

CITY OF NEW BEDFORD  
JONATHAN F. MITCHELL, MAYOR

# ZONING BOARD OF APPEALS

CITY CLERKS OFFICE  
NEW BEDFORD, MA

2015 MAY 29 A 9:07

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

Appeal Nr. 4186

## Petition for a Special Permit

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

The undersigned petitions the Board of Appeals to grant a Special Permit in the manner and for the reasons hereinafter set forth under the provisions of the Zoning Ordinance to the following described premises:

### 1. Application Information

Street Address: 391 Bolton St.

Assessor's Map(s): 23 Lot(s) 32

Registry of Deeds Book: 11340 Page: 313

Zoning District: MVB

Applicant's Name (printed): Perez Development LLC C/O Vincent Perez

Mailing Address: 113 Eugenia St N.B. MA 02745  
(Street) (City) (State) (Zip)

Contact Information: 508 991 0700 vperez32434@Hotmail.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:

- ① Registry of Deeds
- ② site Plan to scale
- ③ ABotters List.
- ④ Rejection Packet

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.

5/28/15  
Date

[Signature]  
Signature of Applicant

2. Dimensions of Lot(s) 46.5 70 Area 3285  
Frontage Depth Sq. Ft.

3. Number of buildings on lot 1

4. Size of existing buildings 1716 sq Ft

5. Size of proposed buildings Existing

6. Present use of premises Restaurant

7. Proposed use of Premises Fast food Restaurant

8. Extent of proposed alterations Change Garage door to walk up window

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

10. For commercial uses, please complete the following:	Existing	Proposed
a) Number of customers per day:	<u>0</u>	<u>100 - 300</u>
b) Number of employees:	<u>0</u>	<u>13</u>
c) Hours of operation:	<u>0</u>	<u>9am - 11pm</u>
d) Days of operation:	<u>0</u>	<u>7 days</u>
e) Hours of deliveries:	<u>0</u>	<u>10am - 12pm</u>
f) Frequency of deliveries: <input type="checkbox"/> Daily <input checked="" 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:  
yes, Reduction in parking  
Special Permit

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

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

14. Provisions of the Zoning Ordinance under which a petition for a Special Permit is made  
2230 / 5300

15. Explain the need for the Special Permit and what modifications are proposed  
Opening Fast Food Restaurant

2015 MAY 29 A 9:07

CITY CLERK

16. Verification of Ownership. By signing this application the petitioner is stating that they have read and understand this application and the accompanying instructions and information. If petition is granted, the approvals are specific to the plans submitted, unless the Board states otherwise. Also, if granted, that the Special Permit must be recorded and acted upon within one year.

This section is to be completed & signed by the property owner(s):

I hereby authorize the following Applicant: Vincent Perez

at the following address: 391 Bolton St.

to apply for: Special Permit

on premises located at: 391 Bolton St.

in current ownership since: 4/20/15

whose address is: 113 Eugenia St.

for which the record title stands in the name of: Perez Development LLC.


whose address is: 113 Eugenia St.

by a deed duly recorded in the:  
Registry of Deeds of County: Bristol Book: 11340 Page: 313  
H340

OR Registry District of the Land Court, Certificate No.: \_\_\_\_\_ Book: \_\_\_\_\_ Page: \_\_\_\_\_

I/we acknowledge that all information presented herein is true to the best of my/our knowledge. I/we further understand that any false information intentionally provided or omitted is grounds for the revocation of the approval(s). I/we also give Planning Department staff and Planning Board Members the right to access the premises (both interior and exterior) at reasonable times and upon reasonable notice for the purpose of taking photographs and conducting other visual inspections.

5/28/15  
Date

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

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My name is Vincent Perez, I come before the board because I recently purchased The property located at 391 purchase street in the south end of New Bedford. My plans for this Property is to open a restaurant (PIZZARRITOS home of pizza and burritos) along with removing A garage door and creating a walk up window to serve ice cream. I think this would make a great Place seeing that it is located directly across the street from a playground basketball court and Baseball field, along with the population around. I also believe it would be great in creating about 10 to 15 jobs and tax revenue for the city of New Bedford. The property has been boarded up and Vacant for about 2 years and I would like to make it a beautiful place for the community to enjoy.

THANK YOU

VINCENT PEREZ

#4106

## ZBA SPECIAL PERMIT APPLICATION SUBMITTAL CHECKLIST

The following documentation must be submitted, in duplicate (1 Original and 11 Copies), containing all items described below:

- Completed & Signed Application
- (a) Existing Conditions Site Plan, drawn to a scale not less than 1 inch: 40 feet, (For example, drawings at 1" : 10', 1" : 20' or 1" : 30' scale are acceptable) identifying positioning of existing structures must be provided. Site Plan must show footprint and dimensions of Rear, Front and Side distances between structure(s) and boundary lines.
- (b) Site Plan Identifying Proposed Plans, showing all proposed alterations or additions with side, front and rear set property lines identified.
- (c) Sub-Division Plans if Applicable.
- A Certified Abutter's List  
(Compiled by Planning Dept. and Certified in Assessor's Office)
- Plot Plan (Available at Inspectional Services Dept.)
- Filing Fee (Check made out to the City of New Bedford)
- Copy of Building Permit Rejection Packet  
(Containing Rejected Building Permit and all information submitted with Building Permit Application)
- Appendix (Owner's Signature & Attached Deed for all Involved Parcels)
- ~~Development Impact Statement (DIS)~~  
(per Chapter 9 §5350 of the City of New Bedford Zoning Code)  
*Not needed*

## APPENDIX

(1) Owner's/Landlord's Name \_\_\_\_\_

(2) Title Reference to Property 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.

REG OF DEEDS  
REG.#07  
BRISTOL S  
04/13/15 8:33AM  
00000762181  
FEE \$17.56  
CASH \$517.56

BK 11340 PG 313  
04/13/15 09:31 DOC. 6759  
Bristol Co. S.D.

QUITCLAIM DEED

New Bedford Economic Development Council, Inc., a Massachusetts corporation, having its usual place of business at 1213 Purchase Street, New Bedford, Massachusetts 02740, for consideration paid, and in full consideration of One Hundred Thirteen Thousand Five Hundred Dollars and 00/100 (\$113,500.00), grants to Perez Development LLC, a Massachusetts limited liability company, of 113 Eugenia Street, Apt. 2, New Bedford, Massachusetts 02745, the premises conveyed to by said mortgage, said premises being known and numbered 391 Bolton Street, New Bedford, Massachusetts, to wit:

The land in New Bedford, Bristol County, Massachusetts, together with all buildings thereon, bounded and described as follows:

NORTHEASTERLY by Lot No. 2 on plan hereinafter mentioned, 71.77 feet;

SOUTHEASTERLY by Bolton Street, 46.50 feet;

SOUTHWESTERLY by Swift Street 70.00 feet; and

NORTHWESTERLY by remaining land now or formerly of Bolton Realty Corporation, 46.37 feet.

CONTAINING about 3,285 square feet of land.

BEING Lots Numbered 1 and 3 shown on plan entitled "Plan of Land in New Bedford belonging to Bolton Realty Corp., Scale 1" = 20', May 25, 1978", recorded in Bristol County (S.D.) Registry of Deeds, Plan Book 100, Page 50.

Said premises are conveyed to and with the benefit of easements and restrictions of records, if any, insofar as the same may now be in force and applicable.

Being the same premises conveyed to this Grantor by Deed dated August 12, 2014 and recorded with the Bristol County (S.D.) Registry of Deeds in Book 11147, Page 214

This conveyance does not represent a sale of all or substantially all of the assets of the Grantor within the Commonwealth of Massachusetts.

IN WITNESS WHEREOF, the New Bedford Economic Development Council, Inc., has caused its name to be signed and its seal to be hereunder affixed by Ramon Silva, Senior Loan Officer of New Bedford Economic Development Council, Inc., this 10<sup>th</sup> day of April, 2015.

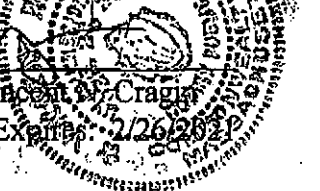
NEW BEDFORD ECONOMIC DEVELOPMENT COUNCIL, INC.

By: [Signature]  
Ramon Silva  
Senior Loan Officer  
Authorized Signatory

ACKNOWLEDGEMENT

COMMONWEALTH OF MASSACHUSETTS  
BRISTOL COUNTY, ss.

On this 10<sup>th</sup> day of April, 2015, before me, the undersigned notary public, personally appeared Ramon Silva, proved to me through satisfactory evidence of identification, which was a Massachusetts drivers license, to be the person whose name is signed on the preceding or attached documents, and acknowledged to me that he signed it voluntarily for its stated purpose as Senior Loan Officer of New Bedford Economic Development Council, Inc.

[Signature]  
Notary Public: Vincent A. Cragin  
My Commission Expires: 2/26/2018  


A true copy of instrument as recorded in  
Bristol County (S.D.) Registry of Deeds  
in Book 11340 Page 313  
ATTEST:

[Signature]  
REGISTER



CITY CLERK'S OFFICE  
NEW BEDFORD, MA  
2015 MAY 29 A 9:07  
CITY CLERK

## 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 Arado*, 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

SUBJECT PROPERTY:

MAP 23~~3~~ LOT 32  
LOCATION 391 Bolton St.  
OWNER'S NAME Vincent Perez  
MAILING ADDRESS 391 Bolton St.  
CONTACT PERSON Vincent Perez  
TELEPHONE NUMBER 508 991 0700  
EMAIL ADDRESS Vperez32434@hotmail.com  
REASON FOR REQUEST: ZBA

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
**PLANNING**  
**MAY 22 2015**  
**DEPARTMENT**

May 26, 2015  
Dear Applicant,

Please find below the List of Abutters within 300 feet of the property known as 391 Bolton St (23-32) 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
23-32	391 BOLTON ST	<del>PRAGANA WAYNE M "TRUSTEE", WAK NOMINEE TRUST</del> <i>new Bedford</i> <del>152 CHIPAWAY ROAD</del> <i>1213 Purchase St. Economic Development</i> <del>FREETOWN, MA 02717</del> <i>New Bedford, MA 02740 Council Inc.</i>
23-33	RIVET ST	CITY OF NEW BEDFORD, ASHLEY PARK <i>6694</i> <del>131 WILLIAM ST</del> <i>133</i> NEW BEDFORD, MA 02740
23-295 <i>ES</i>	BOLTON ST	CLARK'S COVE DEVELOPMENT CO, LLC, 651 ORCHARD STREET SUITE 200 NEW BEDFORD, MA 02744 <i>-1097</i>
23-283 <i>SS</i>	LARCH ST	SILVA MARIA CLEMENTINA, 28 LARCH ST NEW BEDFORD, MA 02740 <i>-2036</i>
23-46	389 BOLTON ST	DEALMEIDA MICHAEL, 106 KATHARINE STREET NEW BEDFORD, MA 02744 <i>-1016</i>
23-40	18 SWIFT ST	COUTO GIL P, COUTO LUCIA 1432 PHILLIPS ROAD NEW BEDFORD, MA 02745 <i>-1958</i>
23-285A (Condo)	4 LARCH ST	FRAGA JOSE, 4 LARCH STREET - UNIT 1 NEW BEDFORD, MA 02740 <i>-2070</i>
23-27A (Condo)	17 SWIFT ST	FERREIRA ELSA, 17 SWIFT STREET UNIT# 2 NEW BEDFORD, MA 02740 <i>-2001</i>
23-26	<del>23 SWIFT ST</del> <i>25</i>	BARBOSA MAYLENA, 23 SWIFT ST NEW BEDFORD, MA 02740 <i>-2059</i>
23-20A (Condo)	24 LARCH ST	SALGADO MARIA P, 24 LARCH STREET - UNIT #1 NEW BEDFORD, MA 02740 <i>-2073</i>
23-285B (Condo)	4 LARCH ST	VIANA FRANCISCO VIANA HELENA 4 LARCH STREET UNIT# 2 NEW BEDFORD, MA 02740 <i>-2070</i>
23-285C (Condo)	4 LARCH ST	EVANGELISTA JOAO M 4 LARCH STREET UNIT 3 NEW BEDFORD, MA 02740 <i>-2070</i>
23-285D (Condo)	4 LARCH ST	FREITAS MARIA 4 LARCH STREET UNIT # 4 NEW BEDFORD, MA 02740 <i>-2070</i>
23-285E (Condo)	4 LARCH ST	CUNHA ISABEL M P O BOX 40863 NEW BEDFORD, MA 02744 <i>-0008</i>

May 26, 2015  
Dear Applicant,

Please find below the List of Abutters within 300 feet of the property known as 391 Bolton St (23-32) 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.

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23-285F (Condo)	4 LARCH ST	FIDALGO JOAO P. 4 LARCH STREET - UNIT # 6 NEW BEDFORD, MA 02740 - 2070
23-285G (Condo)	4 LARCH ST	HUGHES MARILYN 4 LARCH STREET - UNIT #7 NEW BEDFORD, MA 02740 - 2071
23-285H (Condo)	4 LARCH ST	AGUIAR MARIA A. 236 ROCKLAND STREET S. DARTMOUTH, MA 02748 - 2334
23-285J (Condo)	4 LARCH ST	FIDALGO LINDA 99 BROCK AVENUE NEW BEDFORD, MA 02744 - 1315
23-285K (Condo)	4 LARCH ST	BRANCO MANUEL C BRANCO IRMA M 5108 JULIET COURT SPRINGHILL, FL 34606 - 1525
23-27B (Condo)	17 SWIFT ST	FERREIRA ELSA 17 SWIFT STREET UNIT# 2 NEW BEDFORD, MA 02740 - 2001
23-27C (Condo)	17 SWIFT ST	FIGUEIRA ADELINO 17 SWIFT STREET UNIT 3 NEW BEDFORD, MA 02740 - 2601
23-27D (Condo)	17 SWIFT ST	FURTADO MARIA C/O MARIA M ROSA 17 SWIFT STREET UNIT# 4 NEW BEDFORD, MA 02740 - 2001
23-27E (Condo)	17 SWIFT ST	COSTA LUDOVINA R 17 SWIFT STREET UNIT #5 NEW BEDFORD, MA 02740 - 2601
23-27F (Condo)	17 SWIFT ST	DESOUSA ANTONIO M 17 SWIFT STREET APT#6 NEW BEDFORD, MA 02740 - 2001
23-27G (Condo)	17 SWIFT ST	LOPES ALDA C 342 CEDAR STRET NEW BEDFORD, MA 02740 - 4561
23-27H (Condo)	17 SWIFT ST	BARBOZA JANICE <del>153 GULF ROAD</del> 17 Swift St Unit #8 SOUTH DARTMOUTH, MA 02748 New Bedford, MA 02740 - 2060
23-27J (Condo)	17 SWIFT ST	DEFRAGA JOSE I 17 SWIFT STREET UNIT 9 NEW BEDFORD, MA 02740 - 2061
23-27K (Condo)	17 SWIFT ST	RITA GUILHERME RITA MARIA O 17 SWIFT STREET UNIT#10 NEW BEDFORD, MA 02740 - 2061

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23-27L (Condo)	17 SWIFT ST	MEDEIROS EMANUEL P MEDEIROS ROSIE L 60 LIBERIA LANE NEW BEDFORD, MA 02746-1100
23-27K (Condo)	17 SWIFT ST	<del>MEDEIROS EMANUEL P</del> Guilherme + Maria Rita <del>MEDEIROS MARIA R</del> 60 LIBERIA LANE 17 Swift St. Unit #10 NEW BEDFORD, MA <del>02745</del> 02740-2061
23-20B (Condo)	24 LARCH ST	PEDRA LOUIS PEDRA MARY V 24 LARCH STREET - UNIT #2 NEW BEDFORD, MA <del>02744</del> 02740-2073
23-20C (Condo)	24 LARCH ST	VALENTE ANTONIA "TRUSTEE" DIAS, ANDREA "TRUSTEE" MCKINNO 24 LARCH STREET UNIT 3 NEW BEDFORD, MA 02740-2073
23-20D (Condo)	24 LARCH ST	FIDALGO JOAO P FIDALGO IRENE 24 LARCH STREET UNIT #4 NEW BEDFORD, MA 02740-2073
23-20E (Condo)	24 LARCH ST	LAVADINHO JOHN 24 LARCH STREET - UNIT #5 NEW BEDFORD, MA 02740-2073
23-20F (Condo)	24 LARCH ST	MARTINS CHRISTOPHER L 24 LARCH STREET - UNIT #6 NEW BEDFORD, MA 02740-2074
23-20G (Condo)	24 LARCH ST	CAMARAO ELISABETE M <del>24 LARCH STREET UNIT #7</del> 307 Smith Neck Road New Bedford, MA 02740 <del>02740</del> Dartmouth MA 02748
23-20H (Condo)	24 LARCH ST	INACIO MANUEL INACIO FERNANDA SANTOS- 26 WHITE STREET TAUNTON, MA 02780-4642
23-20J (Condo)	24 LARCH ST	PACHECO FATIMA M 5 BRIGHTMAN LANE SOUTH DARTMOUTH, MA 02748-1119
23-20K (Condo)	24 LARCH ST	DUMAS ELSIE DUMAS JAMES M 24 LARCH ST UNIT #10 NEW BEDFORD, MA 02740-2074

