stated that notwithstanding it being non-binding, it was not properly noticed by either this board or the city council.

Atty. Deshaies stated that Councillor Alves mentioned the obstructed view created by the arborvitaes. He stated that is not germane at all. He stated this lot has stood for the past 40 plus years as a Residence A lot and there has never been any request at any time to do anything with that lot. He stated Rockdale West had suffered a casualty in the burning down of 120-122 Oakhill. He stated the by-law contains an adequate remedy allowing the property that has been destroyed, now on a non-conforming lot, to rebuild within the same footprint. That is not satisfactory to Rockdale West. He stated what Rockdale West intends to do, unlike Mr. Alves' representation, is not merely reconstruct this building. They want the zoning change to bring a new building of a substantially greater footprint closer to the Silvia's property. He stated in addition it is to reconstruct another building in the middle. What existed previously was two buildings all Residence B. They want to change this in order to enable them to build three buildings. Though they will be modern, this is not consistent with the City of New Bedford planning objectives. This is being singled out solely for a gain to the owner of the property, and that's not how zoning changes come about. Rockdale West wants to build two units with substantially more square footage so that they can derive the benefit of further revenues. Though we are a capitalist country, what you have is basically changing one 3,600 SF lot into a Residence B solely for the purpose of allowing the developer to basically build two new buildings. He again stated that is not the objective of planning, to serve a developer for a punitive gain. And as such, he suggested notwithstanding the fact that the notice is improper, this request for zoning change is inappropriate for this neighborhood.

Ms. Dawicki noted that the board had received a letter from Atty. Deshaies that she would request be put on file.

A motion was made (KD) and seconded (AG) to place the correspondence on file.
Motion passed unopposed.

In response to Ms. Dawicki's further invitation to speak or be recorded in opposition, Antonio Braz stated there had been problems in the past, and complaints went to the office and they always said it was okay, until one day when he had to call at 1:30am the U-Mass and New Bedford police to the site. He stated that however, was not the issue he wanted to speak of. He stated the land, evening changing to Residential B does not comply with the building code of today to put two buildings. It does not give them enough rear or side footage. He stated he had a set of plans that were something like 4' from the property line, and he does not believe that is the building code.

Mr. Braz stated he knows there is a petition floating around that hasn't one neighbor or the back, front of side of the street that hasn't signed. I ask this board to reconsider what they're trying to do and look at a set of plans of what they intend to do. He stated what they intend to do is a violation of the building code, and if it was me or any other citizen we could not do it. He stated if they want to put a modern building, let them put a unit just where that unit is.

In response to Ms. Dawicki's further invitation to speak or be recorded in opposition, David Burke of Oakdale and Sherwood Street, stated there had been continuous problems there, as the board just heard. He stated he is opposed to this and was not notified what was going to be done to the property. He stated he had a letter from another neighbor in opposition who could not attend tonight's meeting.

A motion was made (PC) and seconded (KD) to place the correspondence on file. Motion passed unopposed.

In response to Ms. Dawicki's further invitation to speak or be recorded in opposition, Maria Pine of 63 Pamela Drive. She stated that what was there was more than enough. She asked the board to consider the surrounding neighbors, four houses. She did not feel they should bring in any more people than are already there. She stated they had all seen the trouble that goes on. She did not think the lot was big enough for the proposed building changes.

There was response to Ms. Dawicki's further invitation to speak or be recorded in opposition.

Ms. Dawicki suspended the public hearing for board discussion. Ms. Dawicki stated the board could make a favorable or unfavorable recommendation or continue so that the advertising issues can addressed.

Mr. Glassman stated this was simply a zoning change issue. He stated whatever the proposed plan, it is not before this board.

In answer to Ms. Dawicki, Ms. Clarke felt that given the scale of the project, she would expect the board would see a site plan, and perhaps even a special permit.

While Mr. Cruz stated he did not believe there are setback changes going from A to B, both Mr. Glassman and Mr. Cruz agreed that proper setbacks are not the purview of this board.

Ms. Dawicki read from her notes on re-zoning parcels and stated that any court would consider the following: the uniformity, such as how the zoning change would resemble surrounding zoning; whether or not a parcel is being singled out for a zoning change, the size, any neighborhood change, impact on economic development, and, as mentioned, whether the benefits are solely to the parcel owner, as that is often considered spot

*Note: These are minutes only. A complete copy of the meeting audio is available on the City of New Bedford website at:
<http://www.newbedford-ma.gov/cable-access/government-access-channel-18/program-schedule/>*

zoning.

Ms. Clarke stated the dimensional requirements between an RA and RB zone are all consistent.

Ms. Duff expressed that in her opinion it was not spot zoning. Mr. Cruz agreed.

Ms. Duff did not feel she could speak as to whether the benefit was solely to the owner of the parcel.

Mr. Cruz mentioned there was already a multi-unit on the parcel now. Mr. Glassman agreed.

Ms. Duff and Mr. Glassman agreed that what goes on the lot would have to come back before the board for site plan review.

Mr. Cruz confirmed that this evening's action is merely a recommendation.

Ms. Dawicki asked the board for input on whether they wished to make a decision tonight with the legal issue that's been presented.

Mr. Glassman felt in the event it was determined this meeting was not properly held, their recommendation would simply be thrown out.

Mr. Kalife stated that while he did not generally like to push any matters over, he did not feel they had enough information. He stated he felt comfortable moving the matter to later on.

Ms. Duff felt the request was black and white, was not spot zoning, and was merely a request in line with adjacent zoning.

Mr. Kalife stated the only legal issue he saw was a notice problem, and the notice was given, though given poorly. He noted that people still came out to comment on the issue.

Ms. Duff, in response to Mr. Kalife comment, stated that had people misread it and not attended this meeting, then the board does not have all the information or comments from the public. She admitted she had to relook at the matter after reading the notice. She stated that in light of that, she was in favor of a continuance of the matter.

Mr. Cruz agreed.

A motion was made (KD) and seconded (PC) to continue Case #24-15 to the next hearing.
Motion passed unopposed.

As the matter will appear before the city council prior to the next Planning Board meeting, Ms. Clarke stated the city council will be notified that no recommendation was forthcoming as the case was continued.

Ms. Dawicki thanked people for coming out for the case.

Ms. Dawicki requested a motion to take **Case #21-15** out of order.

*Note: These are minutes only. A complete copy of the meeting audio is available on the City of New Bedford website at:
<http://www.newbedford-ma.gov/cable-access/government-access-channel-18/program-schedule/>*

Date 10/7/15

To: Planning Board
City of New Bedford

Re: Rezoning of property
located at Oakdale St.,
Map 74, Lot 95

I am unable to attend
this meeting this evening,
but I am in opposition
of this rezoning, more
information is needed.

Thank You

M. Juliette Quелlette
1339 Roseanne St.

RECEIVED AT PB MTG

10-7-2016

CASE 26-15

ATTACHMENT 4

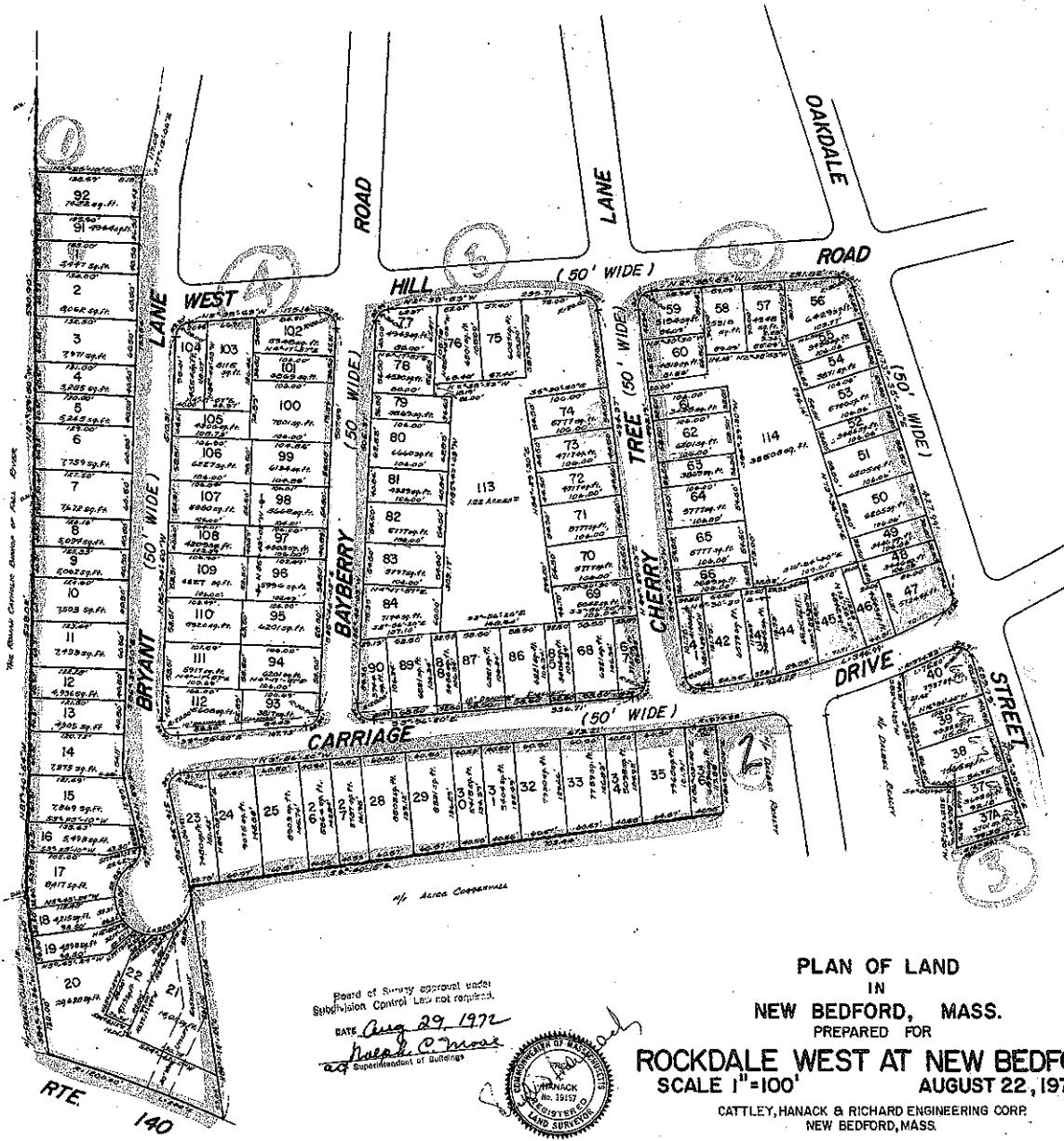
rel-18

REC'D & RECORDED

AUG 29 1 26 PM '72
REGISTRY OF DEEDS
BRISTOL COUNTY
SOUTHERN DISTRICT

NOTE
This plan shows a re-lotting scheme of portions of the following subdivisions; Rockdale Country Estates, Inc. and Subdivision of Land belonging to Edwin Livingstone & Edwin Livingstone Jr. both approved on April 4, 1968 and recorded in the Bristol County Registry of Deeds (S.D.) in plan book 76 page 37 & 38. It also substitutes similar re-lotting schemes previously recorded in plan book 88 pages 7 & 49.
All road layouts shown on the above plans have been maintained in this relotting scheme.
All restrictions still effective from applicable Restrictive Covenants shall remain in force.

88-72



88-72-15

Board of Survey approval under
Subdivision Control Law not required.
DATE Aug 29 1972
Richard P. Moore
Superintendent of Buildings



PLAN OF LAND
IN
NEW BEDFORD, MASS.
PREPARED FOR
ROCKDALE WEST AT NEW BEDFORD
SCALE 1"=100'
AUGUST 22, 1972
CATTLEY, HANACK & RICHARD ENGINEERING CORP.
NEW BEDFORD, MASS.

1457A

88-72

PL-68

89-72

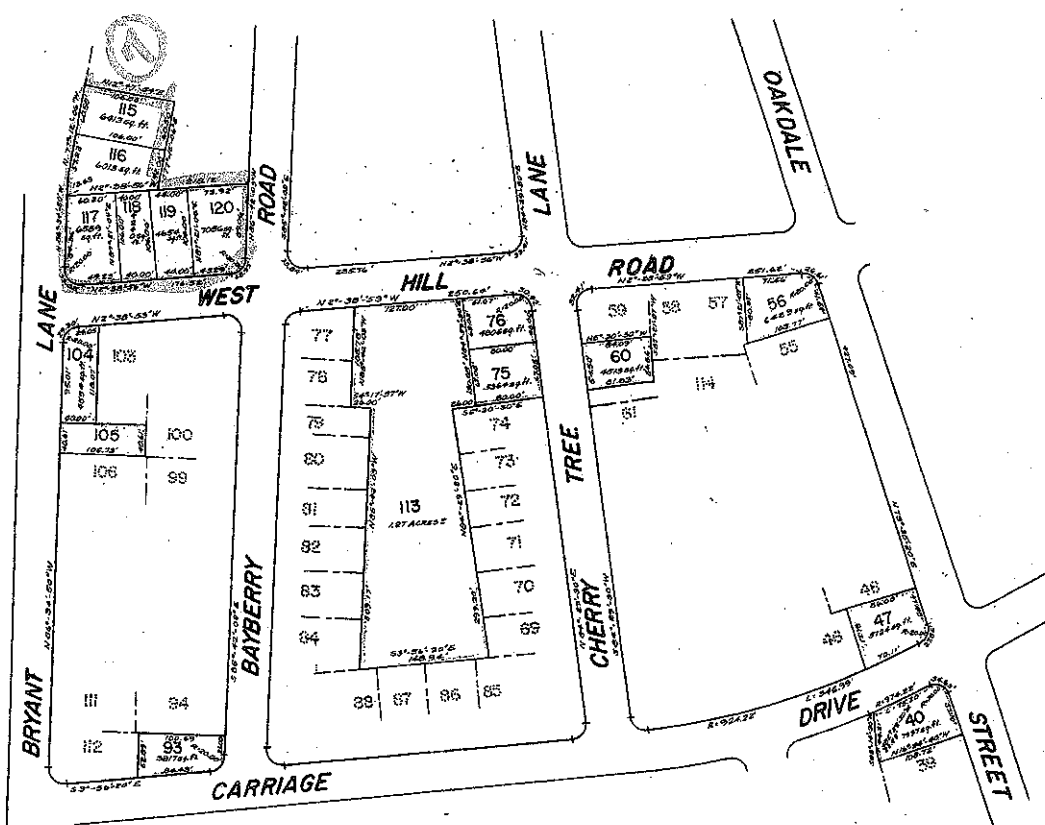
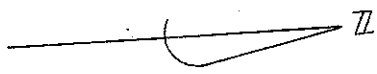
REC'D & RECORDED

JAN 3 10 57 AM '73
REGISTRY OF DEEDS
BRISTOL COUNTY
SOUTHERN DISTRICT

This plan shows a re-lotting scheme of portions of the following subdivisions; Rockdale Country Estates Inc. and Subdivision of Land belonging to Edwin Livingstone & Edwin Livingstone Jr. both approved and recorded in the Bristol County Registry of Deeds (S.D.) in plan book 76 page 37 & 38. It also shows revisions of a similar re-lotting scheme recorded in book 88 page 72.

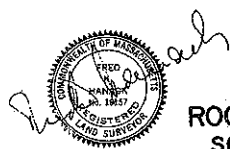
All road layouts have been maintained in this re-lotting scheme as are shown on the above mentioned plans.

All restrictions still effective from applicable Restrictive Covenants shall remain in force.



Board of Survey approved this
Subdivision Control Instrument on
DATE Jan 2, 1973
Richard C. Moore
Surveyor General of the State

Case 26-15



PLAN OF LAND
IN
NEW BEDFORD, MASS.
PREPARED FOR
ROCKDALE WEST AT NEW BEDFORD INC.
SCALE 1"=100'
DEC. 6, 1972
GARCIA, HANACK & RICHARD ENGINEERING CORP.
NEW BEDFORD, MASS.

1457A

89-72

BK 4269 PG 350
12/01/98 03:53 DOC. 33185
Bristol Co. S.D.

QUITCLAIM DEED

Rockdale West at New Bedford, a Massachusetts limited partnership, with a mailing address of Batterymarch Park II, Quincy, Massachusetts 02169, for our (\$1.00) Dollar and other good and valuable consideration paid, grants to Rockdale West LLC, a Georgia limited liability company, with a mailing address of Batterymarch Park II, Quincy, Massachusetts 02169, with quitclaim covenants, the land in New Bedford, Bristol County, Massachusetts, described in Exhibit A attached hereto, together with the buildings and improvements thereon (the "Premises").

The Premises are conveyed subject to all agreements, covenants and agreements of record, to the extent same are in force and applicable, including a certain mortgage to Boston Private Bank and Trust Company in the original principal amount of \$5,100,000.00, and recorded with Bristol South District Registry of Deeds in Book 4121, Page 77.

The remaining consideration for this deed, exclusive of any encumbrances remaining on the Premises being conveyed herein, is less than one hundred (\$100.00) dollars and, therefore, no deed stamps are required to be affixed hereto.

Grantor's title reference: Deed dated January 17, 1977, and recorded with said Deeds in Book 1656, Page 559.

Property address: 42 West Hill Road, New Bedford, Massachusetts.

Witness our hand and seal this 23 day of November, 1998.

ROCKDALE WEST AT NEW BEDFORD

By: THE CLAREMONT COMPANY, INC.
its General Partner

By: [Signature]
Patrick G. Carney, its President and Treasurer

COMMONWEALTH OF MASSACHUSETTS

NORFOLK, ss

November 23, 1998

Then personally appeared the above named Patrick G. Carney, President and Treasurer of the Claremont Company, Inc., General Partner of Rockdale West at New Bedford, and acknowledged the foregoing instrument to be the free act and deed of Rockdale West at New Bedford, before me.

[Signature]
Notary Public

Printed name: Susanne M. Terry

My Commission expires: January 21, 2003

1634123641432



Exhibit A

Legal Description

Seven (7) parcels of land in New Bedford, Bristol County, Massachusetts, bounded and described as follows:

Parcel 1

Beginning at a point at the Southeastern corner of Lot 20 shown on the first plan hereinafter mentioned, at land now or formerly of Frank Oliver, Jr., said point of beginning being also located on the Westerly sideline of Route 140;

Thence SOUTH 84° 14' 30" WEST 215.60 feet by said land of Oliver to a drill hole at an angle point and land now or formerly of the Roman Catholic Bishop of Fall River;

Thence NORTH 87° 40' 54" WEST 593.02 feet on said Bishop's land;

Thence NORTH 87° 59' 50" WEST 424.75 feet by more land of said Roman Catholic Bishop of Fall River;

Thence turning an angle of the right and running NORTH 3° 25' 10" EAST 138.59 feet to the Southerly sideline of Bryant Lane;

Thence SOUTH 77° 12' 06" EAST 8.18 feet;

Thence SOUTH 86° 34' 50" EAST 783.54 feet;

Thence NORTH 76° 35' 36" EAST 95.83 feet;

Thence by a right curve of 20 foot radius 25.62 feet;

Thence by a left curve of 50 foot radius 220.53 feet;

The last five courses are by Bryant Lane.

Thence NORTH 84° 14' 24" EAST 314.04 feet by land now or formerly of Alice Coggeshal;

Thence by the Westerly sideline of Route 140 along a left curve of 1200 foot radius 240 feet more or less to the point of beginning.

Bristol South
Registry of Deeds

Bristol South
Registry of Deeds

Bristol South
Registry of Deeds

Not for Official Use

Not for

Not for Official Use

Not for

Official Use

Parcel I is shown as Lots 1 through 22 inclusive and Lots 91 and 92 on a plan entitled "Plan of Land in New Bedford, Mass prepared for Rockdale West at New Bedford" dated August 22, 1972 and recorded at the Bristol County Registry of Deeds (South District) in Plan Book 88, Page 72.

Parcel II

Beginning at the Southeastly corner of the premises herein described, on the Northerly sideline of Bryant Lane, approximately 314.04 feet from the Westerly sideline of Route 140, said point being the Southeastly corner of Lot 11 show on said plan;

Thence SOUTH 76° 35' 36" WEST 131.90 feet by the Northerly sideline of Bryant Lane to a point of curvature;

Thence by a right curve of 20 foot radius 34.71 feet;

Thence NORTH 3° 56' 20" WEST by the Easterly sideline of Carriage Drive 673.21 feet;

Thence by a curve left of 974.22 radius by the Easterly sideline of Carriage Drive, 29 feet;

Thence NORTH 84° 57' 02" EAST 119.88 feet by land now or formerly of Dalbec Realty;

Thence SOUTH 06° 40' 15" EAST by land now or formerly of Coggeshal, 703.44 feet to the point of beginning.

Parcel II is shown as Lots 23 through 36 inclusive on said plan.

Parcel III

Beginning at a point on the Easterly sideline of Carriage Drive, being the Southwesterly corner of Lot 40 on said plan;

Thence running by the Easterly sideline of Carriage Drive, by a left curve of radius 974.22 feet, 75.20 feet to a point of curvature;

Thence running by a right curve of 20 foot radius, 34.65 feet;

Thence NORTH 73° 35' 20" EAST 239.79 feet by the Southerly line of Oakdale Street;

Thence SOUTH 16° 24' 40" EAST 99.35 feet;



Bristol South
Registry of Deeds

Not for Official Use

Bristol South
Registry of Deeds

Not for Official Use

Bristol South
Registry of Deeds

Bristol South
Registry of Deeds

Not for Official Use

Not for

Not for

BK 4269 PG 353

Thence SOUTH 83° 59' 20" WEST 80.94 feet;

Thence SOUTH 4° 00' 40" EAST 40 feet;

Thence SOUTH 82° 29' 20" WEST 119.91 feet;

Thence SOUTH 83° 14' 20" WEST 44.21 feet to the point of beginning.

The last five courses are by land now or formerly of Dalbec Realty.

Parcel III is shown as Lots 37A, 37, 38, 39 and 40 on said plan.

Parcel IV

Beginning at the Southwesterly corner of Lot 10 shown on said plan, at a point of tangency on the Northerly sideline of Bryant Lane;

Thence by a right curve of 20 foot radius, 29.30 feet;

Thence NORTH 12° 38' 53" WEST 176.16 feet by the Easterly sideline of West Hill Road;

Thence by a right curve of 20 foot radius, 33.84 feet;

Thence SOUTH 85° 42' 3" EAST 507.49 feet by the Southerly line of Bayberry Road;

Thence by a right curve of 20 foot radius, 28.34 feet;

Thence SOUTH 3° 56' 20" EAST 167.73 feet by the Westerly sideline of Carriage Drive;

Thence by a right curve of 20 foot radius, 39.98 feet;

Thence NORTH 86° 34' 50" WEST by the Northerly sideline of Bryant Lane, 510.1 feet to the point of beginning.

Parcel IV is shown as Lots 93 to 112 inclusive on said plan.

Parcel V

Beginning at the Southwesterly corner of Lot 77 on said plan, at a point of tangency on the Northerly sideline of Bayberry Road;

Thence by a right curve of 20 foot radius, 28.99 feet;

Thence NORTH 2° 38' 53" WEST 250.64 feet by the Easterly sideline of West Hill Road;

Thence by a right curve of 20 foot radius, 30.42 feet;

Thence NORTH 84° 29' 30" EAST 494.37 feet by the Southerly sideline of Cherry Tree Lane;

Thence by a right curve of 20 foot radius, 31.61 feet;

Thence SOUTH 3° 56' 20" EAST 336.71 feet by the Westerly sideline of Carriage Drive;

Thence by a right curve of 20 foot radius, 34.29 feet;

Thence NORTH 85° 42' 3" WEST 505.37 feet by the Northerly sideline of Bayberry Road to the point of beginning;

Parcel V is show as Lots 67 through 70 inclusive and Lot 73 on said plan.

Parcel VI

Beginning at the Southwesterly corner of Lot 73 on said plan, at a point of tangency on the Northerly sideline of Cherry Tree Lane;

Thence by a right curve of 20 foot radius, 32.41 feet;

Thence NORTH 2° 38' 53" WEST 251.62 feet by the Easterly sideline of West Hill Road;

Thence by a right curve of 20 foot radius, 26.61 feet;

Thence NORTH 73° 35' 20" EAST 427.99 feet by the Southerly sideline of Oakdale Street;

Thence by a right curve of 20 foot radius, 27.86 feet;

Thence by a right curve of radius 924.22 feet, 346.99 feet by the Westerly sideline of Carriage Drive;

Thence by a right curve of 20 foot radius, 31.26 feet;

Thence SOUTH 84° 29' 30" WEST, by the Northerly sideline of Cherry Tree Lane, 492.19 feet to the point of beginning.

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Registry of Deeds

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Parcel VI is shown as Lots 41 through 66 inclusive and Lot 114 on said plan.

Parcel VII

Beginning at the Southwesterly corner of Lot 115 shown on the Plan hereinafter mentioned on the Northerly sideline of Bryant Lane;

Thence NORTH 12° 47' 54" EAST 106.08 feet;

Thence SOUTH 77° 12' 06" EAST 192.50 feet;

Thence NORTH 2° 38' 56" WEST 110.45 feet to the Southerly sideline of Bayberry Road;

Thence SOUTH 85° 42' 0" EAST by the Southerly sideline of Bayberry Road, 89.06 feet;

Thence by a right curve of 20 foot radius, 38.99 feet;

Thence SOUTH 2° 38' 53" EAST 470.52 feet;

Thence by a right curve of 20 foot radius, 33.53 feet;

Thence NORTH 86° 34' 50" WEST 97.99 feet by the Northerly sideline of Bryant Lane;

Thence NORTH 77° 12' 06" WEST 117.73 feet by the Northerly sideline of Bryant Lane to the point of beginning.

Parcel VII is shown as Lots 115 through 120 inclusive on plan entitled "Plan of Land in New Bedford, Mass. prepared for Rockdale West at New Bedford, Inc." dated December 6, 1972 and recorded at the Bristol County Registry of Deeds (South District) in Plan Book 89, Page 72.

Together with the right to use all roads shown on said plans for all purposes for which streets and roads are used in the City of New Bedford in common with others entitled to use the same.

End of Legal Description.
161992/34414/52

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Not for

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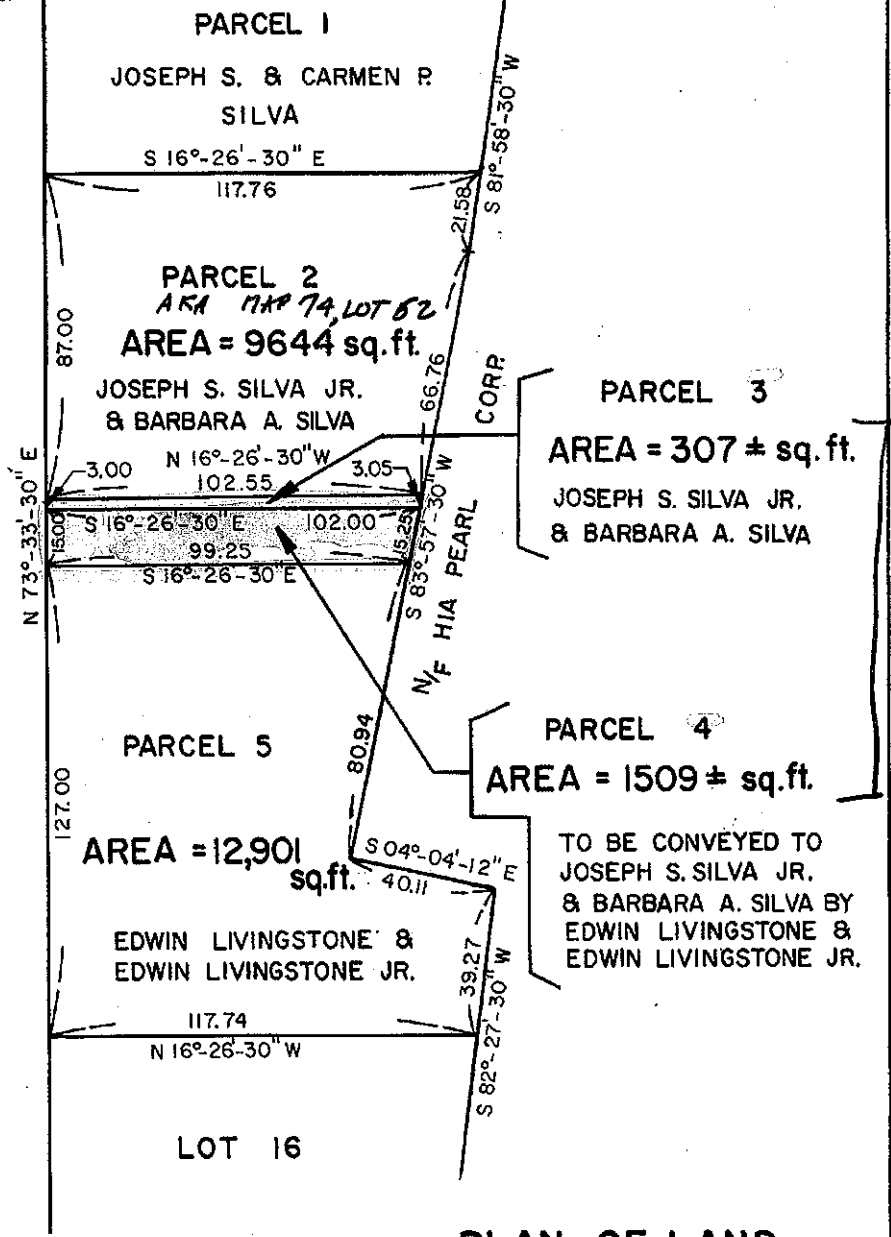
REC'D & RECORDED

OCT 1 3 37 PM '71

REGISTRY OF DEEDS
Bristol County
SOUTHERN DISTRICT



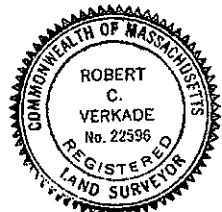
SHERWOOD STREET
OAKDALE (PUBLIC - 50' WIDE) STREET



AKA
MAP 74
LOT 54

PLAN OF LAND
IN

NEW BEDFORD, MASS.
SURVEYED FOR
JOSEPH S. SILVA JR.
&
BARBARA A. SILVA



Board of Survey Approval under the
Subdivision Control Law not required.

Date 9/28/71

Ralph E. Moore
Superintendent of Buildings

Robert C. Verkaide

SCALE: 1" = 40' AUG. 26, 1971
TIBBETTS ENGINEERING CORP.
NEW BEDFORD, MASSACHUSETTS

611-58

85-119