

2015 NOV 16 P 3: 54



CITY OF NEW BEDFORD
JONATHAN F. MITCHELL, MAYOR

ZONING BOARD OF APPEALS

CITY CLERK
SUBMIT TO:
Planning Department
133 William Street
Room 303
New Bedford, MA 0274

Appeal Nr. 4213

Petition for a Special Permit

Date: _____

The undersigned petitions the Board of Appeals to grant a Special Permit in the manner and for the reasons hereinafter set forth under the provisions of the Zoning Ordinance to the following described premises:

1. Application Information

Street Address: 124 Locust Street

Assessor's Map(s): 70 Lot(s) 111

Registry of Deeds Book: 328+10929 Page: 46 185

Zoning District: Residential B Zoned district

Applicant's Name (printed): Lindsey Freire + Marcio Brito

Mailing Address: 124 Locust St New Bedford MA 02740
(Street) (City) (State) (Zip)

Contact Information: (508) 965-4182 lindsey.freire@gmail.com
Telephone Number Email Address

Applicant's Relationship to Property: Owner Contract Vendee Other _____

List all submitted materials (include document titles & volume numbers where applicable) below:

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 Zoning Board 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.

11/11/2015
Date

[Signature]
Signature of Applicant

2. Dimensions of Lot(s) 51.44' x 87.04' Area 4,385
 Frontage Depth Sq. Ft.

3. Number of buildings on lot one

4. Size of existing buildings 2725 sq ft

5. Size of proposed buildings 2725 sq ft

6. Present use of premises owner occupied + Allowing Safe Harbor housing

7. Proposed use of Premises owner occupied + Allowing Safe Harbor housing

8. Extent of proposed alterations to have another safe space of living

9. Existing number of dwelling units & bedrooms 2 units 4 bedroom Proposed 1 extra unit 1 extra bedroom

10. For commercial uses, please complete the following:

	Existing	Proposed
a) Number of customers per day:	<u>N/A</u>	<u>1</u>
b) Number of employees:	<u>N/A</u>	<u> </u>
c) Hours of operation:	<u>N/A</u>	<u> </u>
d) Days of operation:	<u>N/A</u>	<u> </u>
e) Hours of deliveries:	<u>N/A</u>	<u> </u>
f) Frequency of deliveries:	<input type="checkbox"/> Daily <input type="checkbox"/> Weekly <input type="checkbox"/> Monthly	<input type="checkbox"/> Other: <u>N/A</u>

11. Planning Board Site Plan Review and Special Permits:
 The applicant is also requesting Site Plan Review and Special Permit(s) from the Planning Board. If so, specify below:

12. Have plans been submitted to the Department of Inspectional Services? Yes

13. Has the Department of Inspectional Services refused to issue a permit? Yes

14. Provisions of the Zoning Ordinance under which a petition for a Special Permit is made
(2400 Non Conforming Uses and Structures)

15. Explain the need for the Special Permit and what modifications are proposed
To legalize our 3rd Floor Apartment which we thought it was legal when we bought it 2 years ago. 5

we also pay taxes as a 3 family and
under the city of New Bedford it is assessed
as a 3 family.

16. Verification of Ownership. By signing this application the petitioner is stating that they have read and understand this application and the accompanying instructions and information. If petition is granted, the approvals are specific to the plans submitted, unless the Board states otherwise. Also, if granted, that the Special Permit must be recorded and acted upon within one year.

This section is to be completed & signed by the property owner(s):

I hereby authorize the following Applicant: Marcio Brito + Lindsey Freire

at the following address: 124 locust street

to apply for: special permit

on premises located at: 124 locust street

in current ownership since: October 2013

whose address is: 124 locust street

for which the record title stands in the name of: Marcio Brito

whose address is: 124 locust street

by a deed duly recorded in the:

Registry of Deeds of County: Bristol Book: 3281 Page: 116

OR Registry District of the Land Court, Certificate No.: _____ Book: _____ Page: _____

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 Department staff and Planning Board 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.

11/11/2015
Date

[Signature] +
Signature of Land Owner (If authorized Trustee, Officer or Agent, so identify)

APPENDIX

- (1) Owner's/Landlord's Name Lindsey Freire + Marcio Brito
- (2) Title Reference to Property 124 Locust Street

(Attach copy of Deed, Certificate of Title & most recent Recorded Plans showing affected lot or lots)

- (3) If the Applicant is Not the Owner, Provide:
1. Notarized authorization letter from owner to tenant or buyer for application for this permit, on letterhead.
 2. Copy of Purchase & Sale Agreement or lease, where applicable.
 3. 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.

Requirements for Granting a Special Permit

In accordance with City of New Bedford Code of Ordinances Chapter 9 Section 5320, 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:

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

Which are:?

Safe housing, an additional living space in the City.

Traffic flow and safety, including parking and loading;

Which are:?

does not affect (has a driveway that fits 3 cars)

Adequacy of utilities and other public services;

Which are:?
yes all utilities would be Adequate
has existing utilities.

Neighborhood character and social structures;

Which are:?
It would not affect the neighborhood.
Majority of neighborhood is multi-familier.

Impacts on the natural environment; and

Which are:?

Positive Impact on the environment by having additional housing.

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

Which are:?
Additional apartment means more money going in to the city, so it ~~would~~ would be positive for the city.

Are the above requirements met? Yes No

attention to non centering - shall not be substantially more detrimental than the existing noncentering structures?

apartment has been in use for almost 14 years so no change to the use.

MAIL LANE

84	51.71
18	51.71
29	
0.0	

60.67	33.3
9.4	
9.75	
2.654	
68.75	
101.75	37
13.83	24
37.65	
101.75	
101.25	40
2.5	
14.88	
14.051	
101.25	
101.75	
2.7	
14.95	
4.070	
132.75	40
102	
19.45	
52.95	
132.1	40
29	
28.22	
76.83	
102	
31	
14.99	
40.81	
101.81	
68.80	
8.70	

RES. B

80	43.52	50	50	50	61.23
63	11.42	64	65	66	67
3109	41.88	15.66	15.75	17.94	19.18
69.32	43.26	42.63	42.88	48.84	52.22
103					87.85
10.14					
27.61					
58.5	50.1	50	65.05	57.30	
93.75	45	44.92	44.93	52	
88	11.00	45	4.92	89	
89.1	29.95	71	4.92	7.12	
68	11.76	72	137.23	19.38	
3202	57.61	73		52	
46.56	37.85	22.44		6.84	
69	70	6109		18.92	
9.869	9.92	6120		52	
2684	2701	22.48		4.12	
38	38.2	6120		1.95	
		44.85		7.73	
		45		2104	
		45		52	
		45		37.87	

LOCUST

STREET

52.06	51.85	51.65	51.44	51.22
75	109	110	111	112
8.33	16.25	16.18	16.10	16.00
22.68	44.26	44.06	43.85	43.56
49.5	49.75	49.56	49.35	49.13
180	122.75	124.11	124.11	
8.00	76	77	77	
2178	18.52	18.75	18.75	
49.96	50.42	51.05	51.05	
37.94	12.17	12.95	12.95	
48.32				41.72



BK 10929 PG 185
10/18/13 01:43 DOC. 25713
Bristol Co. S.D.

QUITCLAIM DEED

I, Antonio V. Pacheco, individually, of New Bedford, Massachusetts, for consideration paid and in full consideration of ONE HUNDRED SIXTY-ONE THOUSAND AND 00/100 DOLLARS (\$161,000.00)

grant to Marcio J. Brito & Lindsey Freire, as joint tenants with rights of survivorship, of 124 Locust Street, New Bedford, Massachusetts,

with QUITCLAIM COVENANTS, all of my right, title, and interest in and to the land with any buildings thereon in New Bedford, bounded and described as follows:

BEGINNING at the northeast corner of the land herein described at a point in the southerly line of Locust Street, distant westerly therein fifty - one and 22/100 (51.22) feet from its intersection with the westerly line of Richmond Street, at the norwest corner of land now or formerly of John P. O'Hara;

thence SOUTHERLY in line of last-named land, eighty-seven and 04/100 (87.04) feet to land now or formerly of Annie M. Burns;

thence WESTERLY in line of last-named land, forty- nine and 35/100 (49.35) feet to land now or formerly of John P. Haughey;

thence NORTHERLY in line of last-named land, eighty-seven and 08/100 (87.08) feet to the said line of Locust Street; and

thence EASTERLY in line or said Locust Street, fifty-one and 44/100 (51.44) feet to the point of beginning.

Containing fifteen and 85/100 (15.85) square rods, more or less.

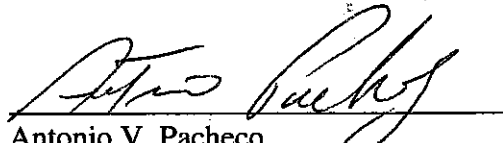
I hereby release all and any homestead rights to the property.

Being the same premises conveyed to the herein named grantor, Antonio V. Pacheco, by virtue of a deed from Antonio J. Santos and Jeanette A. Santos dated April 20, 1994, and recorded in the Bristol County Southern District Registry of Deeds in Book 3281, Page 116.

Property Address: 124 Locust Street, New Bedford, MA 02740

BK 10929 PG 186

Executed as a sealed instrument this 17 day of October, 2013.

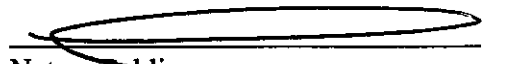

Antonio V. Pacheco
AKA Antonio Pacheco

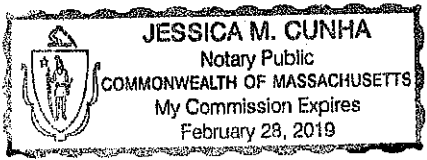
COMMONWEALTH OF MASSACHUSETTS

County of Bristol

New Bedford

On this 17 day of October, 2013, before me, the undersigned notary public, personally appeared Antonio V. Pacheco, proved to me through satisfactory evidence of identification, which was a MADL, to be the person whose name is signed on the preceding or attached document, and acknowledged to me that he signed it by his free act and deed.


Notary Public:
My Commission Expires:



REG OF DEEDS
REG #07
BRISTOL S

10/18/13 1148PM 01
000000 #8011

FEE \$734.16

CASH \$734.16

CITY CLERK'S OFFICE
121 BEDFORD, MA

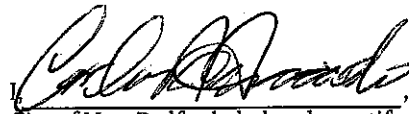
2015 NOV 16 P 3:50

CITY CLERK

REQUEST FOR CERTIFIED LIST OF ABUTTERS

Attach the Certified List of Abutters to this Certification Letter and Submit all.

The applicant shall complete the request form below, and submit to Planning Department, City Hall, 133 William Street, Room 303, so that a list may be created for use by the applicant.


I, Carol Dando, Administrative Assistant to the Board of Assessors of the City of New Bedford, 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.

Date: 10/27/2015

SUBJECT PROPERTY:

MAP 70 LOT 111

LOCATION 124 Locust Street

OWNER'S NAME Lindsey Freire

MAILING ADDRESS 124 Locust Street

CONTACT PERSON Lindsey Freire

TELEPHONE NUMBER 508 965-4182

EMAIL ADDRESS Lindsey.freire@gmail.com

REASON FOR REQUEST: Zoning board

PLANNING

OCT 26 2015

DEPARTMENT

10

October 26, 2015

Dear Applicant,

Please find below the List of Abutters within 300 feet of the property known as 124 Locust Street (70-111). 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
70-71	135 LOCUST ST	RAMOS SHAIN E., 135 LOCUST ST NEW BEDFORD, MA 02740
70-73	123 LOCUST ST	SIMMONS ANTONE JR, SIMMONS SHIRLEY M 123 LOCUST ST NEW BEDFORD, MA 02740
70-195	121 LOCUST ST	GENEREUX GARY E, GENEREUX KRISTINE J 121 LOCUST STREET NEW BEDFORD, MA 02740
70-76	90 SHAWMUT AVE	SOUZA DANIEL J, 90 SHAWMUT AVE PO BOX 50087 NEW BEDFORD, MA 02740
70-77	21 RICHMOND ST	GONSALVES MICHAEL, GONSALVES VIRGINIA M 21 RICHMOND STREET NEW BEDFORD, MA 02740
70-78	ES SHAWMUT AVE	SOUZA DANIEL J, 90 SHAWMUT AVE PO BOX 50087 NEW BEDFORD, MA 02740
70-79	19 RICHMOND ST	HARRIMAN CECILIA J, 19 RICHMOND ST NEW BEDFORD, MA 02740
70-180	92 SHAWMUT AVE - 94	PILLING DAVID R, PILLING GRACE C 92 SHAWMUT AVENUE NEW BEDFORD, MA 02740
70-110	128 LOCUST ST -130	MAZIARZ JANET A, 128 LOCUST ST NEW BEDFORD, MA 02740
70-111	124 LOCUST ST	BRITO MARCIO J, FREIRE LINDSEY 124 LOCUST STREET NEW BEDFORD, MA 02740
70-112	25 RICHMOND ST	ST GELAIS CHARLES, ST GELAIS SUSAN F 25 RICHMOND ST NEW BEDFORD, MA 02740

4213

2015 NOV 16 P 3:50

CITY CLERK

ZBA SPECIAL PERMIT APPLICATION SUBMITTAL CHECKLIST

The following documentation must be submitted, in duplicate (1 Original and 11 Copies), containing all items described below:

- Completed & Signed Application
- (a) Existing Conditions Site Plan, drawn to a scale not less than 1 inch: 40 feet, (For example, drawings at 1" : 10', 1" : 20' or 1" : 30' scale are acceptable) identifying positioning of existing structures must be provided. Site Plan must show footprint and dimensions of Rear, Front and Side distances between structure(s) and boundary lines.
- (b) Site Plan Identifying Proposed Plans, showing all proposed alterations or additions with side, front and rear set property lines identified.
- (c) Sub-Division Plans if Applicable
- A Certified Abutter's List
(Compiled by Planning Dept. and Certified in Assessor's Office)
- Plot Plan (Available at Inspectional Services Dept.)
- Filing Fee (Check made out to the City of New Bedford)
- Copy of Building Permit Rejection Packet
(Containing Rejected Building Permit and all information submitted with Building Permit Application)
- Appendix (Owner's Signature & Attached Deed for all Involved Parcels)
- Development Impact Statement (DIS)
(per Chapter 9 §535 of the City of New Bedford Zoning Code)