

CITY OF NEW BEDFORD
JONATHAN F. MITCHELL, MAYOR

DEPARTMENT OF INSPECTIONAL SERVICES
133 WILLIAM STREET - ROOM 308
NEW BEDFORD, MA 02740

New Bedford Comprehensive Zoning Code Review ***Code of Ordinances – Chapter-9***

344 Court – PLOT: 50 – LOT: 402 – ZONED DISTRICT: RB

Zoning Code Review as follows: A Special Permit is Required

Special Permit

SECTIONS

- **2400 (Non Conforming Uses and Structures)**
- **2410 (Applicability)**
- **2430 – 2432 Nonconforming structures other than single- and two-family structures**
- **5300 - 5330 & 5360 - 5390 Special Permits**

IX. HOMEOWNER LICENSE EXEMPTION

Supplement #1

The current exemption for "homeowner" was extended to include owner-occupied dwellings of two units or less and to allow such homeowners to engage an individual for hire who does not possess a license, provided that the owner acts as supervisor. (State Building Code Section 110.5)

DEFINITION OF HOMEOWNER:

Person(s) who own a parcel of land on which he/she resides or intends to reside, on which there is, or is intended to be, a one to two family dwelling, attached or detached structures accessory to such use and /or farm structures. A person who constructs more than one home in a two-year period shall not be considered a homeowner. Such "homeowner shall submit to the Building Official, on a form acceptable to the Building Official, that he/she shall be responsible for all such work performed under the building permit. (Section 110.5)

The undersigned "homeowner assumes responsibility for compliance with the State Building Code and other applicable codes, ordinance, rules and regulations, and will comply with the City of New Bedford Building Department minimum inspection procedures and requirements.

HOMEOWNERS SIGNATURE _____

X. CONSTRUCTION DEBRIS DISPOSAL

Supplement #2

In accordance with provisions of Massachusetts General Law C40, S54, debris resulting from this work shall be disposed of in a properly licensed solid waste disposal facility as defined by Massachusetts General Law C111, S150A

The debris will be disposed of in: _____

ABC

(Location of Facility)

Signature of Permit Applicant _____

Date _____

XI. HOME IMPROVEMENT CONTRACTOR LAW AFFIDAVIT

(Residential Use Only) Supplement to Permit Application

Supplement #3

MGLc. 142 A requires that the "reconstruction, alteration, renovation, repair, modernization, conversion, improvement, removal, demolition, or construction of an addition to any pre-existing owner-occupied building containing at least one but not more than four dwelling units... or to structures which are adjacent to such residence of building" be conducted by registered contractors, with certain exceptions, along with other requirements.

Type of Work: *Change of use interior alterations* Est. Cost: *12,000*

Address of Work: *Kit/Bath/COU*

Owner Name: *Michael F. James* Date of Permit Application: *8/26/15*

I hereby certify that: Registration is not required for the following reason(s):

_____ Work excluded by law _____ Job under \$1,000 _____ Building not owner-occupied _____ Owner obtaining own permit

Other (specify) _____

Notice is hereby given that:

OWNERS OBTAINING THEIR OWN PERMIT OR EMPLOYING UNREGISTERED CONTRACTORS FOR APPLICABLE HOME IMPROVEMENT WORK DO NOT HAVE ACCESS TO THE ARBITRATION PROGRAM OF GUARANTY FUND UNDER MGLc. 142A.

signed under penalties of perjury:

I hereby apply for a permit as the agent of the owner:

Date _____ Contractor Signature _____ Registration No. _____

Notwithstanding the above notice, I hereby apply for a permit as the owner of the above property:

Date *8/26/15* Owner Signature _____

XII. BUILDING COMMISSIONERS REVIEW COMMENTS AND CONDITIONS

C. Building Permit Rejected *SPECIAL PERMIT ZBA*

Reason For Rejection:

SEE ATTACHMENTS

Fee

Permit #

Comments and Conditions:

Signed *W. Quincy Romanowicz* Date: _____ 20____

Title *Building Commissioner*

Not valid unless signed (not stamped) by Building Commissioner

2400. - NONCONFORMING USES AND STRUCTURES.

2410. Applicability. This Zoning Ordinance shall not apply to structures or uses lawfully in existence or lawfully begun, or to a building or special permit issued before the first publication of notice of the public hearing required by M.G.L.A. c. 40A, § 5, at which this Zoning Ordinance, or any relevant part thereof, was adopted. Such prior, lawfully existing nonconforming uses and structures may continue, provided that no modification of the use or structure is accomplished, unless authorized hereunder.

(Ord. of 12-23-03, § 1)

2420. Nonconforming Uses. The Board of Appeals may award a special permit to change a nonconforming use in accordance with this Section only if it determines that such change or extension shall not be substantially more detrimental than the existing nonconforming use to the neighborhood. The following types of changes to nonconforming uses may be considered by the Board of Appeals:

2421. Change or substantial extension of the use;

2422. Change from one nonconforming use to another, less detrimental, nonconforming use.

(Ord. of 12-23-03, § 1)

2430. Nonconforming Structures, Other Than Single- and Two-Family Structures. The Board of Appeals may award a special permit to reconstruct, extend, alter, or change a nonconforming structure in accordance with this Section only if it determines that such reconstruction, extension, alteration, or change shall not be substantially more detrimental than the existing nonconforming structure to the neighborhood. The following types of changes to nonconforming structures may be considered by the Board of Appeals:

2431. Reconstructed, extended or structurally changed;

2432. Altered to provide for a substantially different purpose or for the same purpose in a substantially different manner or to a substantially greater extent;

The reconstruction, extension or structural change of such nonconforming structures so as to increase an existing nonconformity, or create a new nonconformity, including the extension of an exterior wall at or along the same nonconforming distance within a required yard, shall require the issuance of a variance from the Board of Appeals.

(Ord. of 12-23-03, § 1)

2440. Nonconforming Single- and Two-Family Structures. Nonconforming single- and two-family residential structures may be reconstructed, extended, altered, or structurally changed upon a determination by the Inspector of Buildings that such proposed reconstruction, extension, alteration, or change does not increase the nonconforming nature of said structure, and the issuance of a building permit, where applicable. In the event that the Inspector of Buildings determines that the nonconforming nature of such structure would be increased by the proposed reconstruction, extension, alteration, or change, the Board of Appeals may, by finding (which shall not require a super

majority), allow such reconstruction, extension, alteration, or change where it determines that the proposed modification will not be substantially more detrimental than the existing nonconforming structure to the neighborhood.

(Ord. of 12-23-03, § 1)

2450. **Abandonment or Non-Use.** A nonconforming use or structure which has been abandoned, or not used for a period of two (2) years, shall lose its protected status and be subject to all of the provisions of this Zoning Ordinance.

(Ord. of 12-23-03, § 1)

2460. **Catastrophe.** Any nonconforming structure may be reconstructed after a fire, explosion or other catastrophe, provided that such reconstruction is completed within twelve months after such catastrophe, and provided that the building(s) as reconstructed shall be only as great in volume or area as the original nonconforming structure unless a larger volume or area is authorized by special permit from the Board of Appeals. Such time for reconstruction may be extended by the Board of Appeals for good cause.

(Ord. of 12-23-03, § 1)

2470. **Reversion to Nonconformity.** No nonconforming use shall, if changed to a conforming use, revert to a nonconforming use.

(Ord. of 12-23-03, § 1)

5300. - SPECIAL PERMITS.

5310. **Special Permit Granting Authority.** The Zoning Board of Appeals, the Planning Board or the City Council shall act as the Special Permit Granting Authority under this Chapter as specifically designated in a particular Section or in accordance with the Specific Designations in the Table of Principal Use Regulations under Appendix A of this Chapter.

(Ord. of 12-23-03, § 1; Ord. of 12-8-05, § 1)

5320. **Criteria.** Special permits shall be granted by the special permit granting authority, unless otherwise specified herein, only upon its written determination that the benefit to the City and the neighborhood outweigh the adverse effects of the proposed use, taking into account the characteristics of the site and of the proposal in relation to that site. In addition to any specific factors that may be set forth in this Ordinance, the determination shall include consideration of each of the following:

5321. Social, economic, or community needs which are served by the proposal;

5322. Traffic flow and safety, including parking and loading;

5323. Adequacy of utilities and other public services;

5324. Neighborhood character and social structures;

5325. Impacts on the natural environment; and

5326. Potential fiscal impact, including impact on City services, tax base, and employment.

(Ord. of 12-23-03, § 1)

5330. **Procedures.** Applications for special permits shall be filed in accordance with the rules and regulations of the various special permit granting authorities, as may be applicable.

(Ord. of 12-23-03, § 1)

5340. **Plans.** An applicant for a special permit shall submit a plan in substantial conformance with the requirements of Section 5400, herein.

(Ord. of 12-23-03, § 1)

5350. **Development Impact Statement (DIS).** At the discretion of the special permit granting authority, the submittal of a development impact statement (DIS) may be required. The DIS shall be prepared by an interdisciplinary team including a Registered Landscape Architect or Architect, a Registered Professional or Civil Engineer, and a Registered Surveyor.

5351. Physical Environment.

- (a) Describe the general physical conditions of the site, including amounts and varieties of vegetation, general topography, unusual geologic, archeological, scenic and historical features or structures, location of significant viewpoints, stone walls, trees over sixteen (16) inches in diameter, trails and open space links, and indigenous wildlife.

- (b) Describe how the project will affect these conditions, providing a complete physical description of the project and its relationship to the immediate surrounding area.

5352. Surface Water and Subsurface Conditions.

- (a) Describe location, extent, and type of existing water and wetlands, including existing surface drainage characteristics, both within and adjacent to the site.
- (b) Describe any proposed alterations of shore lines, marshes, or seasonal wet areas.
- (c) Describe any limitations imposed on the project by the site's soil and water conditions.
- (d) Describe the impact upon ground and surface water quality and recharge, including estimated phosphate and nitrate loading on groundwater and surface water from septic tanks, lawn fertilizer, and other activities within the site.

5353. Circulation Systems.

Project the number of motor vehicles to enter depart the site per average day and peak hour. Also state the number of motor vehicles to use streets adjacent to the site per average day and peak hour. Such data shall be sufficient to enable the special permit granting authority to evaluate (i) existing traffic on streets adjacent to or approaching the site, (ii) traffic generated or resulting from the site, and (iii) the impact of such additional traffic on all ways within and providing access to the site. Actual study results, a description of the study methodology, and the name, address, and telephone number of the person responsible for implementing the study, shall be attached to the DIS.

5354. Support Systems.

- (a) Water Distribution: Discuss the types of wells or water system proposed for the site, means of providing water for firefighting, and any problems unique to the site.
- (b) Sewage Disposal: Discuss the type of on-site or sewer system to be used, suitability of soils, procedures and results of percolation tests, and evaluate impact of disposal methods on surface and groundwater.
- (c) Refuse Disposal: Discuss the location and type of facilities, the impact on existing City refuse disposal capacity, hazardous materials requiring special precautions.
- (d) Fire Protection: Discuss the type, location, and capacity of fuel storage facilities or other flammables, distance to fire station, and adequacy of existing firefighting equipment to confront potential fires on the proposed site.
- (e) Recreation: Discuss the distance to and type of public facilities to be used by residents of the proposed site, and the type of private recreation facilities to be provided on the site.
- (f) Schools: Project the increase to the student population for nursery, elementary, junior high school, and high school levels, also indicating present enrollment in the nearest public schools serving these categories of students.

5355. Phasing. Where development of the site will be phased over more than one year, indicate the following:

- (a)

Describe the methods to be used during construction to control erosion and sedimentation through use of sediment basins, mulching, matting, temporary vegetation, or covering of soil stockpiles. Describe the approximate size and location of portion of the parcel to be cleared at any given time and length of time of exposure.

- (b) Describe the phased construction, if any, of any required public improvements, and how such improvements are to be integrated into site development.

(Ord. of 12-23-03, § 1)

5360. **Conditions.** Special permits may be granted with such reasonable conditions, safeguards, or limitations on time or use, including performance guarantees, as the special permit granting authority may deem necessary to serve the purposes of this Ordinance.

(Ord. of 12-23-03, § 1)

5370. **Lapse.** Special permits shall lapse if a substantial use thereof or construction thereunder has not begun, except for good cause, within twelve (12) months following the filing of the special permit approval (plus such time required to pursue or await the determination of an appeal referred to in M.G.L.A. c. 40A, § 17, from the grant thereof) with the City Clerk.

(Ord. of 12-23-03, § 1)

5380. **Regulations.** The special permit granting authority may adopt rules and regulations for the administration of this Section.

(Ord. of 12-23-03, § 1)

5390. **Fees.** The special permit granting authority may adopt reasonable administrative fees and technical review fees for applications for special permits.

(Ord. of 12-23-03, § 1)

State Law reference— Special permits, M.G.L.A. c. 40A, § 9.



City of New Bedford, Massachusetts
 Building Department
 Application for Plan Examination
 and Building Permit

FOR BUILDING DEPT. USE

DATE RECEIVED: _____
 RECEIVED BY: AUG 26 2015
 ISSUED BY: _____

IMPORTANT — COMPLETE ALL ITEMS — MARK BOXES WHERE APPLICABLE — PRINT

Permit No. _____
 Completion Date _____

(AT LOCATION) 344 COURT ST
 (NO) (STREET)
 BETWEEN _____ AND _____
 (CROSS STREET) (CROSS STREET)
 PLOT 50 LOT 402 DISTRICT _____ ACCEPTED STREET _____
 PLANS FILED. YES NO

II. TYPE AND COST OF BUILDING — all applicants complete parts A through D — PRINT

A. TYPE OF IMPROVEMENT

COU

- 1 New Building
- 2 Addition (if residential, enter number of new housing units added, if any, in Part D, 14)
- 3 Alteration (if residential, enter number of new housing units added, if any, in Part D, 14)
- 4 Repair, replacement
- 5 Demolition (if multifamily residential, enter number of units in building in Part D, 14, if non-residential, indicate most recent use checking D-18 - D-32)
- 6 Moving (relocation)
- 7 Foundation only

D.1 PROPOSED USE — For demolition most recent use

Residential

- 13 One family
- 14 Two or more family — Enter number of units _____
- 15 Transient hotel, motel, or dormitory — Enter number of units _____
- 16 Garage
- 17 Carport
- 18 Other — Specify _____

Nonresidential

- 19 Amusement, recreational
- 20 Church, other religious
- 21 Industrial
- 22 Parking garage
- 23 Service station, repair garage
- 24 Hospital, institutional
- 25 Office, bank, professional
- 26 Public utility
- 27 School, library, other educational
- 28 Stores, mercantile
- 29 Tanks, towers
- 30 Funeral homes
- 31 Food establishments
- 32 Other — Specify _____

B. OWNERSHIP

- 8 Private (individual, corporation, nonprofit institution, etc.)
- 9 Public (Federal, State, or local government)

D.2. Does this building contain asbestos?

YES NO If yes complete the following:

Name & Address of Asbestos Removal Firm: _____

Submit copy of notification sent to DEQE and the State Dept. of Labor & Industries and results of air sample analysis after asbestos removal is completed.

C. COST

- 10. Cost of construction \$ 100,000 (omit cents)
- To be installed but not included in the above cost
- a. Electrical
- b. Plumbing
- c. Heating, air conditioning
- d. Other (elevator, etc.)
- 11. TOTAL VALUE OF CONSTRUCTION
- 12. TOTAL ASSESSED BLDG. VALUE

D.3. Non-residential — Describe in detail proposed use of buildings, e.g., food processing plant, machine shop, laundry building at hospital, elementary school, secondary school, college, parochial school, parking garage for department store, rental office building, office building at industrial plant. If use of existing building is being changed, enter proposed use.

III. SELECTED CHARACTERISTICS OF BUILDING —

For new buildings complete part E through L. For demolition, complete only parts G, H & I. For all others, (additions, alterations, repair, moving, foundation), complete E through L.

E. PRINCIPAL TYPE OF FRAME

- 33 Masonry (wall bearing)
- 34 Wood frame
- 35 Structural steel
- 36 Reinforced concrete
- 37 Other — Specify _____

G. TYPE OF SEWAGE DISPOSAL

- 43 Public or private company
- 44 Private (septic tank, etc.)

H. TYPE OF WATER SUPPLY

- 45 Public or private company
- 46 Private (well, cistern)

J. DIMENSIONS

- 53 Number of stories _____
- 54 Height _____
- 55 Total square feet of floor area, all floors based on exterior dimensions _____
- 56 Building length _____
- 57 Building width _____
- 58 Total sq. ft. of bldg. footprint _____
- 59 Front lot line width _____
- 60 Rear lot line width _____
- 61 Depth of lot _____
- 62 Total sq. ft. of lot size _____
- 63 % of lot occupied by bldg. (59+62) _____
- 64 Distance from lot line (front) _____
- 65 Distance from lot line (rear) _____
- 66 Distance from lot line (left) _____
- 67 Distance from lot line (right) _____

F. PRINCIPAL TYPE OF HEATING FUEL

- 38 Gas
- 39 Oil
- 40 Electricity
- 41 Coal
- 42 Other — Specify _____

I. TYPE OF MECHANICAL

- Is there a fire sprinkler system?
47 YES 48 NO
- Will there be central air conditioning?
49 Yes 50 No
- Will there be an elevator?
51 Yes 52 No

OTHER APPLICABLE REVIEW

K. FLOODPLAIN

Is location within flood hazard area? yes no

If yes, zone : _____ and base elevation _____

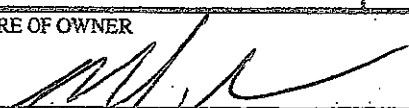

L. WETLANDS PROTECTION

Is location subject to flooding? _____

Is location part of a known wetland? _____

Has local conservation commission reviewed this site? _____

IV. IDENTIFICATION - ALL APPLICANTS - PLEASE PRINT

| OWNER OR LESSEE NAME | MAILING ADDRESS | ZIP CODE | TELEPHONE NO. |
|---|--|------------|------------------------------|
| MAURICE GOMES | 61 ROBISON ST | 02740 | 774 930 5378 774-930-6553 |
| CONTRACTOR NAME | MAILING ADDRESS | ZIP CODE | TELEPHONE NO. |
| SAME | | LICENSE # | |
| ARCHITECT NAME | MAILING ADDRESS | ZIP CODE | TELEPHONE NO. |
| email EXCLUSIVE Clothing @ Yahoo . com | | HOME IMP # | |
| | | LICENSE # | |
| SIGNATURE OF OWNER | APPLICANT SIGNATURE | DATE | |
|  |  | 8/24/15 | |

Omission of reference to any provision shall not nullify any requirement of this code nor exempt any structure from such requirement.

The applicants understands and warrant that they will comply with all pertinent federal and state statutes, local ordinances and all federal, state, and local regulations, including those of the Architectural Barriers board, Department of Environmental Protection Agency and may be forwarded for review to all pertinent local city agencies which may express specific concerns. It is understood that the issuance of a permit shall not serve as an acceptance or acknowledgment of compliance nor exempt any structure from such requirement. The permit shall be a license to proceed with the work and shall not be construed as authority to violate, cancel, or set aside any of the provisions of the State Building Code or local code of ordinances, except as specifically stipulated by modification or legally granted variation in accordance with Section 122.0 of State Building Code or local code of ordinances.

I have read the above and sign under pain and penalty of perjury as to the truth of all of the information and statements contained in sections I through IV of this application.

Applicant's Signature

Address

City

Location: 344 COURT ST

Parcel ID: 50 402

Zoning: RB

Fiscal Year: 2015

Current Owner Information:
CAPE COD COLOR ASSOCIATES INC

344 COURT STREET

NEW BEDFORD, MA 02740

Current Sales Information:

Sale Date:

01/06/2006

Sale Price:

\$30,000.00

Legal Reference:

7952-169

Grantor:

CAPE COD COLOR ASSOCIATES INC,

Card No. 1 of 1

This Parcel contains 0.082 acres of land mainly classified for assessment purposes as RETAIL with a(n) GENERAL RETAIL style building, built about 1922, having Stucco exterior, Rolled Composition roof cover and 960 Square Feet, with 1 unit(s), total room(s), total bedroom(s) 0 total bath(s), 0 3/4 baths, and 1 total half bath (s).

Building Value:

40900

Land Value:

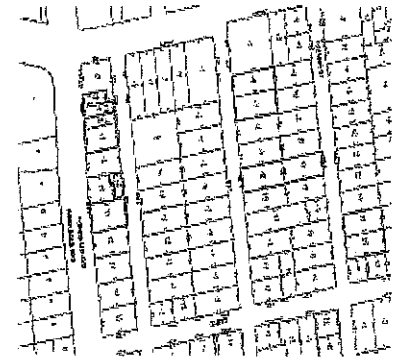
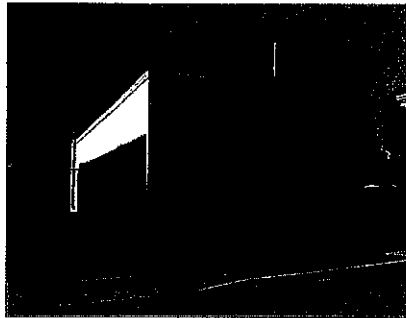
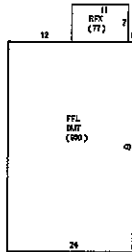
62600

Yard Items Value:

10800

Total Value:

114300



Fiscal Year 2015

Tax Rate Res.: 15.73
 Tax Rate Com.: 33.56
 Property Code: 325
 Total Bldg Value: 40900
 Total Yard Value: 10800
 Total Land Value: 62600
Total Value: 114300
Tax: \$3,835.91

Fiscal Year 2014

Tax Rate Res.: 15.16
 Tax Rate Com.: 31.08
 Property Code: 325
 Total Bldg Value: 39900
 Total Yard Value: 10800
 Total Land Value: 62600
Total Value: 113300
Tax: \$3,521.36

Fiscal Year 2013

Tax Rate Res.: 14.33
 Tax Rate Com.: 29.54
 Property Code: 325
 Total Bldg Value: 40900
 Total Yard Value: 10800
 Total Land Value: 62600
Total Value: 114300
Tax: \$3,376.42

Disclaimer: Classification is not an indication of uses allowed under city zoning. This information is believed to be correct but is subject to change and is not warranted.

5' 5"

5' 5"

← 20' 3" →

(4) CAR GARAGE

← 4' 1" →

34' 10"

SEP - 2
CITY CLERK
" 1' 3"

CITY CLERK OF
NEW BEDFORD, MA

32" DOOR 24' 2"

WINDOW

WINDOW

DRIVE WAY

14' 4"

WINDOW

40' 2"

← 4' 1" →

36" DOOR

24' 2"

WINDOWS

GATE

20' 0" DRIVEWAY

Bedroom 12x9'

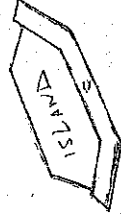
CLOSET

DRESSER

WASHER

COUNTER SPACE

KITCHEN 10'10" x 12'4"



DINING 7'4" x 12'4"

CLOSET MASTER

MASTER BED ROOM 12x18

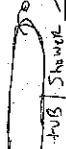
LIVING 11'12" x 19'

WINDOW

WINDOW

ATTACHED GARAGE

REAR EX



WALK IN CLOSET



FRONT

FRONT



ENTRANCE