



# ZONING BOARD OF APPEALS

CITY OF NEW BEDFORD  
JONATHAN F. MITCHELL, MAYOR

CITY CLERKS OFFICE  
NEW BEDFORD, MA

2015 JUL -2 A 11: 57

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

CITY CLERK Appeal Nr. 4194

Petition for a **VARIANCE**

Date: 7/2/15

The undersigned petitions the Board of Appeals to grant a Variance 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: 118 E. CLINTON ST.

Assessor's Map(s): 45 Lot(s) 451

Registry of Deeds Book: 11263 Page: 134

Zoning District: RES A

Applicant's Name (printed): MATHEW ARRUDA

Mailing Address: 118 E. CLINTON ST. NEW BEDFORD MA 02740  
(Street) (City) (State) (Zip)

Contact Information: 508-965-8683 matarruda@gmail.com  
Telephone Number Email Address

Applicant's Relationship to Property:  Owner  Contract Vendee  Other \_\_\_\_\_

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

- Signed application
- Site Plan
- Certified Abutter's List
- Filing fee
- Copy of rejected Building Permit
- Deed

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.

7/2/15  
Date

Matthew J. Arruda  
Signature of Applicant

2. Dimensions of Lot(s) 45' 85' Area 3,825  
 Frontage Depth Sq. Ft.

3. Number of buildings on lot ONE

4. Size of existing buildings 930 SF

5. Size of proposed buildings N/A

6. Present use of premises SINGLE FAMILY RESIDENTIAL DWELLING

7. Proposed use of Premises SAME

8. Extent of proposed alterations ADD DRIVEWAY

9. Existing number of dwelling units & bedrooms 2 Proposed N/A

10. For commercial uses, please complete the following:

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

11. Planning Board Site Plan Review and Special Permits:  
 \_\_\_\_\_ The applicant is also requesting Site Plan Review and Special Permit(s) from the Planning Board. If so, specify below:  
 \_\_\_\_\_  
 \_\_\_\_\_

12. Have plans been submitted to the Department of Inspectional Services? YES

13. Has the Department of Inspectional Services refused to issue a permit? YES

14. Explain what modifications are proposed that would require the requested Variance:  
Construction of driveway in front of dwelling.  
 \_\_\_\_\_  
 \_\_\_\_\_  
 \_\_\_\_\_

15. State your hardship in accordance with Mass General Laws Chapter 40A Section 10. (Reference the attached "Required Findings For Granting a Variance").

Due to the size of the lot and building location there is no other area except for in front of existing dwelling for a driveway. We believe this relief will not nullify or substantially derogate from the intent or purpose of the Zoning Ordinance or Bylaw and that it may be granted without substantial detriment to the public good and will be in unison with the neighborhood.

16. Complete for ALL the portions for which you are requesting a Variance:

	Existing	Allowed/Required	Proposed
Lot Area (sq ft)			
Lot Width (ft)			
Number of Dwelling Units			
Total Gross Floor Area (sq ft)			
Residential Gross Floor Area (sq ft)			
Non-Residential Gross Floor Area (sq ft)			
Building Height (ft)			
Front Setback (ft)			
Side Setback (ft)			
Side Setback (ft)			
Rear Setback (ft)			
Lot Coverage by Buildings (% of Lot Area)			
Permeable Open Space (% of Lot Area)			
Green Space (% of Lot Area)			
Off-Street Parking Spaces	0	4	2
Loading Bays			
Number of Ground Signs			
Height of Ground Sign			
Proximity of Ground Sign to Property Line			
Area of Wall Sign (sq ft)			
Number of Wall Signs			

17. 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: Mathew Arruda

at the following address: 118 E CLINTON ST.

to apply for: VARIANCE

on premises located at: 118 E CLINTON ST.

in current ownership since: 12/29/14

whose address is: 118 E CLINTON ST.

for which the record title stands in the name of: MATHEW J. ARRUDA & ROBERT T. TORRES

whose address is: 118 E CLINTON ST.

by a deed duly recorded in the:

Registry of Deeds of County: BRISTOL SOUTH ~~BRISTOL~~ Book: 11263 Page: 134

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.

7/2/15  
Date

Mathew J. Arruda  
Signature of Land Owner (If authorized Trustee, Officer or Agent, so identify)

**MASSACHUSETTS QUITCLAIM DEED**

I, **Anmarie Weeks**, Personal Representative under the Will of Elizabeth Santos Martin, duly probated with the Bristol County Probate and Family Court, Docket No. BRI4P0838EA, of 283 Austin Street, New Bedford, Massachusetts, by power conferred by said Will; and power conferred by license to sell allowed and approved by said Bristol County Probate and Family Court, and every other power, for consideration paid, and in full consideration of ONE HUNDRED FIFTY-FIVE THOUSAND AND 00/100 Dollars (U.S. \$155,000.00) grant to **Matthew J. Arruda and Robert T. Torres**, as joint tenants with a right of survivorship, of 75 Wamsutta Street, #304, New Bedford, Massachusetts with *quitclaim covenants* the following property in Bristol County, Massachusetts:

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

BEGINNING at the northeast corner of said lot at a point in the south line of Clinton Street, said point being two hundred Sixty-five (265) feet west from the intersection of the south line of Clinton Street with the west line of Cottage Street; thence

WESTERLY in said south line of Clinton Street forty-five (45) feet to land now or formerly of John D. Kenney et ux; thence

SOUTHERLY by said Kenney land eighty-five (85) feet to a point; thence

EASTERLY by land now or formerly of William F. O'Donnell, Jr. forty-five (45) feet to a stake; thence

NORTHERLY eighty-five (85) feet to the southerly line of Clinton Street and the point of beginning.

CONTAINING 3,825 square feet, more or less and being shown as Parcel A on "Subdivision of Land in New Bedford, Mass. Belonging to Dennis Mello" dated September 11, 1976 and on file in the Bristol County (S.D.) Registry of Deeds in Plan Book 97, Page 33.

TOGETHER with an easement over a parcel of land two (2) feet in width located on the westerly side of Parcel B as shown upon the plan above described, for purposes of ingress and egress, but on foot only, which easement shall run with the land and shall benefit the grantee, his heirs, successors, administrators and assigns.

SUBJECT to an easement over a parcel of land two (2) feet in width located on the easterly side of said Parcel A as shown upon the plan above described, for purposes of ingress and egress, but on foot only which easements shall run with the land and shall benefit the owner or owners of Parcel B as shown upon said plan, and said owners' heirs, successors, administrators and assigns.

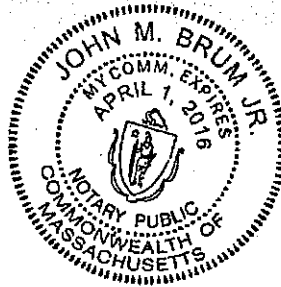
PROPERTY ADDRESS: 118 EAST CLINTON STREET, NEW BEDFORD, MA 02740

Being the same premises conveyed to Elizabeth Santos Martin, by deed dated May 4, 2000 and recorded with Bristol County Southern District Registry of Deeds in Book 4674, Page 216. The title of this Grantor being derived through the Estate of Elizabeth Santos Martin duly probated with the Bristol County Probate and Family Court, Docket # BR14P0838EA.

Witness my hand(s) and seal(s) this 29<sup>TH</sup> day of DECEMBER, 2014.

Annmarie Weeks  
Annmarie Weeks, Personal Representative  
under the Will of Elizabeth Santos Martin

[Signature]  
WITNESS TO A.W.



REG OF DEEDS  
REG #07  
BRISTOL S

12/29/14 3:57PM 01  
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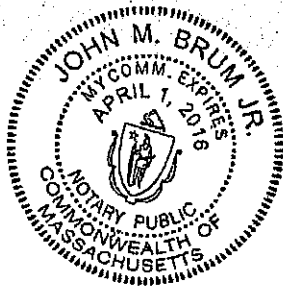
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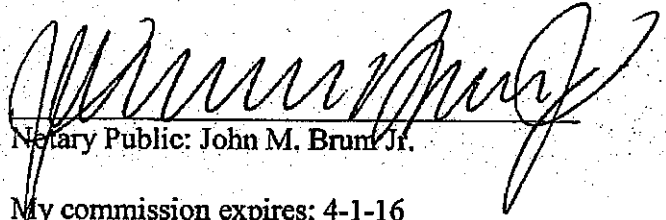
CASH \$706.80

COMMONWEALTH OF MASSACHUSETTS

Bristol, ss.

On this 29<sup>th</sup> day of DECEMBER, 2014, before me, the undersigned notary public, personally appeared ANNMARIE WEEKS, proved to me through satisfactory evidence of identification, which is a current document issued by a federal or state government agency bearing its photographic image of the individual's face and signature, to be the person whose name(s) is signed on the preceding or attached document, and acknowledged to me that she signed it voluntarily for its stated purpose and swore or affirmed to me under the pains and penalties of perjury that any declarations set forth in the above document are true, accurate and complete.





Notary Public: John M. Brun Jr.

My commission expires: 4-1-16

# REQUEST FOR CERTIFIED LIST OF ABUTTERS

Attach the Certified List of Abutters to this Certification Letter and Submit all.

The applicant shall complete the request form below, and submit to Planning Department, City Hall, 133 William Street, Room 303, so that a list may be created for use by the applicant.

I, Carlos Arruda, 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:

7/2/2015  
CITY CLERK  
NEW BEDFORD, MA  
2015 JUN -2 A 11:57  
CITY CLERKS OFFICE  
NEW BEDFORD, MA

SUBJECT PROPERTY:

MAP 45 LOT 451

LOCATION 118 E. CLINTON ST.

OWNER'S NAME MATHEW ARRUDA

MAILING ADDRESS 118 E. CLINTON ST.

CONTACT PERSON NICK DUERESNE

TELEPHONE NUMBER 508-717-3479

EMAIL ADDRESS ndufresne@thompsonfarland.com

REASON FOR REQUEST: ZBA application for driveway construction.

PLANNING

JUN 29 2015

DEPARTMENT



June 29, 2015  
 Dear Applicant,

Please find below the List of Abutters within 300 feet of the property known as 118 E. Clinton St (45-451) 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
45-228	33 MAPLE ST	WHEELER LOUISE E, 33 MAPLE STREET NEW BEDFORD, MA 02740-3619
45-227	35 MAPLE ST	DURY JAMES T, DURY DURY <i>Brenda</i> 35 MAPLE ST NEW BEDFORD, MA 02740-3619
45-221	117 <del>E</del> CLINTON ST	FENO BRUCE ALAN, FENO SANDRA L 117 CLINTON ST NEW BEDFORD, MA 02740 -3610
45-262	109 <del>E</del> CLINTON ST	MCGINN MARY K, 109 E CLINTON STREET NEW BEDFORD, MA 02740 -3610
45-230	27 MAPLE ST	BREngle GEORGE M, BREngle ANNA B 27 MAPLE ST NEW BEDFORD, MA 02740 -3619
45-229	31 MAPLE ST	ODONNELL WILLIAM F III, 31 MAPLE ST NEW BEDFORD, MA 02740 -3619
45-224	130 <del>E</del> CLINTON ST	PACHECO JOHN H, PAGE SHARON S 130 CLINTON ST NEW BEDFORD, MA 02740 -3611
45-477	114 <del>E</del> CLINTON ST	LANT NANCY J, 114 CLINTON ST NEW BEDFORD, MA 02740 -3611
45-225	122 <del>E</del> CLINTON ST	KAVANAUGH GERARD, KAVANAUGH COLLEEN 122 EAST CLINTON STREET NEW BEDFORD, MA 02740 -3611
45-451	118 <del>E</del> CLINTON ST	MARTIN ELIZABETH SANTOS, 118 CLINTON STREET NEW BEDFORD, MA 02740 -3611
45-452	110 <del>E</del> CLINTON ST	HORTON-SIMMS JILL "TRUSTEE", THE 110 E CLINTON NOMINEE TRUST 110 EAST CLINTON STREET NEW BEDFORD, MA 02740 -3611
45-220	123 <del>E</del> CLINTON ST	BROWN NANCY F, 123 <del>EAST</del> CLINTON STREET NEW BEDFORD, MA 02740 -3610

15-91

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45-93

ASH ST

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#4194

**DEPARTMENT SIGN-OFF SHEET**

*Variance*  
**ZONING BOARD OF APPEALS SPECIAL PERMIT REVIEW**

<u>DEPARTMENT</u>	<u>COPIES</u>	<u>SIGNATURE</u>	<u>DATE</u>
BOARD MEMBERS CITY HALL, ROOM 303	5	<i>[Signature]</i>	7/2/15
CITY PLANNING CITY HALL, ROOM 303	1	<i>[Signature]</i>	7/2/15
CITY CLERK (Original) CITY HALL, ROOM 118	1	<i>[Signature]</i>	7/2/15
CITY SOLICITOR CITY HALL, ROOM 203	1	<i>[Signature]</i>	7/2/15
INSPECTIONAL SERVICES CITY HALL, ROOM 308	1	<i>[Signature]</i>	7/2/15
PUBLIC INFRASTRUCTURE 1105 SHAWMUT AVENUE	1	<i>[Signature]</i>	7/2/15
CONSERVATION COMMISSION CITY HALL, ROOM 304	1	<i>[Signature]</i>	7/2/15
FIRE DEPARTMENT 1204 PURCHASE STREET	1	<i>[Signature]</i>	7/2/15