

CITY OF NEW BEDFORD
JONATHAN F. MITCHELL, MAYOR

ZONING BOARD OF APPEALS

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

Appeal Nr. 4207

Petition for a **Special Permit**

Date: 8/27/15

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: 344 Court St

Assessor's Map(s): 50 Lot(s) 402

Registry of Deeds Book: 7952 Page: 169

Zoning District: RB

Applicant's Name (printed): MAURICE GOMES

Mailing Address: 61 Robeson St New Bedford MA 02740
(Street) (City) (State) (Zip)

Contact Information: (774) 930-5538
Telephone Number Email Address

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

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.

8/27/15
Date

[Signature]
Signature of Applicant

2. Dimensions of Lot(s) 40' x 89' Area 3560
Frontage Depth Sq. Ft.

3. Number of buildings on lot 2 BUILDINGS

4. Size of existing buildings (1st BUILDING 24'x40) 2ND GARAGE 34'x20'

5. Size of proposed buildings (SAME! NO CHANGE IN SIZE)

6. Present use of premises OFFICE STORAGE

7. Proposed use of Premises (COU) RESIDENTIAL

8. Extent of proposed alterations CHANGE OFFICE SPACE TO SINGLE FAMILY FOR ME TO LIVE IN

9. Existing number of dwelling units & bedrooms 0 Proposed 3 BR

10. For commercial uses, please complete the following:

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

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

15. Explain the need for the Special Permit and what modifications are proposed
I would like to change the existing structure

INTO A SINGLE FAMILY HOME FOR MYSELF. I THINK
IT WILL BE A GREAT ADDITION TO THE NEIGHBORHOOD.

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: MAURICE FOMER
at the following address: 61 ROBESON ST. NEW BEDFORD MA.
to apply for: (COU) SPECIAL PERMIT
on premises located at: 344 COURT ST. NB MA.
in current ownership since: MAKING PURCHASE CLOSING SEP 30, 2015
whose address is: SAME
for which the record title stands in the name of: CAPE COD COLOR ASSOCIATES INC
whose address is: 344 COURT ST.

by a deed duly recorded in the:
Registry of Deeds of County: BRISTOL Book: 7952 Page: 169
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.

9-28-16 Maurice Fomer
Date Signature of Land Owner (If authorized Trustee, Officer or Agent, so identify)

APPENDIX

- (1) Owner's/Landlord's Name CAPE COD WOOD ASSOCIATION
DARTMOUTH ST AUBURN
- (2) Title Reference to Property 344 COURT STREET
NEW BEDFORD MA

(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:?

Great For Neighborhood Making use out of Property for Residential Purpose, and will be occupied

Traffic flow and safety, including parking and loading;

Which are:?

off street parking for up to 8 cars,

Adequacy of utilities and other public services;

Which are:?

existing utilities electric, oil heating, water city,

Neighborhood character and social structures;

Which are:?

Primarily Residential

Impacts on the natural environment; and

Which are:?

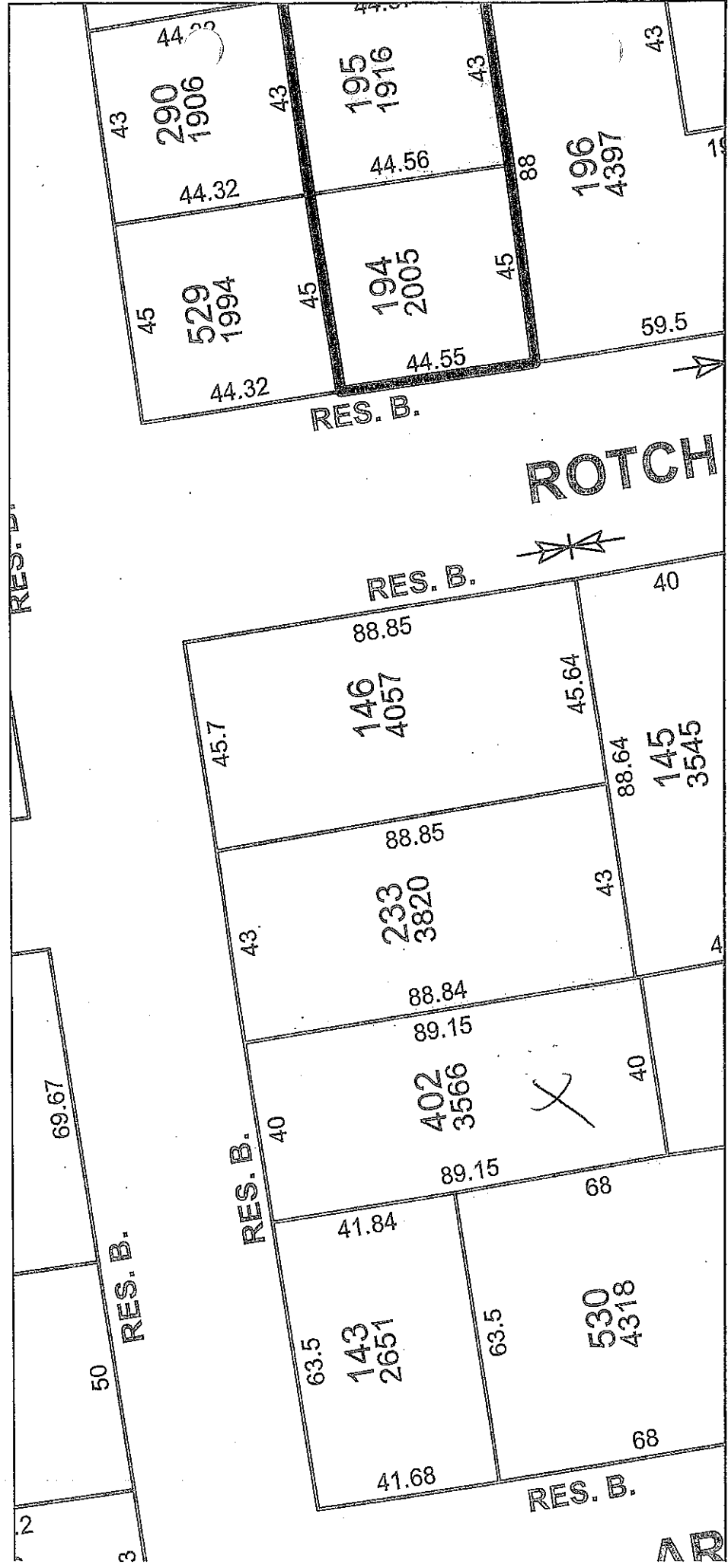
warmth to neighborhood, improving visual surroundings

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

Which are:?

income from property taxes, ect.

Are the above requirements met? Yes No



RES. B.

RES. B.

RES. B.

ROTCH

RES. B.

RES. B.

RES. B.

AR

2

3

69.67

50

45.7

43

40

63.5

41.68

41.84

63.5

88.84

89.15

89.15

88.85

88.85

45.64

68

40

530
4318

88.64

145
3545

40

45

529
1994

44.32

45

194
2005

44.55

45

59.5

43

290
1906

44.32

43

195
1916

44.56

43

196
4397

43

88

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, Carlo A. Almeida, 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: 9/1/2015

SUBJECT PROPERTY:

MAP 50 LOT 402

LOCATION 344 COURT ST

OWNER'S NAME CAPE COD COLOR ASSOCIATES INC

MAILING ADDRESS 344 COURT ST NB

CONTACT PERSON MAURICE GOMES c/o 61 ROBESON ST NB

TELEPHONE NUMBER 774 930 5538

EMAIL ADDRESS EXCLUSNE CLOTHING @ YAHOO.COM

REASON FOR REQUEST: ZBA

PLANNING

AUG 28 2015

DEPARTMENT

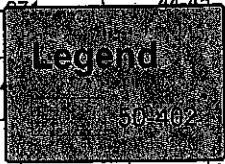
August 31, 2015

Dear Applicant,

Please find below the List of Abutters within 300 feet of the property known as 344 Court Street (50-402). 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
50-238	585 UNION ST	KIM SUN-JA, CHANG SUNG-SUK 585 UNION STREET NEW BEDFORD, MA 02740
50-145	147 ROTCH ST 149	FORGUE GLENN A, FORGUE DINA R 147 ROTCH STREET PO Box 70489 NEW BEDFORD, MA 02740 <i>Dartmouth, MA 02747</i>
50-144	589 UNION ST	ANDERSON DONALD J JR, CABRAL CARIN E 589 UNION STREET NEW BEDFORD, MA 02740
50-146	155 ROTCH ST	DEXTER CHRISTINE A, 155 ROTCH STREET NEW BEDFORD, MA 02740
50-147	581 UNION ST	GLASSMAN ARTHUR, 3540 ACUSHNET AVENUE NEW BEDFORD, MA 02745
50-248	146 ARMOUR ST	PAVOA KIMBERLY, C/O KIMBERLY BRANCO 146 ARMOUR STREET NEW BEDFORD, MA 02740
50-148	575 UNION ST	BRITO IZILDA G, 575 UNION STREET NEW BEDFORD, MA 02740
50-530	150 ARMOUR ST	CALLAHAN DANIEL M, CALLAHAN TAMMY CANASTRA 150 ARMOUR STREET NEW BEDFORD, MA 02740
50-143	156 ARMOUR ST	CURBELO MIGDALIA, 156 ARMOUR STREET NEW BEDFORD, MA 02740
50-402	344 COURT ST	CAPE COD COLOR ASSOCIATES INC, 344 COURT STREET <i>646 Delano Rd.</i> NEW BEDFORD, MA 02740 <i>Marion, MA 02738</i>
50-233	340 COURT ST	BIBEAU JEAN, 340 COURT STREET NEW BEDFORD, MA 02740
50-142	339 COURT ST	ANDRADE MICHAEL A, <i>Kaitlyn Rebello, Christopher</i> 339 COURT STREET NEW BEDFORD, MA 02740 <i>m. Andrade</i>
50-141	349 COURT ST	ANDRADE DAVID A, 349 COURT STREET NEW BEDFORD, MA 02740



Legend

50-402

Bristol South
Registry of Deeds

BOOK 952 PG 169
DATE 06 11 39 DOC. 443
Bristol Co. S.D.

CONFIRMATORY DEED

KNOW ALL MEN BY THESE PRESENTS that I, ROBERT F. SAINT-AUBIN, Trustee of the LEO F. ST. AUBIN REALTY TRUST, dated January 19, 1995 and recorded in the Bristol County (S.D.) Registry of Deeds, Book 3421, Page 63 for consideration paid, and in full consideration of Thirty Thousand (\$30,000) Dollars grant to CAPE COD COLOR ASSOCIATES, INC., a Massachusetts Corporation having its principal place of business at 344 Court Street, New Bedford, Massachusetts 02740, with QUITCLAIM COVENANTS

the land in New Bedford, Bristol County, Massachusetts, with any buildings thereon, bounded and described as follows:

Beginning at the northeasterly corner thereof at a drill hole in the southerly line of Court Street distant eighty-eight and 70/100 (88.70) feet westerly from its intersection with the westerly line of Rotch Street; thence

- Southerly in line of land now or formerly of Charles P. Fortin and land now or formerly of Gertrude W. Ames, eighty-nine and 15/100 (89.15) feet; thence
- Westerly in line of land now or formerly of Victoria Chlastawa, forty (40) feet; thence
- Northerly in line of land now or formerly of John F. Purcell and land now or formerly of Annie M. Bartley, eighty-nine and 15/100 (89.15) feet to a spike in the southerly line of said Court Street; and thence
- Easterly in the southerly line of said Court Street, forty (40) feet to the point and place of beginning.

Containing 13.10 square rods, more or less.

Being the same premises conveyed to this Grantor by deed of said Leo F. St. Aubin dated January 19, 1995 and recorded in Bristol County (S.D.) Registry of Deeds, Book 3421, Page 70. See also deed of this Grantor to this Grantee dated May 9, 2003 and recorded in said Registry of Deeds in Book 6560, Page

PROPERTY ADDRESS
344 Court Street
New Bedford, MA 02740

Bristol South
Registry of Deeds

Not for Official Use

Not for

Not for

ial Use

196. The purpose of this deed is to correct the deed of this Grantor to this Grantee given that such deed failed to include the correct consideration amount as noted herein.

Said premises are conveyed subject to real estate taxes for the current fiscal year, which the Grantee(s), by the acceptance of this deed, hereby assume(s) and agree(s) to pay.

WITNESS my hand and seal this 30th day of December 2005

Robert F. Saint-Aubin
ROBERT F. SAINT-AUBIN

STATE OF CALIFORNIA

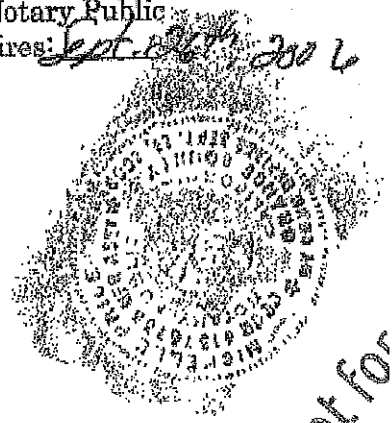
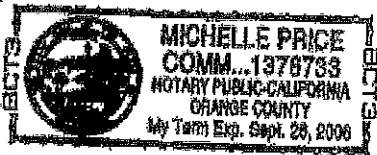
County of Orange

December 30th, 2005

On this 30th day of December, 2005, before me, the undersigned notary public, personally appeared ROBERT F. SAINT-AUBIN, whose identity is proved to me through personal knowledge oath or affirmation of Driver's License who personally knows the signatory viewing of the signatory's valid driver's license to be the person whose name is signed on the preceding or attached document and acknowledged to me that the signatory signed it voluntarily for its stated purpose.

Michelle Price
Notary Public

My Commission Expires: Sept. 28, 2006



CLERK OF DEEDS
COUNTY OF ORANGE
BRISTOL SOUTH
REGISTRY OF DEEDS
11/23/05 11:35AM
BRISTOL SOUTH
FEE \$134.00
CASP \$134.00

Bristol South
Registry of Deeds

Bristol South
Registry of Deeds

Bristol South
Registry of Deeds

Bristol South
Registry of Deeds

Not for Official Use

Not for

Official Use

Not for

CAPE COD COLOR

ASSOCIATES, INC.

Painters and Decorators

344 Court Street New Bedford, Massachusetts 02740 Telephone 508-287-1235 capecodcolor@verizon.net

August 29, 2015

Zoning Board of Appeals
Planning Department 133 William Street
Room 303
New Bedford, MA 02740

Dear Zoning Board of Appeals:

I, David St. Aubin, owner and President of Cape Cod Color Associates, Inc., owner of the building at 344 Court Street, New Bedford, Massachusetts, authorize Maurice Gomes to apply for the attached Special Permit for 344 Court Street.

Signed: 

Notary Public:



MAUREEN R. BERGERON
Notary Public
Commonwealth of Massachusetts
My Commission Expires Aug. 20, 2021

Date: 

8-29-15

4207

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 § 350 of the City of New Bedford Zoning Code)