

City of New Bedford
Department of Inspectional Services
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DANNY D. ROMANOWICZ
Commissioner

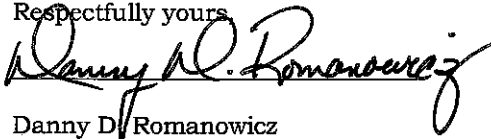
October 8, 2015

Re: Appeal # 4179 North Side Tacoma Street
Plot 130 C Lots 259 + 260

Dear Zoning Board Members,

This letter is written to inform you of an error in the letter I submitted to the Board on June 23, 2015. In my haste to inspect the above mentioned property I did not review the file card of 2805 Acushnet Avenue. A Variance was approved for this property on the hearing date of July 8, 2010, it was case # 3981 .I have included a copy of the notice of decision for you to read. Therefore appeal case # 4179 may move forward, I apologize for any confusion this may have caused you.

Respectfully yours,


Danny D Romanowicz

PLANNING
OCT 08 2015
DEPARTMENT

Bristol South

Registry of Deeds

BK 9859 PG 51
10/15/10 10:43 DOC. 24008
Bristol, MA S.D.



CITY OF NEW BEDFORD
SCOTT W. LANG, MAYOR

ZONING BOARD OF APPEALS
DEBRA RAFFA TRAHAN, CHAIRPERSON

NOTICE OF DECISION
FOR A Variance

Appeal #3981
Hearing Date: July 8, 2010
Name: 2805 Acushnet Ave Realty Trust and David & Rosa
Fernandes, Trustees 404 Middle Road, Acushnet, Ma 02743

Location: 2805 Acushnet Avenue, Assessor's Map Plot 130C, Lot 262
in a Mixed Use Zoned District.

2010 JUL 23 A 9 20
CITY CLERK
GENERAL OFFICE

Assessor's Plot No.	Lot No.	Book No.	Page No.	Certificate No.
130C	262	9658	106	

Appeal # 3981 was filed by 2805 Acushnet Ave. Realty Trust And David & Rosa Fernandes, Trustees, 404 Middle Road, Acushnet, Ma 02743 who Petitioned the Zoning Board of Appeals for a Variance under provisions of Chapter 9, Comprehensive Zoning, relative to property located at 2805 Acushnet Avenue, Assessor's Map Plot 130C, Lot 262 in a Mixed Use Zoned District. The petitioners propose to use the dwelling as a two family, which will be in violation of Chapter 9, Comprehensive Zoning Sections, 2700 (Dimensional Regulations), 2710 (General), 2720 Table of Dimensional Requirements, Appendix B Minimum Lot Size and Frontage.

Action:

Granted for the reasons set forth in the attached Decision with the conditions as described in the attached Decision (see attachment).

A copy of this Decision was filed with the City Clerk of the City of New Bedford on 7-23-10. Any person aggrieved by this decision has twenty (20) days to appeal the decision in accordance with the procedures set forth in Section 17 of Chapter 40A of the General Laws of Massachusetts.

Date: July 23, 2010

Zoning Board of Appeals
City of New Bedford

Debra Raffa Trahan
Chair/Clerk

Date Issued: Oct. 13, 2010
A TRUE COPY ATTEST

Brita D. Curran
Asst City Clerk

Oct 13 2010
This is to certify that notice of the grant of this appeal was filed with City Clerk on July 23, 2010 and no appeal from the decision of the Board has been filed within the 21 day appeal period.
Stephanie M. ...
Asst City Clerk

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Not for



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SCOTT W. LANG, MAYOR

ZONING BOARD OF APPEALS
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**CITY OF NEW BEDFORD
BOARD OF APPEALS
APPEAL #3981**

Petitioner: 2805 Acushnet Ave. Realty Trust and David & Rosa Fernandes, Trustees,
404 Middle Road, Acushnet, Ma 02743

RE: Property located at **2805 Acushnet Avenue**, Assessor's Map Plot 130C, Lot 262 in
a Mixed Use Zoned District.

The petitioner proposes to use the dwelling as a two family, which will be in violation
of Chapter 9, Comprehensive Zoning Sections, 2700 (Dimensional Regulations), 2710
(General), 2720 Table of Dimensional Requirements, Appendix B Minimum Lot Size
and Frontage.

Mr. Comerford read and motioned to receive and place on file communication from
Danny D. Romanowicz; Acting Commissioner of Buildings & Inspectional Services
dated June 7, 2010. Motion seconded by Ms. Gonsalves. All voted in favor. Motion
carried.

Mr. Comerford read and motioned that the appeal be received and placed on file. Motion
seconded by Ms. Gonsalves. All voted in favor. Motion carried.

Mr. Comerford motioned that the plan be received and placed on file. Motion seconded
by Ms. Gonsalves. All voted in favor. Motion carried.

Mr. Comerford motioned that the owners of the lots as indicated are the ones deemed by
the Board to be affected. Motion seconded by Ms. Gonsalves. All voted in favor.
Motion carried.

Mr. Comerford motioned that the action of the Clerk in giving notice of a hearing as
stated be and it hereby is ratified. Motion seconded by Ms. Gonsalves. All voted in
favor. Motion carried.

Mr. Comerford motioned that the Communication from the Office of the City Planner be
received and placed on file. Motion seconded by Ms. Gonsalves. All voted in favor.
Motion carried.



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Ms. Trahan declared the hearing open.

Designer of the property, Armando Perreira of Comprehensive Design Services, Wareham, MA explained the petition using a diagram. He submitted photos to the board.

Ms. Gonsalves motioned to receive and place on file the packet of photos showing the existing conditions. Motion seconded by Mr. Comerford. All voted in favor. Motion carried.

Ms. Trahan inquired on whether the exit that's being added would be enclosed.

Mr. Perreira explained that it's not required to be enclosed for a one or two family.

Mr. Romanowicz stated that Mr. Perreira is correct. However, the board could order it to be enclosed.

Mr. Perreira continued to explain the improvements to the property. He stated that enclosing the rear exit would take away from the character. They rather keep it open, which would also allow the tenant to enjoy the outside.

Mr. Glassman asked if it was a two family before.

Mr. Perreira replied, "yes." He explained the history of the property. He stated that it only has one gas and one electric meter. It's up to the owner to include the utilities to a tenant. It's unknown whether that is how they handled this property in the past. The owner now wants to segregate the meters.

Mr. Glassman inquired on the reason for the petition.

Ms. Trahan explained that the property hasn't been used that way for over two years.

Mr. Romanowicz stated that it hasn't been used for two years. Records show it as a one family. It has never been taxed as a two family.

Mr. Comerford motioned to receive and place on file the two-page document from Mr. Romanowicz regarding this property. Motion seconded by Ms. Gonsalves. All voted in favor. Motion carried.

Ms. Gonsalves confirmed with Mr. Perreira that the owner is aware that the taxes are going to change if the classification changes.

Mr. Comerford mentioned leaving the current fire escape.



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ZONING BOARD OF APPEALS
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Mr. Perreira explained that it's so deteriorated that they rather bring it up to code so that it's fully legal and safe.

Ward 2 City Councillor, Steve Martins of 273 Shaw St. stated that it's not his area but was able to review the plans and didn't have any problems with them. He also spoke with Ward 1 Councillor Linda Morad about the property. Councillor Morad was unable to attend the meeting and asked that he speak for her in saying that she had conversations with the neighbors and they were also appreciative of this change. They used to have a problem with skateboarders in the area. The neighbors actually welcome this new addition to the neighborhood. He stated that he's also glad to be able to speak in favor of the petition.

Vera Vadedoncoeur of 938 Oakley St. stated that she is in favor. It looks much better for the neighborhood.

Councillor Jane Gonsalves of 2 Clinton Place was recorded as in favor.

No further favorable testimony heard.

Ms. Trahan asked if there was any opposition.

No opposition heard.

With no further questions or concerns, Ms. Trahan declared the hearing closed.

Ms Gonsalves made a motion to grant Appeal #3981 a Variance under provisions of the City Code of New Bedford to 2805 Acushnet Ave. Realty Trust and David & Rosa Fernandes, Trustees, 404 Middle Road, Acushnet, Ma 02743 relative to property located at 2805 Acushnet Avenue, Assessor's Map Plot 130C, Lot 262 in a Mixed Use Zoned District and to allow the petitioner to use the dwelling as a two family and relieve the petitioner of Chapter 9, Comprehensive Zoning Sections, 2700 (Dimensional Regulations), 2710 (General), 2720 Table of Dimensional Requirements, Appendix B Minimum Lot Size and Frontage with no conditions and that the project be set forth according to plans submitted with the application and that it be recorded at the Registry of Deeds and a building permit be issued by the Department of Inspectional Services and acted upon within one year. Motion seconded by Mr. Comerford.

Roll call vote:

Mr. Glassman – yes

Mr. Comerford – yes

Mr. Mathes – yes

Ms. Gonsalves – yes

Ms. Trahan - yes

Motion passed.

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SCOTT W. LANG, MAYOR

ZONING BOARD OF APPEALS
DEBRA RAFFA TRAHAN, CHAIRPERSON

BK 9859 PG 55

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Filed with the City Clerk on:

Zoning Board of Appeals

7-23-10

Date

Debra Raffa Trahan

Chair/Clerk

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