



**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***

**Ryan Street – PLOT: 38 – LOT: 387 – ZONED DISTRICT: RA**

#### **Variance Required from the Zoning Board of Appeals**

***Zoning Code Review as follows:***

#### ***Variance***

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#### **❖ SECTIONS**

- 2700 – Dimensional Regulations
- 2710 – General
- 2720 – Table of Dimensional Requirements- Appendix B Height of Buildings # of Stories

**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 C 111, S150A

The debris will be disposed of in:

NEW SITE SHAWMUTHE  
(Location of Facility)

Signature of Permit Applicant \_\_\_\_\_

Date

7/15/15

**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: \_\_\_\_\_

Est. Cost \_\_\_\_\_

Address of Work \_\_\_\_\_

Owner Name: \_\_\_\_\_

Date of Permit Application: \_\_\_\_\_

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. \_\_\_\_\_

OR:

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

Date \_\_\_\_\_

Owner Signature \_\_\_\_\_

**XII. BUILDING COMMISSIONERS REVIEW COMMENTS AND CONDITIONS**

C. Building Permit Rejected

Variance ZBA

Reason For Rejection:

See Attachments

Fee \_\_\_\_\_

Permit # \_\_\_\_\_

Comments and Conditions: \_\_\_\_\_

Signed \_\_\_\_\_

James N. Romanowski  
Building Commissioner

Date: \_\_\_\_\_

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Title \_\_\_\_\_

Not valid unless signed (not stamped) by Building Commissioner

REQUIREMENT	RA	RB	RC	RAA	MUB	PB	IA	IB	IC	WI
Minimum Lot Size (sq. ft.)	8,000	8,000 for uses allowed in RA; 10,000 for two-family units	8,000 for uses allowed in RA; 10,000 for two-family units; 15,000 for 3 or more family units	16,000	8,000 for uses allowed in residence A; 10,000 for two-family units; 15,000 for 3 or more family units	0	0	0	0	0
Density of Dwelling Units per Lot	1 per 10,000 sq. ft.	1 per 10,000 sq. ft. for single-family; 1 per 5,000 sq. feet for two-family	1 per 10,000 sq. ft. for single-family; 1 per 5,000 sq. feet for two-family; 1 per 1,000 sq. feet for three or more family	1 per 16,000 sq. ft.	1 per 10,000 sq. ft. for single-family; 1 per 5,000 sq. feet for two-family; 1 per 1,000 sq. feet for three or more family	N/A	N/A	N/A	N/A	N/A
Lot Frontage (ft.)	75	75 for uses allowed in RA; 100 for two-family	75 for uses allowed in RA; 100 for two-family; 150 for 3 or more family	150	75 for uses allowed in RA; 100 for two-family; 150 for 3 or more family; 0 for other allowed uses	0	0	0	0	0
Height of Buildings (ft.)	45 ft.; 60 for religious, educational, or institutional buildings	45; 60 for religious, educational, or institutional buildings	60	35; 60 for religious, educational, or institutional buildings	45 for single or two-family; 60 for three family, 100' for other allowed uses	25	100'	100'	100'	100'
Height of Buildings (# Stories)	2.5; 3 for religious, educational, or institutional buildings	2.5; 3 for religious, educational, or institutional buildings	4	2.5; 3 for religious, educational, or institutional buildings	2.5 for uses allowed in residence A or B; 4 for three or more family; 7 for other allowed uses	2	7	7	7	7
Front Yard (ft.)	20 <sup>2</sup>	20 <sup>2</sup>	20 <sup>2</sup>	40 <sup>2</sup>	20 for uses allowed in residential district <sup>1</sup> ; 0 for other allowed uses	25	25	25	25	10
Side Yard (ft.)	8 on one side; 12 on the other	8 on one side; 12 on the other	8 on one side; 12 on the other	16 on one side; 24 on the other	8 on one side, 12 on the other for uses allowed in residential district; for other uses, 8 on any side where adjacent lot is in a residential district or used for residential purposes	25	25	25	25	10
Rear Yard (ft.)	30	30	30	30	30 for uses allowed in residential district; for other uses, 10 for 1-2 story	25	25	25	25	10 for 1-2 story buildings; 20 feet for 3 or

500	AMENDMENTS
510	AMENDMENT ADVERTISING
600	APPLICABILITY
5610	Other Laws
5620	Conformance
700	PLANNING MORATORIUM
800	MORATORIUM ON USED CAR SALES PERMITS
8999	RESERVED
1000	SEPARABILITY
APPENDICES	
A	TABLE OF PRINCIPAL USE REGULATIONS
B	TABLE OF DIMENSIONAL REGULATIONS
C	TABLE OF PARKING AND LOADING REQUIREMENTS

- SECTION 1000. - PURPOSE, AUTHORITY, AND DEFINITIONS.
- SECTION 2000. - USE AND DIMENSIONAL REGULATIONS.
- SECTION 3000. - GENERAL REGULATIONS.
- SECTION 4000. - SPECIAL REGULATIONS.
- SECTION 5000. - ADMINISTRATION AND PROCEDURES.
- APPENDIX A - TABLE OF PRINCIPAL USE REGULATIONS
- APPENDIX B - TABLE OF DIMENSIONAL REGULATIONS
- APPENDIX C - TABLE OF PARKING AND LOADING REQUIREMENTS

FOOTNOTE(S):

-- (1) --

State Law reference— Zoning, M.G.L.A. c. 40A, § 1 et seq. [\(Back\)](#)

New Bedford, Massachusetts, Code of Ordinances >> - CODE OF ORDINANCES >> [Chapter 9 - COMPREHENSIVE ZONING](#) >> SECTION 1000. - PURPOSE, AUTHORITY, AND DEFINITIONS. >>

SECTION 1000. - PURPOSE, AUTHORITY, AND DEFINITIONS.

1100. - PURPOSE AND AUTHORITY.

These regulations are enacted to promote the general welfare of the City of New Bedford, to protect the health and safety of its inhabitants, to encourage the most appropriate use of land throughout the City, to preserve the cultural, historical heritage of the community, to increase the amenities of the City, and to reduce the hazard from fire by regulating the location and use of buildings and the area of open space around them, all as authorized by, but not limited to, the provisions of the Zoning Act, M.G.L.A c. 40A, as amended, Section 2A of 1975 Mass. Acts 808, and by Article 89 of the Amendments to the Constitution of the Commonwealth of Massachusetts.

(Ord. of 12-23-03, § 1)

1200. - DEFINITIONS.

In this Ordinance, the following terms and constructions shall apply unless a contrary meaning is required by the context or is specifically prescribed in the text of the ordinance. Words used in the present tense include the future. The singular includes the plural and the plural includes the singular. The word "shall" is mandatory and "may" is permissive or discretionary. The word "and" includes "or" unless the contrary is evident from the text. The word "includes" or "including" shall not limit a term to specified examples, but is intended to extend its meaning to all other instances, circumstances, or items of like character or kind. The word "lot" includes "plot"; the word "used" or "occupied" shall be considered as though followed by the words "or intended, arranged, or designed to be used or occupied". The words "building," "structure," "lot," or "parcel," shall be construed as being followed by the words "or

any portion thereof." The word "person" includes a firm, association, organization, partnership, company, or corporation, as well as an individual. Terms and words not defined herein but defined in the Commonwealth of Massachusetts state building code shall have the meaning given therein unless a contrary intention is clearly evident in this Ordinance.

**Accessory building:** A subordinate building located on the same lot as the main, or principal building or principal use, the use of which is customarily incidental to that of the principal building or use of the land.

**Accessory dwelling unit:** A dwelling unit, subordinate to the dwelling unit in a single-family structure, whether located within the principal structure or in a detached structure on the property.

**Accessory use:** A use customarily incidental to that of the main or principal building or use of the land, and located on the same lot.

**Adult day care facility:** A social day care or adult day health facility, as those terms are defined by the Commonwealth's Department of Elder Affairs.

**Adult entertainment establishment:** An establishment having a substantial or significant portion of its business activity, stock in trade, or other materials for sale, rental or display, which are distinguished or characterized by their emphasis on matter depicting, describing, or relating to sexual conduct as defined in M.G.L.A. c. 272, § 31, including but not limited to the following: any adult bookstore, adult live entertainment establishment, adult motion picture theatre, adult mini motion picture theatre, adult paraphernalia store or adult video store as defined below:

**Adult bookstore:** An establishment having as a substantial or significant portion of its stock in trade printed matter, books, magazines, picture periodicals, motion picture films, video cassettes, computer compact disks, computer disks or diskettes, or coin-operated motion picture machines for sale, barter or rental which are distinguished or characterized by their emphasis on matters depicting, describing or relating to "sexual conduct" as that term is defined in M.G.L.A. c. 272, § 31, "sexual devices" or an establishment having for sale sexual devices which shall mean any artificial human penis, vagina or anus or other device primarily designed promoted or marketed to physically stimulate or manipulate the human genitals, pubic area or anal area, including dildos, penisators, vibrators, penis rings, erection enlargement or prolonging creams or other preparations or an establishment with a segment or section devoted to the sale or display of such materials.

**Adult live entertainment establishments:** Establishments which feature live entertainment which consists of entertainers engaging in "sexual conduct" or "nudity" as defined in M.G.L.A. c. 272, § 31.

**Adult motion picture theater:** An enclosed building with a capacity of fifty (50) or more persons used for presenting material distinguished or characterized by an emphasis on matter depicting, describing or relating "sexual conduct" as defined in M.G.L.A. c. 272, § 31, for observation by patrons therein.

**Adult mini motion picture theater:** An enclosed building with a capacity for less than fifty (50) persons used for presenting material distinguished or characterized by emphasis on matter depicting, describing or relating to "sexual conduct" as defined in M.G.L.A. c. 272, § 31, for observation by patrons therein.

**Adult paraphernalia store:** An establishment having as a substantial or significant portion of its stock devices, objects, tools, or toys which are distinguished or characterized by their association with sexual activity, including sexual conduct or sexual excitement as defined in M.G.L.A. c. 272, § 31.

**Adult video store:** An establishment having a substantial or significant portion of its stock in trade, books, magazines, and other matter which are distinguished or characterized by an emphasis on matter depicting, describing or relating to "sexual conduct" as defined in M.G.L.A. c. 272, § 31.

As to Adult Entertainment, "Substantial or significant portion" shall mean at least that portion of:

- (i) Retail sales accounting for at least twenty (20) percent of gross sales; or
- (ii) Merchandise accounting for at least twenty (20) percent of total merchandise available for sales; or
- (iii) Shelf space and display space which when combined is in excess of eighty (80) square feet; or
- (iv) Twenty (20) percent or more of the hours during which the establishment is open.

**Advertising blimp:** An advertising blimp is an inflatable sign that by way of gas or other manner is caused to float above the structure it is attached to. Further, such inflatable sign is capable of moving from place to place and is not permanently affixed to the ground or structure.

**Agricultural use, nonexempt:** Agricultural use of property not exempted by M.G.L.A. c. 40A, § 3.

- [F] **FIRE ALARM SIGNAL.** See Section 902.1.
- [F] **FIRE ALARM SYSTEM.** See Section 902.1.
- FIRE AREA.** See Section 902.1.
- FIRE BARRIER.** See Section 702.1.
- [F] **FIRE COMMAND CENTER.** See Section 902.1.
- FIRE DAMPER.** See Section 702.1.
- [F] **FIRE DETECTOR, AUTOMATIC.** See Section 902.1.
- FIRE DOOR.** See Section 702.1.
- FIRE DOOR ASSEMBLY.** See Section 702.1.
- FIRE EXIT HARDWARE.** See Section 1002.1.
- [F] **FIRE LANE.** A road or other passageway developed to allow the passage of fire apparatus. A *fire lane* is not necessarily intended for vehicular traffic other than fire apparatus.
- FIRE PARTITION.** See Section 702.1.
- FIRE PROTECTION RATING.** See Section 702.1.
- [F] **FIRE PROTECTION SYSTEM.** See Section 902.1.
- FIRE RESISTANCE.** See Section 702.1.
- FIRE-RESISTANCE RATING.** See Section 702.1.
- FIRE-RESISTANT JOINT SYSTEM.** See Section 702.1.
- [F] **FIRE SAFETY FUNCTIONS.** See Section 902.1.
- FIRE SEPARATION DISTANCE.** See Section 702.1.
- FIRE WALL.** See Section 702.1.
- FIRE WINDOW ASSEMBLY.** See Section 702.1.
- FIREBLOCKING.** See Section 702.1.
- FIREPLACE.** See Section 2102.1.
- FIREPLACE THROAT.** See Section 2102.1.
- [F] **FIREWORKS.** See Section 307.2.
- Fireworks, 1.3G. See Section 307.2.
- Fireworks, 1.4G. See Section 307.2.
- **FIXED BASE OPERATOR (FBO).** See Section 412.2.
- FLAME SPREAD.** See Section 802.1.
- FLAME SPREAD INDEX.** See Section 802.1.
- [F] **FLAMMABLE GAS.** See Section 307.2.
- [F] **FLAMMABLE LIQUEFIED GAS.** See Section 307.2.
- [F] **FLAMMABLE LIQUID.** See Section 307.2.
- Class IA. See Section 307.2.
- Class IB. See Section 307.2.
- Class IC. See Section 307.2.
- [F] **FLAMMABLE MATERIAL.** See Section 307.2.
- [F] **FLAMMABLE SOLID.** See Section 307.2.
- [F] **FLAMMABLE VAPORS OR FUMES.** See Section 415.2.
- [F] **FLASH POINT.** See Section 307.2.
- ▶ **FLIGHT.** See Section 1002.1.
- FLOOD OR FLOODING.** See Section 1612.2.
- FLOOD DAMAGE-RESISTANT MATERIALS.** See Section 1612.2.
- FLOOD HAZARD AREA.** See Section 1612.2.
- FLOOD HAZARD AREA SUBJECT TO HIGH-VELOCITY WAVE ACTION.** See Section 1612.2.
- FLOOD INSURANCE RATE MAP (FIRM).** See Section 1612.2.
- FLOOD INSURANCE STUDY.** See Section 1612.2.
- FLOODWAY.** See Section 1612.2.
- FLOOR AREA, GROSS.** See Section 1002.1.
- FLOOR AREA, NET.** See Section 1002.1.
- FLOOR FIRE DOOR ASSEMBLY.** See Section 702.1.
- FLY GALLERY.** See Section 410.2.
- [F] **FOAM-EXTINGUISHING SYSTEMS.** See Section 902.1.
- FOAM PLASTIC INSULATION.** See Section 2602.1.
- FOLDING AND TELESCOPIC SEATING.** See Section 1002.1.
- FOOD COURT.** See Section 402.2.
- FOUNDATION PIER.** See Section 2102.1.
- FRAME STRUCTURE.** See Section 1614.2.
- [F] **GAS CABINET.** See Section 415.2.
- [F] **GAS ROOM.** See Section 415.2.
- [F] **GASEOUS HYDROGEN SYSTEM.** See Section 421.2.
- GLASS FIBERBOARD.** See Section 721.1.1.
- GLUED BUILT-UP MEMBER.** See Section 2302.1.
- GRADE FLOOR OPENING.** A window or other opening located such that the sill height of the opening is not more than 44 inches (1118 mm) above or below the finished ground level adjacent to the opening.
- GRADE (LUMBER).** See Section 2302.1.
- GRADE PLANE.** See Section 502.1.
- GRANDSTAND.** See Section 1002.1.
- GRIDIRON.** See Section 410.2.
- GROSS LEASABLE AREA.** See Section 402.2.
- GROUTED MASONRY.** See Section 2102.1.
- Grouted hollow-unit masonry. See Section 2102.1.
- Grouted multiwythe masonry. See Section 2102.1.
- GUARD.** See Section 1002.1.
- GYPSON BOARD.** See Section 2502.1.
- GYPSON PLASTER.** See Section 2502.1.
- GYPSON VENEER PLASTER.** See Section 2502.1.
- HABITABLE SPACE.** A space in a building for living, sleeping, eating or cooking. Bathrooms, toilet rooms, closets, halls, storage or utility spaces and similar areas are not considered habitable spaces.



## DEFINITIONS

**ATRIUM.** See Section 404.1.1.

**ATTIC.** The space between the ceiling beams of the top *story* and the roof rafters.

**[F] AUDIBLE ALARM NOTIFICATION APPLIANCE.** See Section 902.1.

**AUTOCLAVED AERATED CONCRETE (AAC).** See Section 2102.1.

**[F] AUTOMATIC.** See Section 902.1.

**[F] AUTOMATIC FIRE-EXTINGUISHING SYSTEM.** See Section 902.1.

**[F] AUTOMATIC SMOKE DETECTION SYSTEM.** See Section 902.1.

**[F] AUTOMATIC SPRINKLER SYSTEM.** See Section 902.1.

**[F] AVERAGE AMBIENT SOUND LEVEL.** See Section 902.1.

**AWNING.** An architectural projection that provides weather protection, identity or decoration and is wholly supported by the building to which it is attached. An *awning* is comprised of a lightweight frame structure over which a covering is attached.

**BACKING.** See Section 1402.1.

**[F] BALED COTTON.** See Section 307.2.

**[F] BALED COTTON, DENSELY PACKED.** See Section 307.2.

**BALLAST.** See Section 1502.1.

**[F] BARRICADE.** See Section 307.2.

Artificial barricade. See Section 307.2.

Natural barricade. See Section 307.2.

**BASE FLOOD.** See Section 1612.2.

**BASE FLOOD ELEVATION.** See Section 1612.2.

**BASEMENT (for other than flood loads).** See Section 502.1.

**BASEMENT (for flood loads).** See Section 1612.2.

**BEARING WALL STRUCTURE.** See Section 1614.2.

**BED JOINT.** See Section 2102.1.

**BLEACHERS.** See Section 1002.1.

**BOARDING HOUSE.** See Section 310.2.

**[F] BOILING POINT.** See Section 307.2.

**BOND BEAM.** See Section 2102.1.

**BRACED WALL LINE.** See Section 2302.1.

**BRACED WALL PANEL.** See Section 2302.1.

**BRICK.** See Section 2102.1.

Calcium silicate (sand lime brick). See Section 2102.1.

Clay or shale. See Section 2102.1.

Concrete. See Section 2102.1.

**BUILDING.** Any structure used or intended for supporting or sheltering any use or occupancy.

**BUILDING ELEMENT.** See Section 702.1.

**BUILDING LINE.** The line established by law, beyond which a building shall not extend, except as specifically provided by law.

**BUILDING OFFICIAL.** The officer or other designated authority charged with the administration and enforcement of this code, or a duly authorized representative.

**BUILT-UP ROOF COVERING.** See Section 1502.1.

**CABLE-RESTRAINED, AIR-SUPPORTED STRUCTURE.** See Section 3102.2.

**CANOPY.** A permanent structure or architectural projection of rigid construction over which a covering is attached that provides weather protection, identity or decoration, and shall be structurally independent or supported by attachment to a building on one end and by not less than one stanchion on the outer end.

**[F] CARBON DIOXIDE EXTINGUISHING SYSTEMS.** See Section 902.1.

**CAST STONE.** See Section 2102.1.

**[F] CEILING LIMIT.** See Section 902.1.

**CEILING RADIATION DAMPER.** See Section 702.1.

**CELL.** See Section 408.1.1.

**CELL (masonry).** See Section 2102.1.

**CELL TIER.** See Section 408.1.1.

**CEMENT PLASTER.** See Section 2502.1.

**CERAMIC FIBER BLANKET.** See Section 721.1.1.

**CERTIFICATE OF COMPLIANCE.** See Section 1702.1.

**CHILD CARE FACILITIES.** See Section 308.3.1.

**CHIMNEY.** See Section 2102.1.

**CHIMNEY TYPES.** See Section 2102.1.

High-heat appliance type. See Section 2102.1.

Low-heat appliance type. See Section 2102.1.

Masonry type. See Section 2102.1.

Medium-heat appliance type. See Section 2102.1.

**CIRCULATION PATH.** See Section 1102.1.

**[F] CLEAN AGENT.** See Section 902.1.

**CLEANOUT.** See Section 2102.1.

**CLINIC, OUTPATIENT.** See Section 304.1.1.

**[F] CLOSED SYSTEM.** See Section 307.2.

**COLLAR JOINT.** See Section 2102.1.

**COLLECTOR.** See Section 2302.1.

**COMBINATION FIRE/SMOKE DAMPER.** See Section 702.1.

**[F] COMBUSTIBLE DUST.** See Section 307.2.

**[F] COMBUSTIBLE FIBERS.** See Section 307.2.

**[F] COMBUSTIBLE LIQUID.** See Section 307.2.

Class II. See Section 307.2.



## DEFINITIONS

**SMOKE-PROTECTED ASSEMBLY SEATING.** See Section 1002.1.

**SMOKEPROOF ENCLOSURE.** See Section 902.1.

**[F] SOLID.** See Section 415.2.

**SPECIAL AMUSEMENT BUILDING.** See Section 411.2.

**SPECIAL FLOOD HAZARD AREA.** See Section 1612.2.

**SPECIAL INSPECTION.** See Section 1702.1.

**SPECIAL INSPECTION, CONTINUOUS.** See Section 1702.1.

**SPECIAL INSPECTION, PERIODIC.** See Section 1702.1.

**[F] SPECIAL STRUCTURAL WALL.** See Section 1908.1.1.

**SPECIFIED.** See Section 2102.1.

**SPECIFIED COMPRESSIVE STRENGTH OF MASONRY ( $f'_m$ ).** See Section 2102.1.

**SPLICE.** See Section 702.1.

**SPRAYED FIRE-RESISTANT MATERIALS.** See Section 1702.1.

**STACK BOND.** See Section 2102.1.

**STAGE.** See Section 410.2.

**STAIR.** See Section 1002.1.

**STAIRWAY.** See Section 1002.1.

**STAIRWAY, EXTERIOR.** See Section 1002.1.

**STAIRWAY, INTERIOR.** See Section 1002.1.

**STAIRWAY, SPIRAL.** See Section 1002.1.

**[F] STANDPIPE SYSTEM, CLASSES OF.** See Section 902.1.

Class I system. See Section 902.1.

Class II system. See Section 902.1.

Class III system. See Section 902.1.

**[F] STANDPIPE, TYPES OF.** See Section 902.1.

Automatic dry. See Section 902.1.

Automatic wet. See Section 902.1.

Manual dry. See Section 902.1.

Manual wet. See Section 902.1.

Semiautomatic dry. See Section 902.1.

**START OF CONSTRUCTION.** See Section 1612.2.

**STEEL CONSTRUCTION, COLD-FORMED.** See Section 2202.1.

**STEEL JOIST.** See Section 2202.1.

**STEEL MEMBER, STRUCTURAL.** See Section 2202.1.

**STEEP SLOPE.** A roof slope greater than two units vertical in 12 units horizontal (17-percent slope).

**STONE MASONRY.** See Section 2102.1.

Ashlar stone masonry. See Section 2102.1.

Rubble stone masonry. See Section 2102.1.

**[F] STORAGE, HAZARDOUS MATERIALS.** See Section 415.2.

**STORM SHELTER.** See Section 423.2.

Community storm shelter. See Section 423.2.

Residential storm shelter. See Section 423.2.

**STORY.** That portion of a building included between the upper surface of a floor and the upper surface of the floor or roof next above (also see "Basement," "Mezzanine" and Section 502.1). It is measured as the vertical distance from top to top of two successive tiers of beams or finished floor surfaces and, for the topmost *story*, from the top of the floor finish to the top of the ceiling joists or, where there is not a ceiling, to the top of the roof rafters.

**STORY ABOVE GRADE PLANE.** Any *story* having its finished floor surface entirely above *grade plane*, or in which the finished surface of the floor next above is:

1. More than 6 feet (1829 mm) above *grade plane*; or
2. More than 12 feet (3658 mm) above the finished ground level at any point.

**STRENGTH.** See Section 2102.1.

Design strength. See Section 2102.1.

Nominal strength. See Sections 1602.1 and 2102.1.

Required strength. See Sections 1602.1 and 2102.1.

**STRENGTH DESIGN.** See Section 1602.1.

**STRUCTURAL COMPOSITE LUMBER.** See Section 2302.1.

Laminated veneer lumber (LVL). See Section 2302.1.

Parallel strand lumber (PSL). See Section 2302.1.

**STRUCTURAL GLUED-LAMINATED TIMBER.** See Section 2302.1.

**STRUCTURAL OBSERVATION.** See Section 1702.1.

**STRUCTURE.** That which is built or constructed.

**SUBDIAPHRAGM.** See Section 2302.1.

**SUBSTANTIAL DAMAGE.** See Section 1612.2.

**SUBSTANTIAL IMPROVEMENT.** See Section 1612.2.

**SUBSTANTIAL STRUCTURAL DAMAGE.** See Section 3402.1.

**SUITE.** See Section 1002.1.

**SUNROOM.** See Section 1202.1.

**[F] SUPERVISING STATION.** See Section 902.1.

**[F] SUPERVISORY SERVICE.** See Section 902.1.

**[F] SUPERVISORY SIGNAL.** See Section 902.1.

**[F] SUPERVISORY SIGNAL-INITIATING DEVICE.** See Section 902.1.

**SWIMMING POOLS.** See Section 3109.2.

**T RATING.** See Section 702.1.

**TECHNICALLY INFEASIBLE.** See Section 3402.1.

## CHAPTER 5

# GENERAL BUILDING HEIGHTS AND AREAS

### SECTION 501 GENERAL

**501.1 Scope.** The provisions of this chapter control the height and area of structures hereafter erected and additions to existing structures.

**[F] 501.2 Address identification.** New and existing buildings shall be provided with *approved* address numbers or letters. Each character shall be a minimum 4 inches (102 mm) high and a minimum of 0.5 inch (12.7 mm) wide. They shall be installed on a contrasting background and be plainly visible from the street or road fronting the property. Where access is by means of a private road and the building address cannot be viewed from the *public way*, a monument, pole or other *approved* sign or means shall be used to identify the structure.

### SECTION 502 DEFINITIONS

**502.1 Definitions.** The following words and terms shall, for the purposes of this chapter and as used elsewhere in this code, have the meanings shown herein.

**AREA, BUILDING.** The area included within surrounding *exterior walls* (or *exterior walls* and *fire walls*) exclusive of vent shafts and courts. Areas of the building not provided with surrounding walls shall be included in the *building area* if such areas are included within the horizontal projection of the roof or floor above.

**BASEMENT.** A *story* that is not a *story above grade plane* (see "*Story above grade plane*" in Section 202).

The definition of "Basement" does not apply to the provisions of Section 1612 for flood loads (see "Basement" in Section 1612.2).

**EQUIPMENT PLATFORM.** An unoccupied, elevated platform used exclusively for mechanical systems or industrial process equipment, including the associated elevated walkways, *stairs*, *alternating tread devices* and ladders necessary to access the platform (see Section 505.5).

**GRADE PLANE.** A reference plane representing the average of finished ground level adjoining the building at *exterior walls*. Where the finished ground level slopes away from the *exterior walls*, the reference plane shall be established by the lowest points within the area between the building and the *lot line* or, where the *lot line* is more than 6 feet (1829 mm) from the building, between the building and a point 6 feet (1829 mm) from the building.

**HEIGHT, BUILDING.** The vertical distance from *grade plane* to the average height of the highest roof surface.

**MEZZANINE.** An intermediate level or levels between the floor and ceiling of any *story* and in accordance with Section 505.

### SECTION 503 GENERAL BUILDING HEIGHT AND AREA LIMITATIONS

**503.1 General.** The *building height and area* shall not exceed the limits specified in Table 503 based on the type of construction as determined by Section 602 and the occupancies as determined by Section 302 except as modified hereafter. Each portion of a building separated by one or more *fire walls* complying with Section 706 shall be considered to be a separate building.

**503.1.1 Special industrial occupancies.** Buildings and structures designed to house special industrial processes that require large areas and unusual *building heights* to accommodate craneways or special machinery and equipment, including, among others, rolling mills; structural metal fabrication shops and foundries; or the production and distribution of electric, gas or steam power, shall be exempt from the *building height and area* limitations of Table 503.

**503.1.2 Buildings on same lot.** Two or more buildings on the same lot shall be regulated as separate buildings or shall be considered as portions of one building if the *building height* of each building and the aggregate *building area* of the buildings are within the limitations of Table 503 as modified by Sections 504 and 506. The provisions of this code applicable to the aggregate building shall be applicable to each building.

**503.1.3 Type I construction.** Buildings of Type I construction permitted to be of unlimited tabular building heights and areas are not subject to the special requirements that allow unlimited area buildings in Section 507 or unlimited *building height* in Sections 503.1.1 and 504.3 or increased *building heights and areas* for other types of construction.

### SECTION 504 BUILDING HEIGHT

**504.1 General.** The *building height* permitted by Table 503 shall be increased in accordance with this section.

**Exception:** The *building height* of one-story aircraft hangars, aircraft paint hangars and buildings used for the manufacturing of aircraft shall not be limited if the building is provided with an automatic fire-extinguishing system in accordance with Chapter 9 and is entirely surrounded by *public ways* or *yards* not less in width than one and one-half times the *building height*.

## SECTION 1612 FLOOD LOADS

**1612.1 General.** Within *flood hazard areas* as established in Section 1612.3, all new construction of buildings, structures and portions of buildings and structures, including substantial improvement and restoration of substantial damage to buildings and structures, shall be designed and constructed to resist the effects of flood hazards and flood loads. For buildings that are located in more than one *flood hazard area*, the provisions associated with the most restrictive *flood hazard area* shall apply.

**1612.2 Definitions.** The following words and terms shall, for the purposes of this section, have the meanings shown herein.

**BASE FLOOD.** The flood having a 1-percent chance of being equaled or exceeded in any given year.

**BASE FLOOD ELEVATION.** The elevation of the *base flood*, including wave height, relative to the National Geodetic Vertical Datum (NGVD), North American Vertical Datum (NAVD) or other datum specified on the Flood Insurance Rate Map (FIRM).

**BASEMENT.** The portion of a building having its floor subgrade (below ground level) on all sides.

This definition of "Basement" is limited in application to the provisions of Section 1612 (see "Basement" in Section 502.1).

**DESIGN FLOOD.** The flood associated with the greater of the following two areas:

1. Area with a flood plain subject to a 1-percent or greater chance of flooding in any year; or
2. Area designated as a *flood hazard area* on a community's flood hazard map, or otherwise legally designated.

**DESIGN FLOOD ELEVATION.** The elevation of the "*design flood*," including wave height, relative to the datum specified on the community's legally designated flood hazard map. In areas designated as Zone AO, the design flood elevation shall be the elevation of the highest existing grade of the building's perimeter plus the depth number (in feet) specified on the flood hazard map. In areas designated as Zone AO where a depth number is not specified on the map, the depth number shall be taken as being equal to 2 feet (610 mm).

**DRY FLOODPROOFING.** A combination of design modifications that results in a building or structure, including the attendant utility and sanitary facilities, being water tight with walls substantially impermeable to the passage of water and with structural components having the capacity to resist loads as identified in ASCE 7.

**EXISTING CONSTRUCTION.** Any buildings and structures for which the "start of construction" commenced before the effective date of the community's first flood plain management code, ordinance or standard. "Existing construction" is also referred to as "existing structures."

**EXISTING STRUCTURE.** See "Existing construction."

**FLOOD or FLOODING.** A general and temporary condition of partial or complete inundation of normally dry land from:

1. The overflow of inland or tidal waters.
2. The unusual and rapid accumulation or runoff of surface waters from any source.

**FLOOD DAMAGE-RESISTANT MATERIALS.** Any construction material capable of withstanding direct and prolonged contact with floodwaters without sustaining any damage that requires more than cosmetic repair.

**FLOOD HAZARD AREA.** The greater of the following two areas:

1. The area within a flood plain subject to a 1-percent or greater chance of flooding in any year.
2. The area designated as a *flood hazard area* on a community's flood hazard map, or otherwise legally designated.

**FLOOD HAZARD AREA SUBJECT TO HIGH-VELOCITY WAVE ACTION.** Area within the *flood hazard area* that is subject to high-velocity wave action, and shown on a Flood Insurance Rate Map (FIRM) or other flood hazard map as Zone V, VO, VE or V1-30.

**FLOOD INSURANCE RATE MAP (FIRM).** An official map of a community on which the Federal Emergency Management Agency (FEMA) has delineated both the special flood hazard areas and the risk premium zones applicable to the community.

**FLOOD INSURANCE STUDY.** The official report provided by the Federal Emergency Management Agency containing the Flood Insurance Rate Map (FIRM), the Flood Boundary and Floodway Map (FBFM), the water surface elevation of the *base flood* and supporting technical data.

**FLOODWAY.** The channel of the river, creek or other watercourse and the adjacent land areas that must be reserved in order to discharge the *base flood* without cumulatively increasing the water surface elevation more than a designated height.

**LOWEST FLOOR.** The floor of the lowest enclosed area, including basement, but excluding any unfinished or flood-resistant enclosure, usable solely for vehicle parking, building access or limited storage provided that such enclosure is not built so as to render the structure in violation of this section.

**SPECIAL FLOOD HAZARD AREA.** The land area subject to flood hazards and shown on a Flood Insurance Rate Map or other flood hazard map as Zone A, AE, A1-30, A99, AR, AO, AH, V, VO, VE or V1-30.

**START OF CONSTRUCTION.** The date of issuance for new construction and substantial improvements to existing structures, provided the actual start of construction, repair, reconstruction, rehabilitation, *addition*, placement or other improvement is within 180 days after the date of issuance. The



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

RECEIVED  
 FOR BUILDING DEPT. USE

DATE RECEIVED: 5/5/2015  
 RECEIVED BY: [Signature]  
 ISSUED BY: [Signature]

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

Permit No. \_\_\_\_\_  
 Completion Date \_\_\_\_\_

(AT LOCATION) \_\_\_\_\_ NS RYAN ST (STREET)  
 BETWEEN SNOW (CROSS STREET) AND BROWNELL (CROSS STREET)  
 PLOT 38 LOT 387 DISTRICT \_\_\_\_\_ ACCEPTED STREET   
 PLANS FILED.  YES  NO

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

<p><b>A. TYPE OF IMPROVEMENT</b></p> <p>1 <input type="checkbox"/> New Building</p> <p>2 <input type="checkbox"/> Addition (If residential, enter number of new housing units added, if any, in Part D, 14)</p> <p>3 <input checked="" type="checkbox"/> Alteration (If residential, enter number of new housing units added, if any, in Part D, 14)</p> <p>4 <input type="checkbox"/> Repair, replacement</p> <p>5 <input type="checkbox"/> 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)</p> <p>6 <input type="checkbox"/> Moving (relocation)</p> <p>7 <input type="checkbox"/> Foundation only</p>	<p><b>D.1 PROPOSED USE — For demolition most recent use</b></p> <table border="0"> <tr> <td> <p><i>Residential</i></p> <p>13 <input checked="" type="checkbox"/> One family</p> <p>14 <input type="checkbox"/> Two or more family — Enter number of units _____</p> <p>15 <input type="checkbox"/> Transient hotel, motel, or dormitory — Enter number of units _____</p> <p>16 <input type="checkbox"/> Garage</p> <p>17 <input type="checkbox"/> Carport</p> <p>18 <input type="checkbox"/> Other — Specify _____</p> </td> <td> <p><i>Nonresidential</i></p> <p>19 <input type="checkbox"/> Amusement, recreational</p> <p>20 <input type="checkbox"/> Church, other religious</p> <p>21 <input type="checkbox"/> Industrial</p> <p>22 <input type="checkbox"/> Parking garage</p> <p>23 <input type="checkbox"/> Service station, repair garage</p> <p>24 <input type="checkbox"/> Hospital, institutional</p> <p>25 <input type="checkbox"/> Office, bank, professional</p> <p>26 <input type="checkbox"/> Public utility</p> <p>27 <input type="checkbox"/> School, library, other educational</p> <p>28 <input type="checkbox"/> Stores, mercantile</p> <p>29 <input type="checkbox"/> Tanks, towers</p> <p>30 <input type="checkbox"/> Funeral homes</p> <p>31 <input type="checkbox"/> Food establishments</p> <p>32 <input type="checkbox"/> Other — Specify _____</p> </td> </tr> </table>	<p><i>Residential</i></p> <p>13 <input checked="" type="checkbox"/> One family</p> <p>14 <input type="checkbox"/> Two or more family — Enter number of units _____</p> <p>15 <input type="checkbox"/> Transient hotel, motel, or dormitory — Enter number of units _____</p> <p>16 <input type="checkbox"/> Garage</p> <p>17 <input type="checkbox"/> Carport</p> <p>18 <input type="checkbox"/> Other — Specify _____</p>	<p><i>Nonresidential</i></p> <p>19 <input type="checkbox"/> Amusement, recreational</p> <p>20 <input type="checkbox"/> Church, other religious</p> <p>21 <input type="checkbox"/> Industrial</p> <p>22 <input type="checkbox"/> Parking garage</p> <p>23 <input type="checkbox"/> Service station, repair garage</p> <p>24 <input type="checkbox"/> Hospital, institutional</p> <p>25 <input type="checkbox"/> Office, bank, professional</p> <p>26 <input type="checkbox"/> Public utility</p> <p>27 <input type="checkbox"/> School, library, other educational</p> <p>28 <input type="checkbox"/> Stores, mercantile</p> <p>29 <input type="checkbox"/> Tanks, towers</p> <p>30 <input type="checkbox"/> Funeral homes</p> <p>31 <input type="checkbox"/> Food establishments</p> <p>32 <input type="checkbox"/> Other — Specify _____</p>
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<p><b>B. OWNERSHIP</b></p> <p>8 <input checked="" type="checkbox"/> Private (individual, corporation, nonprofit institution, etc.)</p> <p>9 <input type="checkbox"/> Public (Federal, State, or local government)</p>	<p><b>D.2. Does this building contain asbestos?</b></p> <p><input type="checkbox"/> YES <input checked="" type="checkbox"/> NO If yes complete the following:</p> <p>Name &amp; Address of Asbestos Removal Firm: _____</p>		
<p><b>C. COST</b></p> <p>10. Cost of construction ..... \$ <u>19,000</u> (Omit cents)</p> <p>To be installed but not included in the above cost</p> <p>a. Electrical _____</p> <p>b. Plumbing _____</p> <p>c. Heating, air conditioning _____</p> <p>d. Other (elevator, etc.) _____</p> <p>11. TOTAL VALUE OF CONSTRUCTION ..... <u>19,000</u></p> <p>12. TOTAL ASSESSED BLDG. VALUE..... _____</p>	<p>Submit copy of notification sent to DEQE and the State Dept. of Labor &amp; Industries and results of air sample analysis after asbestos removal is completed.</p> <p><b>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.</b></p> <p>_____</p>		

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

<p><b>E. PRINCIPAL TYPE OF FRAME</b></p> <p>33 <input checked="" type="checkbox"/> Masonry (wall bearing)</p> <p>34 <input type="checkbox"/> Wood frame</p> <p>35 <input type="checkbox"/> Structural steel</p> <p>36 <input type="checkbox"/> Reinforced concrete</p> <p>37 <input type="checkbox"/> Other — Specify _____</p>	<p><b>G. TYPE OF SEWAGE DISPOSAL</b></p> <p>43 <input checked="" type="checkbox"/> Public or private company</p> <p>44 <input type="checkbox"/> Private (septic tank, etc.)</p>	<p><b>J. DIMENSIONS</b></p> <p>53 Number of stories _____</p> <p>54 Height _____</p> <p>55 Total square feet of floor area, all floors based on exterior dimensions <u>395</u></p> <p>56 Building length <u>26</u></p> <p>57 Building width <u>56</u></p> <p>58 Total sq. ft. of bldg. footprint _____</p> <p>59 Front lot line width _____</p> <p>60 Rear lot line width _____</p> <p>61 Depth of lot _____</p> <p>62 Total sq. ft. of lot size _____</p> <p>63 % of lot occupied by bldg. (58-62) _____</p> <p>64 Distance from lot line (front) _____</p> <p>65 Distance from lot line (rear) _____</p> <p>66 Distance from lot line (left) _____</p> <p>67 Distance from lot line (right) _____</p>
<p><b>F. PRINCIPAL TYPE OF HEATING FUEL</b></p> <p>38 <input checked="" type="checkbox"/> Gas</p> <p>39 <input type="checkbox"/> Oil</p> <p>40 <input type="checkbox"/> Electricity</p> <p>41 <input type="checkbox"/> Coal</p> <p>42 <input type="checkbox"/> Other — Specify _____</p>	<p><b>H. TYPE OF WATER SUPPLY</b></p> <p>45 <input checked="" type="checkbox"/> Public or private company</p> <p>46 <input type="checkbox"/> Private (well, cistern)</p> <p><b>I. TYPE OF MECHANICAL</b></p> <p>Is there a fire sprinkler system?</p> <p>47 <input type="checkbox"/> YES 48 <input checked="" type="checkbox"/> NO</p> <p>Will there be central air conditioning?</p> <p>49 <input checked="" type="checkbox"/> Yes 50 <input type="checkbox"/> No</p> <p>Will there be an elevator?</p> <p>51 <input type="checkbox"/> Yes 52 <input checked="" type="checkbox"/> No</p>	

OTHER APPLICABLE REVIEWS

K. FLOODPLAIN

Is location within flood hazard area? yes no  
 If yes, zone : \_\_\_\_\_ and base elevation \_\_\_\_\_

L. WETLANDS PROTECTION

Is location subject to flooding? no  
 Is location part of a known wetland? no  
 Has local conservation commission reviewed this site? \_\_\_\_\_

IV. IDENTIFICATION - ALL APPLICANTS - PLEASE PRINT

OWNER OR LESSEE NAME	MAILING ADDRESS	ZIP CODE	TELEPHONE NO.
Terceira Construction LLC	1 COOKIE WAY DARTMOUTH	02748	7742631297
CONTRACTOR NAME	MAILING ADDRESS	ZIP CODE	TELEPHONE NO.
JASON BRAZ	42 BRUSH ST DARTMOUTH	07860	7742630677
ARCHITECT NAME	MAILING ADDRESS	ZIP CODE	TELEPHONE NO.
SIGNATURE OF OWNER	APPLICANT SIGNATURE	DATE	
<i>Jorge Venancio</i>	<i>[Signature]</i>	7/15/15	

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.

*[Signature]*      42 BRUSH ST DARTMOUTH  
 Applicant's Signature      Address      City

V. OTHER JURISDICTION APPROVALS AND NOTIFICATION

APPROVAL	CHECK	DATE OBTAINED	BY
Electrical			
Plumbing			
Fire Department			
Water			
Planning			
Conservation			
Public Works			
Health			
Licensing			
Other			

VI. ZONING REVIEW

DISTRICT: \_\_\_\_\_ USE: \_\_\_\_\_

FRONTAGE: \_\_\_\_\_ LOT SIZE: \_\_\_\_\_

SETBACKS:

FRONT: \_\_\_\_\_ LEFT SIDE: \_\_\_\_\_ RIGHT SIDE: \_\_\_\_\_ REAR: \_\_\_\_\_

PERCENTAGE OF LOT COVERAGE PRIMARY BUILDING \_\_\_\_\_

VARIANCE HISTORY \_\_\_\_\_

VII. WORKER'S COMPENSATION INSURANCE AFFIDAVIT

I, JASON BRAZ

(licensee/permittee) with a principal place of business/residence at:

42 BUSH ST DARTMOUTH MA

(City/State/Zip) do hereby certify, under the pains and penalties of perjury, that:

I am an employer providing worker's compensation coverage for my employees working on this job.

Insurance Company

Policy Number

I am a sole proprietor and have no one working for me.

I am a sole proprietor, general contractor, or homeowner and have hired the contractors listed below who have the following worker's compensation insurance policies:

Name of contractor

Insurance Company/policy number

Name of contractor

Insurance Company/policy number

I am a homeowner performing all the work myself.

NOTE: Please be aware that while homeowners who employ persons to do maintenance, construction or repair work on a dwelling of not more than three units in which the homeowner also resides or on the grounds appurtenant thereto are not generally considered to be employers under the Workers' Compensation Act (GL. C. 152, sect. 1(5)), application by a homeowner for a license or permit may evidence the legal status of an employer under the Workers' Compensation Act.

I understand that a copy of this statement will be forwarded to the Department of Industrial Accidents' Office of Insurance for coverage verification and that failure to secure coverage as required under Section 25A of MGL 152 can lead to the imposition of criminal penalties consisting of a fine of up to \$1500.00 and/or imprisonment of up to one year and civil penalties in the form of a Stop Work Order and a fine of \$100.00 a day against me.

Signed this 15<sup>th</sup> day of JULY, 20 15

