



ZONING BOARD OF APPEALS

CITY OF NEW BEDFORD
JONATHAN F. MITCHELL, MAYOR

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

Appeal Nr. 4193

Petition for an ADMINISTRATIVE APPEAL

Date: 30 JUNE 2015

The undersigned petitions the Board of Appeals for an Administrative Appeal 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: 105 ROCKDALE AVENUE

Assessor's Map(s): 1B Lot(s) 69

Registry of Deeds Book: 11052 Page: 294

Zoning District: 1B

Applicant's Name (printed): JAMES J. LONG / RAMON MOJICA

Mailing Address: 519 AMERICAN LEGION HWY WESTPORE MA 02790
(Street) (City) (State) (Zip) also: james.j.long@24cs.com

Contact Information: (508) 636-6263 JAMES@JLONG.COM OUTLOOK.COM
Telephone Number Email Address Owner's Representation/

Applicant's Relationship to Property: Owner Contract Vendee Other Project Manager

List all submitted materials (include document titles & volume numbers where applicable) below:

Completed application

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.

6/25/15
Date

[Signature]
Signature of Applicant

2. Dimensions of Lot(s) _____ Area 20,175
 Frontage _____ Depth _____ Sq. Ft. _____

3. Number of buildings on lot 1

4. Size of existing buildings 4-story

5. Size of proposed buildings same

6. Present use of premises Commercial storage units

7. Proposed use of Premises same

8. Extent of proposed alterations Hanging of banners on building for imaging and decorative enhancement

9. Existing number of dwelling units & bedrooms ∅ Proposed ∅

10. For commercial uses, please complete the following:

	Existing	Proposed
a) Number of customers per day:	<u>30</u>	<u>30</u>
b) Number of employees:	<u>5</u>	<u>5</u>
c) Hours of operation:	<u>m-Th 7am-7pm Fri 7am-5pm</u>	<u>Sat 7am-7pm Sun 9am-5pm</u>
d) Days of operation:	<u>364</u>	<u>364</u>
e) Hours of deliveries:	<u>7am-9am</u>	<u>7am-9am</u>
f) Frequency of deliveries:	<input type="checkbox"/> Daily	<input checked="" type="checkbox"/> Weekly
	<input type="checkbox"/> Monthly	<input type="checkbox"/> Other: _____

same existing & proposed

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 Superintendent of Buildings? YES

13. Has the Inspector of Buildings refused to issue a permit? YES

14. Provisions of the Zoning Ordinance under which a petition for an Administrative Appeal is made:
M. G. L. A. C. 40A §§ 7, 8 and 15

15. Explain the need for the Appeal:

The banners are for advertising purposes. They are attractive in design and enhance the appearance of the building. They are stationary, and we believe do not fall into the 3220 Prohibited Signs category.

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 Variance 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: JAMES J. LONG

at the following address: 519 AMERICAN LEGION HWY WESTPORT MA

to apply for: Administrative Appeal

on premises located at: 105 ROCKDALE AVENUE

in current ownership since: 04/14/2014

whose address is: 2727 N CENTRAL AVE PHOENIX AZ 85004

for which the record title stands in the name of: AREC 21 LLC

whose address is: 2727 N CENTRAL AVE PHOENIX AZ 85004

by a deed duly recorded in the:

Registry of Deeds of County: BRISTOL Book: 11052 Page: 294

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 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.

6/25/15
Date

[Signature]
Signature of Land Owner (If authorized Trustee, Officer or Agent, so identify)

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.

Carla Ferraro, 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: 5/27/2015

CITY CLERK'S OFFICE
NEW BEDFORD, MA
2015 JUN 20 3:08

SUBJECT PROPERTY:

MAP 18 LOT 69

LOCATION 105 Rockdale Ave

OWNER'S NAME _____

MAILING ADDRESS _____

CONTACT PERSON James Long

TELEPHONE NUMBER 508-509-7517

EMAIL ADDRESS _____

REASON FOR REQUEST: _____

ZBA Administrative Appeal

PLANNING

MAY 26 2015

DEPARTMENT

May 26, 2015
Dear Applicant,

Please find below the List of Abutters within 300 feet of the property known as 105 Rockdale Ave (18-69). 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.

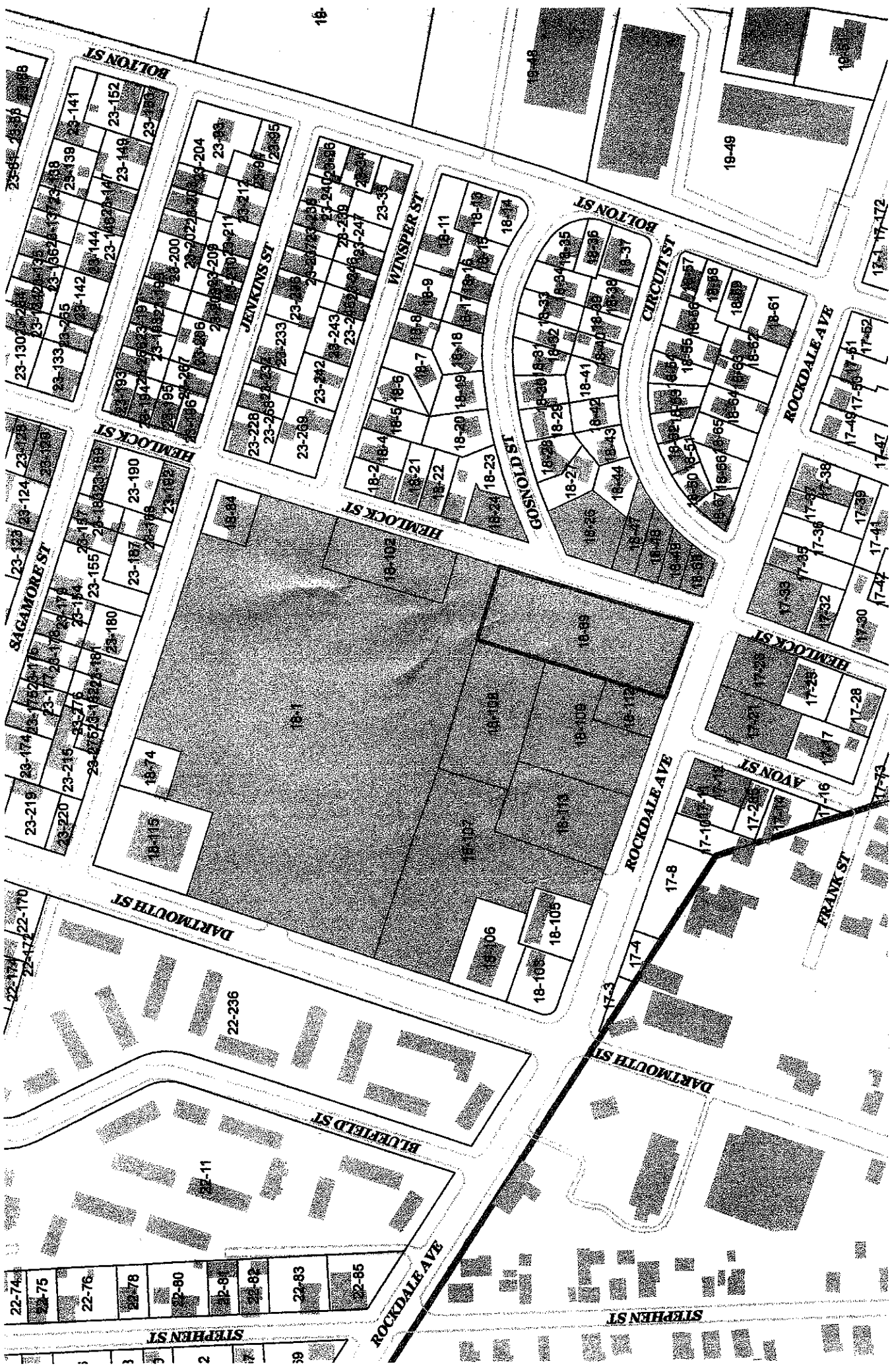
Parcel	Location	Owner and Mailing Address
18-26	44 GOSNOLD ST	PINARRETA ERIC S, PINARRETA MARIA O 44 GOSNOLD ST NEW BEDFORD, MA 02740 - 1116
18-113	123 ROCKDALE AVE	TORMAN FAMILY REALTY LLC, 123 ROCKDALE AVENUE NEW BEDFORD, MA 02740 - 1079
17-12	112 ROCKDALE AVE 114	BRUNE THERESA "TRUSTEE", MACEDO SISTERS TRUST 112 ROCKDALE AVE NEW BEDFORD, MA 02740 - 1081
18-68	91 ROCKDALE AVE 95	RAFFA ATTILIO J, RAFFA LUCILLE 85 ROCKDALE AVENUE NEW BEDFORD, MA 02740 - 1075
18-49	260 HEMLOCK ST	PERRY JOHN S, PERRY MERCES C 260 HEMLOCK ST NEW BEDFORD, MA 02740 - 1123
18-109	117 ROCKDALE AVE	AUTOZONE INC #3229, DEPT 8088 P O BOX 2198 MEMPHIS, TN 38101 - 2198
18-47	39 CIRCUIT ST	SILVA RICHARD, SILVA ANN H 9 REDWOOD STREET S DARTMOUTH, MA 02748 - 3645
17-33	90 ROCKDALE AVE 94-96	NETO MANUEL F "TRS", MANUEL F NETO LIVING TRUST 13 COUNTRY CLUB BLVD NO. DARTMOUTH, MA 02747 - 3505
18-112	109 ROCKDALE AVE	LOTZ NELSON HOCKERT- "TRS", 109 ROCKDALE REALTY TRUST P O BOX 877 790 GREENVILLE, RI 02828 <i>Matapoisett, MA 02739</i>
17-23	102 ROCKDALE AVE	YIANNIS DAVOS "TRS", ROCKDALE AVENUE REAL ESTATE TRUST 855 BROADWAY STREET RAYNHAM, MA 02767 - 5226
17-21	108 ROCKDALE AVE	RODNEY STREET REAL ESTATE LLC, 32 PIERCE STREET ROCHESTER, MA 02770 - 4026
18-107	446 DARTMOUTH ST	PAPRIN YALE I TRUSTEE, YALE NEW BEDFORD TRUST 10 NEW KING STREET SUITE 102 WHITE PLAINS, NY 10604 - 1208
18-48	258 HEMLOCK ST	BERNARDO JOSE M, 258 HEMLOCK ST NEW BEDFORD, MA 02740 - 1123

May 26, 2015
 Dear Applicant,

Please find below the List of Abutters within 300 feet of the property known as 105 Rockdale Ave (18-69). 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
18-102 <i>WS</i>	HEMLOCK ST	PAPRIN YALE I "TRUSTEE", C/O STOP & SHOP SUPERMARKET 1385 HANCOCK STREET QUINCY, MA 02169 - <i>5103</i>
18-69	105 ROCKDALE AVE	AREC 21 LLC, 2727 N CENTRAL AVENUE PHOENIX, AZ 85004 - <i>1155</i>
18-24	234 HEMLOCK ST <i>236</i>	OLIVEIRA RONALD "TRUSTEE", OLIVEIRA STACY "TRUSTEE" 5 ARCHERS WAY ACUSHNET, MA 02743 - <i>1700</i>
18-108	119 ROCKDALE AVE	NEW BEDFORD LODGE NO 914, LOYAL ORDER OF MOOSE INC 119 ROCKDALE AVE NEW BEDFORD, MA 02740 - <i>1079</i>
18-1	438 DARTMOUTH ST	PAPRIN YALE I TRUSTEE, YALE NEW BEDFORD TRUST 10 NEW KING STREET SUITE 102 WHITE PLAINS, NY 10604 - <i>1208</i>



22-74
22-75
22-76
22-78
22-80
22-81
22-82
22-83
22-85

STEPHEN ST

ROCKDALE AVE

BLUEFIELD ST

DARTSOUTH ST

SAGAMORE ST

HEMLOCK ST

BOLTON ST

STEPHEN ST

DARTSOUTH ST

ROCKDALE AVE

AVON ST

FRANK ST

HEMLOCK ST

ROCKDALE AVE

CIRCUIT ST

BOLTON ST

HEMLOCK ST

WINSPER ST

JENKINS ST

GOSSOLD ST

APPENDIX

(1) Owner's/Landlord's Name AREC 21 LLC

(2) Title Reference to Property Quitclaim Deed

(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.

AMERCO. REAL ESTATE COMPANY

25 June 2015

City of New Bedford
Zoning Board of Appeals
133 William Street
Room 303
New Bedford MA 02740

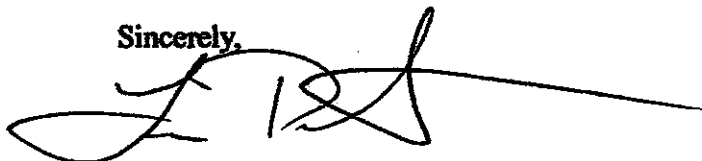
RE: Application – 105 Rockdale Avenue

To Whom It May Concern:

We hereby authorize Ramon Mojica, Marketing Company President for U-Haul Company of Southern MA & Cape Cod, to sign documentation on our behalf in regards to the appeal application on the banners our building at 105 Rockdale Avenue, New Bedford.


We also authorize Ramon Mojica-(Owners Representative/President of U-Haul Co. of Southern MA and Cape Cod) and James J. Long to represent us throughout the appeal process.

Sincerely,



Levi Parmerter
District Vice President
Owner's Representative
AMERCO Real Estate Company

The Commonwealth of Massachusetts
On this 25th day of June, 2015,
before me, the undersigned notary public, personally appeared
Levi Parmerter
proved to me through satisfactory evidence of identification, which were release
to be the person whose name is signed on the preceding or attached document who swore
or affirmed to me that the contents of the document are truthful and accurate to the best of
his/her knowledge and belief.



Migdalia Morales
MIGDALIA MORALES, Notary Public
My Commission Expires July 2, 2021



CERTIFICATE OF MUNICIPAL LIEN

The Commonwealth of Massachusetts
 City of New Bedford
 Office of the Collector of Taxes

STORAGE CENTER OF NEW BEDFORD
 LLC #8159
 700 NARRAGANSETT PARK-DRIVE
 PAWTUCKET, RI 02861

JUNE 13, 2013

Requested By: FIRST AMERICAN TITLE INSURANCE CO

I certify from available information that all taxes, assessments, and charges now payable that constitute liens as of the date on the parcel of real estate specified in your application received on JUNE 13, 2013 are listed below.

ASSESSED OWNER: STORAGE CENTER OF NEW BEDFORD LLC #8159
 LOCATION OF PROPERTY: 99 ROCKDALE AVE
 PARCEL IDENTIFICATION: 18--69
 LAND AREA: 43138 SQFT.
 VALUATION: 970300 Book: 8909 Page: 282 Certificate:

FISCAL YEAR	2013	2012	2011
BILL NUMBER	21776	21790	21795
PRELIMINARY TAX EST QTR 1 & 2	\$13797.67	\$13166.97	\$12065.68
ACTUAL TAX QTR 3 & 4	\$14864.99	\$14428.36	\$14268.26
BETTERMENTS/SPECIAL ASSESSMENTS	\$0.00	\$0.00	\$0.00
WATER LIENS	\$0.00	\$0.00	\$0.00
SEWER LIENS	\$0.00	\$0.00	\$0.00
OTHER LIENS	\$0.00	\$0.00	\$0.00
TOTAL BILLED	\$28662.66	\$27595.33	\$26333.94
PAYMENTS/ADJUSTMENTS	\$-28662.66	\$-27595.33	\$-26333.94
INTEREST BILLED	\$0.00	\$0.00	\$37.33
OUTSTANDING BALANCE DUE	\$0.00	\$0.00	\$0.00
ABATEMENTS/EXEMPTIONS	\$0.00	\$0.00	\$0.00
CHARGES AND FEES	\$0.00	\$0.00	\$0.00
INTEREST TO 06/13/13	\$0.00	\$0.00	\$0.00
BALANCE DUE	\$0.00	\$0.00	\$0.00

* Preliminary taxes generally represent no more than 50% of prior year's taxes.
 Unpaid betterments/special assessments not yet added to tax: \$0.00
 Improvements voted for which there will be betterments/special assessments:
 Unpaid utility charges: Subject to outstanding water and sewer charges.
 Previous balances on merged lots are not reflected above.
 A MLC should be requested for each (Plot/Lot). The city is not responsible for merged lots.
 Other unpaid charges:
 This property is in tax title. Contact the Treasurer for outstanding amounts.
 All the amounts listed above are to be paid to the Collector.
 I have no knowledge of any other outstanding amount that constitutes a lien.
 Any unpaid taxes for FY 2012 and prior are included in the Tax Title amount.

R. B. [Signature]
 Collector of Taxes

Property Address: 99 Rockdale Avenue, New Bedford, MA

After recording return to:

BK 10824 PG 244
07/01/13 12:28 DOC. 15735
Bristol Co. S.D.

MASSACHUSETTS QUITCLAIM DEED

of
Storage Center/New Bedford, LLC, a Massachusetts limited liability company of 700 Narragansett Park Drive, Pawtucket, Rhode Island (the "Grantor"), for the consideration of Two Million Nine Hundred Fifty Thousand and 00/100 Dollars (\$2,950,000.00)

grants to **Amerco Real Estate Company**, a Nevada corporation registered to do business in the Commonwealth of Massachusetts, as Sole Tenant, whose mailing address is 2727 N. Central Avenue, Phoenix, Arizona 85004

with **QUITCLAIM COVENANTS**

That parcel of land with all buildings and improvements thereon, situated in the City of New Bedford, County of Bristol, Commonwealth of Massachusetts, and further described in the **EXHIBIT A** attached hereto and incorporated herein.

Meaning and intending to convey and so conveying the same premises conveyed to this Grantor by Deed from **Gerald D. Kaplan, Lois S. Kaplan and Martin F. Kaplan**, Trustees of **Kaplan Furniture Associates**, dated December 20, 1988 and recorded in Book 8909 at Page 282 with the Bristol County Registry of Deeds (Southern District).

This transaction represents a sale of all or substantially all of the assets of the Grantor in the Commonwealth of Massachusetts. The Grantor is not taxed for Federal income tax purposes as a corporation, and, therefore, M.G.L. ch. 62C, s. 52 does not apply to this transaction.

[Signature page follows]

REG OF DEEDS
REG #07

EXECUTED under seal as of the 21 day of June, 2013.

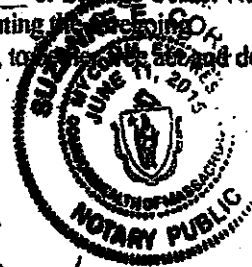
of
Storage Center/New Bedford, LLC

By: [Signature]
Name: Lianne Marshall
Title: Manager

STATE OF RHODE ISLAND MASSACHUSETTS
COUNTY OF BARSTON

In FALL RIVER on the 21ST day of June, 2013, before me personally, of appeared LIANNE MARSHALL, being the MANAGER of Storage Center New Bedford, LLC, to me known and known by me to be the party executing the foregoing instrument, and she acknowledged said instrument, by her executed, to be her free act and deed and the free act and deed of said company.

[Signature]
Notary Public:
My Commission Expires: JUNE 11, 2015



[Signature]
Name: SUZANNE E. CORIARY
My Commission Expires: 6/11/15

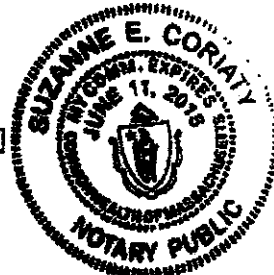
of
Storage Center/New Bedford, LLC

By: [Signature]
Name: John J. Marshall
Title: Manager

STATE OF RHODE ISLAND MASSACHUSETTS
COUNTY OF BARSTON

In: FALL RIVER on the 21ST day of June, 2013, before me personally appeared JOHN MARSHALL, being the MANAGER of Storage Center New Bedford, LLC, to me known and known by me to be the party executing the foregoing instrument, and she acknowledged said instrument, by her executed, to be her free act and deed and the free act and deed of said company.

[Signature]
Notary Public:
My Commission Expires: 6/11/15



[Signature page to New Bedford deed]

EXHIBIT A

Real property in the City of New Bedford, County of New Bedford,
Commonwealth of Massachusetts, described as follows:

That certain Lot or Parcel of Land with any buildings thereon situated in
New Bedford, Bristol County, Commonwealth of Massachusetts, bounded
and described as follows:

Beginning at the Southeasterly corner thereof at a Drill Hole at the
intersection of the North line of Rockdale Avenue with the West line of
Hemlock Street;

Thence Westerly in said North line of Rockdale Avenue, one Hundred
Thirty and 27/100 (130.27) feet to a stake;

Thence Northerly in line of land now or formerly of Morris Goldstein,
Three Hundred Twenty-Eight and 58/100 (328.58) feet to a stake;

Thence Easterly in line of last-named land, One Hundred Thirty and
30/100 (130.30) feet to a stake in said West line of Hemlock Street; and

Thence Southerly therein Three Hundred Thirty-Three and 67/100
(333.67) feet to the point of beginning.

Containing Forth-Three Thousand one Hundred Thirty-Eight (43,138)
square feet, more or less.

Together with a right of way Fifteen (15) feet in width extending Westerly
from said West line of Hemlock Street and one Hundred Thirty and
30/100 (130.30) feet along the whole length of the North line of the
Granted Premises for Ingress to and Egress from the Granted Premises and
for all purposes necessary for the use of the building on said granted
premises.

Being part of the premises conveyed to this Grantor by Deed of Kaplan
Bros. Furniture Co., Inc. dated June 14, 1955 and recorded in the Bristol
County (S.D.) Registry of Deeds in Book 1149 at Page 328.

#4193

ZBA ADMINISTRATIVE APPEAL 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, 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)
- Documentation of the Decision that Aggrieves the Applicant and is being appealed herein
- Appendix (Owner's Signature & Attached Deed for all Involved Parcels)

119193

DEPARTMENT SIGN-OFF SHEET

ZONING BOARD OF APPEALS
ADMINISTRATIVE APPEAL REVIEW

DEPARTMENT	COPIES	SIGNATURE	DATE
BOARD MEMBERS CITY HALL, ROOM 303	5	<i>[Signature]</i>	6/29/15
CITY PLANNING CITY HALL, ROOM 303	1	<i>[Signature]</i>	6/29/15
CITY CLERK (Original) CITY HALL, ROOM 118	1	<i>[Signature]</i>	6/29/15
CITY SOLICITOR CITY HALL, ROOM 203	1	<i>[Signature]</i>	6/29/15
INSPECTIONAL SERVICES CITY HALL, ROOM 308	1	<i>[Signature]</i>	6/30/15
PUBLIC INFRASTRUCTURE 1100 SHAWMUT AVENUE	1	<i>[Signature]</i>	6/30/15
CONSERVATION COMMISSION CITY HALL, ROOM 304	1	<i>[Signature]</i>	6/30/15
PERMITS DEPARTMENT CITY HALL, ROOM 118	1	<i>[Signature]</i>	6/30/15

[Handwritten signature]