

# ZONING BOARD OF APPEALS

CITY OF NEW BEDFORD  
JONATHAN F. MITCHELL, MAYOR

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

Appeal Nr. 4203

## Petition for a **Special Permit**

Date: July 10, 2015

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: 1771 Acushnet Avenue

Assessor's Map(s): 108 Lot(s) 42, 43, 44

Registry of Deeds Book: 10984 Page: 143

Zoning District: Mixed Use Business / Residence C

Applicant's Name (printed): Panagakos Development

Mailing Address: 133 Faunce Corner Mall Road Dartmouth MA 02747  
(Street) (City) (State) (Zip)

Contact Information: 508-998-3911 pandevco@aol.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:

- Site Plans - 8 sheets
- Architectural Plans - 4 sheets
- Photographs
- Summary Report

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.

July 10, 2015  
Date

Michael Panagakos  
Signature of Applicant **PLANNING**

CITY CLERK'S OFFICE  
NEW BEDFORD, MA



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: Panagakos Development  
at the following address: 133 Faunce Corner Mall Road, Dartmouth, MA 02747  
to apply for: Special Permits  
on premises located at: 1771 Acushnet Avenue  
in current ownership since: December 30, 2013  
whose address is: 1771 Acushnet Avenue  
for which the record title stands in the name of: Michael W. Panagakos  
whose address is: 133 Faunce Corner Mall Road, Dartmouth, MA 02747  
by a deed duly recorded in the:  
Registry of Deeds of County: Bristol Book: 10984 Page: 143  
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.

July 10, 2015  
Date

Michael Panagakos  
Signature of Land Owner (If authorized Trustee, Officer or Agent, so identify)

## APPENDIX

- (1) Owner's/Landlord's Name Michael W. Panagakos
- (2) Title Reference to Property Book 10984, Page 143

(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.

## PROJECT DESCRIPTION

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### A. SITE DESCRIPTION

1. Owner: Michael Panagakos  
133 Faunce Corner Mall Road  
Dartmouth, MA 02747
2. Applicant: Panagakos Development  
133 Faunce Corner Mall Road  
Dartmouth, MA 02747
3. Location: 1771 Acushnet Avenue  
New Bedford, MA  
Assessors Map 108 – Lot 42, 43, 44
4. Zoning District: Mixed use Business/Residence C
5. Existing Site Conditions:

The subject property is a 12,658 square foot (SF) lot located on the northwest corner of Acushnet Avenue and Belleville Road. This site was previously the Sullivan's Brothers Clothing store. The property contained the retail building, a garage structure and a paved parking lot. Approximately 100% of the property was impervious.

6. Proposed Redevelopment:

The Applicant proposes to demolish the existing structures and parking facility and construct 2 new commercial buildings. The new buildings will be placed in the general location of the original building and garage with improved setbacks from the residential properties. The overall project will consist of the following in addition to the new building construction:

- A. Construction of a 13 space parking lot to support the future commercial tenants. The parking spaces and access drive aisles have been designed to meet current City of New Bedford standards.

- B. The property has historically served two commercial buildings on a single lot with shared parking. This condition will remain unchanged.
- C. Vehicular access to the site will be from Acushnet Avenue and from Belleville Road.
- D. Onsite walkways will provide a pedestrian link to both public ways.
- E. A screened dumpster pad will be sited at the northwest corner of the site.
- F. Overall lot coverage will be reduced to 77, a 23% increase in green space.
- G. Two catch basins and a stormwater recharge system will be constructed onsite to further reduce offsite runoff discharges.
- H. New landscaping and site lighting will be provided as shown on the plans.
- I. A new pylon sign is proposed in accordance with the requirements of Section 3250 of the Zoning Ordinance. The sign size, height, and location will comply with the City Ordinance.
- J. The project is projected to take 6 months to construct.

It is important to note that the rear garage style building has historically functioned as a commercial use structure and at no time was utilized for residential purposes. Additionally, the garage most recently contained a small office, storage area, maintenance room unrelated to the clothing store and dry cleaners that operated in the 1771 Acushnet Avenue front building.

# SITEC

Civil and Environmental Engineering  
Land Use Planning

SITEC, Inc.  
449 Faunce Corner Road  
Dartmouth, MA 02747  
Tel. (508) 998-2125 FAX (508) 998-7554

Unit C  
769 Plain Street  
Marshfield, MA 02050  
Tel. (781) 319-0100 FAX (781) 834-4783

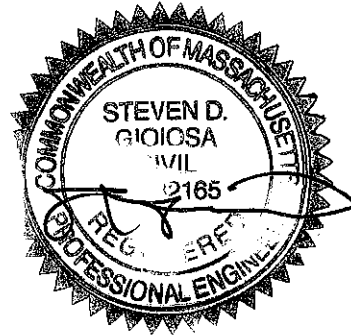
## MEMORANDUM

TO: ZONING BOARD OF APPEALS

FROM: STEVEN D. GIOIOSA, P.E.

DATE: AUGUST 1, 2015

SUBJECT: **SPECIAL PERMIT APPLICATION  
PANAGAKOS DEVELOPMENT  
1771 ACUSHNET AVENUE**



The attached Petition for Special Permits is hereby submitted to the Zoning Board of Appeals for your consideration. Two Special Permits are requested for the 1771 Acushnet Avenue property as described below.

### 1. SECTION 2400 – NON-CONFORMING USES & STRUCTURES

The subject property has historically been operated as a mixed use commercial development. The site had two commercial buildings with associated parking on the property. The main building contained a clothing store and dry cleaners and the smaller building contained a machine shop, office and garage space. The smaller building and the off street parking lot were situated on the west side of the site in the Residence C Zoning District.

Under Section 2420 of the Zoning Ordinance, the Board of Appeals may grant a Special Permit for a change of nonconforming use. In this case, the machine shop building, will be converted to a general commercial use. The smaller building size will limit the use to a less intensive activity and will be more in keeping with the adjacent commercial development. Associated with this change in use will be an overall site upgrade which will include improved buffer space, additional landscaping, fences for privacy and increase off street parking.

Under Section 2430 of the Zoning Ordinance, a Special Permit for alteration of a non-conforming structure may be granted by the Board of Appeals. In this case, the two existing structures on a single lot will be reconstructed to comply with current building setback requirements. In the case of the former machine shop building, the original building encroaches on the abutting parcel. The proposal for this project eliminates this encroachment and provides a landscaped buffer with a 6 foot privacy fence to screen the development from the adjacent multi-family residential building.

The new buildings will be aesthetically pleasing and will greatly enhance the appearance of the subject property.

**2. SECTION 3149 – COMMERCIAL PARKING IN A RESIDENTIAL ZONE**

Under this Section of the Zoning Ordinance, the Board of Appeals may issue a Special Permit for a commercial parking lot located in a residential zone. For this project, the proposed westerly parking lot is located in a residential zone and replaces the original parking facility that was located in the same area. The new parking lot will meet City and ADA standards with improved landscaping and pedestrian access.



QUITCLAIM DEED

We, JAMES W. SULLIVAN and LOUISE C. SULLIVAN, Co-Trustees of the 1771 ACUSHNET AVENUE REAL ESTATE TRUST, dated May 11, 2011 (see Trustee's Certificate dated May 11, 2011, and recorded at the Bristol County (S.D.) Registry of Deeds in Book 10073, Page 135), of 13 Abby Lane, Mattapoisett, MA 02739

for consideration paid, and in full consideration of Two Hundred Sixteen Thousand Two Hundred Dollars (\$216,200.00)

grant to MICHAEL W. PANAGAKOS, of 133 Faunce Corner Road, Dartmouth, Massachusetts 02747

with QUITCLAIM COVENANTS

the land, with any building(s) thereon, located in New Bedford, Bristol County, Massachusetts, more particularly bounded and described as follows:

BEGINNING at the southeast corner of the lot, at the point of intersection of the west line of Acushnet Avenue with the north line of Belleville Road; thence WESTERLY in the north line of said Belleville Road, one hundred twelve and 33/100 (112.33) feet to land now or formerly of Frederick C. Dawe and Albert Wilde; thence NORTHERLY by last named land and in a line parallel with the east line of Ashley Boulevard, eighty-six (86) feet; thence EASTERLY in line of land formerly of Henry T. Ashley and parallel with the north line of Belleville Road, one hundred eighty-two and 28/100 (182.28) feet to the west line of Acushnet Avenue; and thence SOUTHERLY in said west line of said Acushnet Avenue, one hundred nine and 81/100 (109.81) feet to the point of beginning.

CONTAINING forty-six and 554/1000 (46.554) square rods, more or less.

Property Address: 1771 Acushnet Avenue, New Bedford, Massachusetts 02746.

For title, see deed dated May 11, 2011, and recorded at the Bristol County (S.D.) Registry of Deeds in Book 10073, Page 139.

SULLIVAN, WILLIAMS & QUINN  
ATTORNEYS AT LAW  
651 ORCHARD ST. SUITE 200  
NEW BEDFORD, MA 02744

REG. OF DEEDS  
REG. #07  
BRISTOL S

12/30/13 11:04 AM  
201300 46571

FEE \$987.24

CASH \$987.24

WITNESS our hands and seals this 30th day of December, 2013.

1771 ACUSHNET AVENUE REAL ESTATE TRUST

[Signature]  
Witness

[Signature] TR  
By: JAMES W. SULLIVAN, Trustee

[Signature]  
Witness

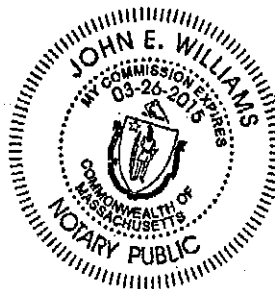
[Signature] TR  
By: LOUISE C. SULLIVAN, Trustee

COMMONWEALTH OF MASSACHUSETTS

BRISTOL, ss.

December 30, 2013

Then personally appeared the above-named JAMES W. SULLIVAN and LOUISE C. SULLIVAN, duly authorized Trustees as aforesaid, who proved to me through satisfactory evidence of identification which were DRIVERS LICENSES to be the persons whose names are signed on this document, and acknowledged to me that they signed it voluntarily for its stated purpose before me,



[Signature]  
John E. Williams, Notary Public  
My commission expires: 3/26/2015

I, Carlos Arruda, 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: 6/1/2015

SUBJECT PROPERTY:

MAP 108 LOT 43

LOCATION 1771 Acushnet Avenue, New Bedford, Massachusetts 02746

OWNER'S NAME Michael W. Panagakos

MAILING ADDRESS 133 Faunce Corner Road, Dartmouth, Massachusetts 02747

CONTACT PERSON Alison Cesar, SITEC, Inc.

TELEPHONE NUMBER (508)998-2125

EMAIL ADDRESS acesar@sitec-engineering.com

REASON FOR REQUEST

Zoning Board of Appeals special permit for nonconforming use

CITY CLERKS OFFICE  
NEW BEDFORD, MA  
2015 AUG 11 P 3:26  
CITY CLERK

PLANNING  
MAY 27 2015  
DEPARTMENT

May 28, 2015  
Dear Applicant,

Please find below the List of Abutters within 300 feet of the property known as 1771 Acushnet Ave (108-43) 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
108-26	<del>1751</del> ACUSHNET AVE 1753-1759	MELLO RONALD E, 113 MILL ST NEW BEDFORD, MA 02740-5132
108-272	1775 ACUSHNET AVE	DASSOARES LIBERIO JR, 1333 MAIN STREET ACUSHNET, MA 02743-1009
106-248	<del>136</del> BELLEVILLE RD 138	HUSSAIN ALTAF, KAISER MANSUR 138 BELLEVILLE RD NEW BEDFORD, MA 02745-5900
108-269	12- <del>GLENNON</del> ST 22	MADEIRA AVENUE REALTY LLC, 15 ELIZABETH DRIVE ROCHESTER, MA 02770-2640
108-43	1771 ACUSHNET AVE	PANAGAKOS MICHAEL W., 133 FAUNCE CORNER ROAD DARTMOUTH, MA 02747-1213
108-39	159 BELLEVILLE RD	PIMENTAL GILBERTO C, 159 BELLEVILLE ROAD NEW BEDFORD, MA 02745-5220
108-40	155 BELLEVILLE RD	AMARAL JAMES M, AMARAL NATALIE 25 FRANK ST ACUSHNET, MA 02743-1511
108-41	147 BELLEVILLE RD	DEMELO JOSE P, DEMELO MARIA P 147 BELLEVILLE ROAD NEW BEDFORD, MA 02745-5220
108-268	<del>36</del> GLENNON ST 28	VARAO OLIVIA V, 36 GLENNON STREET NEW BEDFORD, MA 02745-5236
108-13	<del>570</del> N FRONT ST 574-580	TWELVE MATTOS CORP, 574 NO FRONT ST NEW BEDFORD, MA 02745-5954
108-318	1778 ACUSHNET AVE -1780	<del>SOARES SARA F "TRUSTEE", C/O CAROL S LOURO</del> Carol S. Louro 24 ASPIN AVENUE DARTMOUTH, MA 02747-3703

ACUSHNET AVE

108-8

108-14

108-318

108-295

108-13

108-294

106

106-21

106-38

108-81

108-79

108-247

108-246

108-245

108-244

108-243

108-242

108-241

238

108-249

108-250

108-251

108-252

108-253

108-254

108-240

108-272

GLENNON ST

108-269

108-268

108-267

38-33

108-43

108-41

108-40

108-39

108-38

BELLEVILLE RD

106-248

106-14

108-26

108-23

108-56

108-55

108-54

108-70

108-69

108-68

67

4203

DEPARTMENT SIGN-OFF SHEET

**ZONING BOARD OF APPEALS SPECIAL PERMIT REVIEW**

<u>DEPARTMENT</u>	<u>COPIES</u>	<u>SIGNATURE</u>	<u>DATE</u>
BOARD MEMBERS CITY HALL, ROOM 303	5	<u>Connee Bowles</u>	8-11-2015
CITY PLANNING CITY HALL, ROOM 303	1	<u>Constance Bowles</u>	8/11/15
CITY CLERK (Original) CITY HALL, ROOM 118	1	<u>Stephanie M Macomber</u>	8/11/15
CITY SOLICITOR CITY HALL, ROOM 203	1	<u>Ann M. Sperry</u>	8/12/15
INSPECTIONAL SERVICES CITY HALL, ROOM 308	1	<u>Danny Romanowicz</u>	8/11/15
PUBLIC INFRASTRUCTURE 1105 SHAWMUT AVENUE	1	<u>Eric Percoto</u>	8/12/15
CONSERVATION COMMISSION CITY HALL, ROOM 304	1	<u>Severgas</u>	8/11/15
FIRE DEPARTMENT 1204 PURCHASE STREET	1	<u>Caryn Pedro</u>	8/11/15