



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. 4176

Petition for a **Special Permit**

Date: 03/18/2015

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: 37 Rockdale Ave

Assessor's Map(s): 19 Lot(s) 49

Registry of Deeds Book: 9610 Page: 179

Zoning District: MUB

Applicant's Name (printed): Ryan Lemmer

Mailing Address: 35 Wood Duck Rd Acushnet MA 02743
(Street) (City) (State) (Zip)

Contact Information: 508-717-4123 ryanlemmer1@gmail.com
Telephone Number Email Address

Applicant's Relationship to Property: Owner Contract Vendee Other Tenant

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

Rejection Packet, Plot Plan, Subdivide Plan, Copy of Deed, ZBA Special Permit Application, Notarized Letter from Owner, copy of lease.

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.

3/18/2015
Date

Signature of Applicant

CITY CLERKS OFFICE
NEW BEDFORD, MA
MAR 20 A 11:33
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: R&G Pizza Enterprises, Inc.
at the following address: 37-41 Rockdale Ave
to apply for: Special Permit
on premises located at: 37-41 Rockdale Ave
in current ownership since: January 13, 2010
whose address is: 37-41 Rockdale Ave
for which the record title stands in the name of: 37-41 Rockdale Ave, LLC
whose address is: 200 South St., New Providence, NJ
by a deed duly recorded in the:
Registry of Deeds of County: BRISTOL Book: 9610 Page: 179
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.

3-18-15
Date
37-41 Rockdale Ave, LLC
[Signature]
Signature of Land Owner (If authorized Trustee, Officer or Agent, so identify)
Joe. Uano, Manager

APPENDIX

- (1) Owner's/Landlord's Name 37-41 Rockdale Avenue, LLC
- (2) Title Reference to Property 37-41 Rockdale Avenue,
New Bedford, MA.
- (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.

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) *not required*
(per Chapter 9 §5350 of the City of New Bedford Zoning Code)

37 Randal Ave #4176

DEPARTMENT SIGN-OFF SHEET

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	<u>[Signature]</u>	<u>3/20/15</u>
CITY PLANNING CITY HALL, ROOM 303	1	<u>[Signature]</u>	<u>3/20/15</u>
CITY CLERK (Original) CITY HALL, ROOM 118	1	<u>[Signature]</u>	<u>3/20/15</u>
CITY SOLICITOR CITY HALL, ROOM 203	1	<u>[Signature]</u>	<u>3/20/15</u>
INSPECTIONAL SERVICES CITY HALL, ROOM 308	1	<u>[Signature]</u>	<u>3/20/15</u>
PUBLIC INFRASTRUCTURE 1105 SHAWMUT AVENUE	1	<u>[Signature]</u>	<u>3/20/15</u>
CONSERVATION COMMISSION CITY HALL, ROOM 304	1	<u>[Signature]</u>	<u>3/20/15</u>
FIRE DEPARTMENT 1204 PURCHASE STREET	1	<u>[Signature]</u>	<u>3/20/15</u>

BK 9610 PG 179
01/13/10 03:29 DOC. 885
Bristol Co. S.D.

QUITCLAIM DEED

We, CURTIS J. MELLO, and JOHN E. WILLIAMS, TRUSTEES OF HOWLAND PLACE REALTY TRUST, under Declaration of Trust dated June 14, 2000, and recorded at the Bristol County (S.D.) Registry of Deeds in Book 4740, Page 270, of 651 Orchard Street, Suite 200, New Bedford, Massachusetts 02744

for consideration paid, and in full consideration of Two Million, Nine Hundred Thousand (\$2,900,000.00) Dollars,

grant to 37 - 41 ROCKDALE AVENUE, LLC, a Massachusetts limited liability company, with a principal place of business at 155 Federal Street, Suite 700, Boston, Massachusetts 02110

with QUITCLAIM COVENANTS

the land, with the building(s) thereon, located in New Bedford, Bristol County, Massachusetts, more particularly bounded and described as follows:

LOT 2, containing 132,730 square feet (3.05 +/- acres), as shown on the plan entitled: "A.N.R. Plan of Land, Rockdale Ave., New Bedford, Massachusetts, Assessors' Map 19, Lots 47 & 49, Prepared for Howland Place Realty Trust" by Kenneth R. Ferreira Engineering Co., Inc. dated November 10, 2009, and recorded at the Bristol County (S.D.) Registry of Deeds in Plan Book 165, Page 47

SUBJECT TO AND TOGETHER WITH the benefit of easements and covenants of record insofar as the same are now in force and applicable.

SUBJECT TO AND TOGETHER WITH the benefit of cross easements to be recorded herewith between the premises described herein and the retained parcel of the Grantor for continued access and utility services as are currently provided.

Property Address: 37 - 41 Rockdale Avenue, New Bedford, Massachusetts 02744.

Being a portion of premises conveyed to the Grantor herein by deed of Zalman Stern, Trustee of Howland Mills Realty Trust dated July 28, 2000, and recorded at the Bristol County (S.D.) Registry of Deeds in Book 4740, Page 279.

WITNESS our hands and seals this 13th day of January, 2010.

HOWLAND PLACE REALTY TRUST

Sara B. O'Leary Curtis J. Mello Jr
Witness By: CURTIS J. MELLO, Trustee

Sara B. O'Leary John E. Williams
Witness By: JOHN E. WILLIAMS, Trustee

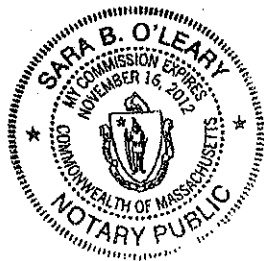
THE COMMONWEALTH OF MASSACHUSETTS

BRISTOL, ss.

January 13, 2010

Then personally appeared the above-named CURTIS J. MELLO and JOHN E. WILLIAMS, duly authorized Trustees as aforesaid, who proved to me through satisfactory evidence of identification which were Massachusetts Drivers Licenses to be the persons whose names are signed on this document, and acknowledged to me that they signed it voluntarily for its stated purpose before me,

Sara B. O'Leary
Sara B. O'Leary, Notary Public
My commission expires: 11/16/2012



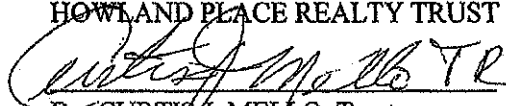
TRUSTEES' CERTIFICATE

We, CURTIS J. MELLO and JOHN E. WILLIAMS, TRUSTEE OF HOWLAND PLACE REALTY TRUST, under Declaration of Trust dated June 14, 2000, and recorded at the Bristol County (S.D.) Registry of Deeds in Book 4740, Page 270, hereby certify that:

1. Said Trust is in full force and effect.
2. All the beneficiaries are of full age.
3. All the beneficiaries are competent.
4. All the beneficiaries of said Trust have authorized us as Trustees to execute and deliver a deed for the sale of the real estate located at 37- 41 Rockdale Avenue, New Bedford, Massachusetts to 37 - 41 ROCKDALE AVENUE, LLC for consideration of \$2,900,000.00, and in connection therewith to execute any and all documents necessary to effectuate the transfer of said property.

Signed under the pains and penalties of perjury this ~~31~~ day of January, 2010.

HOWLAND PLACE REALTY TRUST


By: CURTIS J. MELLO, Trustee


By: JOHN E. WILLIAMS, Trustee

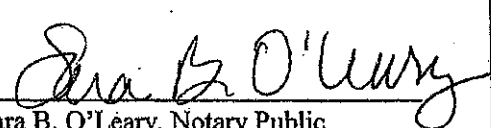
COMMONWEALTH OF MASSACHUSETTS

BRISTOL, ss

January 13, 2010

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Sara B. O'Leary, Notary Public
My commission expires: 11/16/2012

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 Carol Andrews, 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: 3/8/2015
2015 MAR 20 A 11:33
CITY CLERK
NEW BEDFORD, MA
CITY CLERKS OFFICE

SUBJECT PROPERTY:

MAP 19 LOT 49

LOCATION 37 Rockdale Ave

OWNER'S NAME 37-41 Rockdale Ave LLC

MAILING ADDRESS 35 Wood Duck Rd., Acushnet, MA

CONTACT PERSON Ryan Lemmer

TELEPHONE NUMBER 508-717-4123

EMAIL ADDRESS Ryan.Lemmer1@gmail.com

REASON FOR REQUEST: ZBA-special permit

PLANNING

MAR 06 2015

DEPARTMENT

March 9, 2015
Dear Applicant,

Please find below the List of Abutters within 300 feet of the property known as 37 Rockdale Ave (19-49) 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
18-57	279 BOLTON ST	CONNOR CYNTHIA, 279 BOLTON ST NEW BEDFORD, MA 02740 - 1103
18-35	6 GOSNOLD ST	MELLO JOSEPH JR, MELLO EVELYN 6 GOSNOLD ST NEW BEDFORD, MA 02740 - 1116
17-181	30 ROCKDALE AVE	A. L. PRIME ENERGY CONSULTANT INC, 18 LARK AVENUE SAUGUS, MA 01906 - 4261
17-1	46 ROCKDALE AVE	PACHECO LORI A HORSFALL-, PACHECO LISA M HORSFALL- 46 ROCKDALE AVENUE NEW BEDFORD, MA 02740 - 1071
17-183	45 ROCKDALE AVE	HODGE GEORGE "TRUSTEE", GORDY REALTY TRUST City of 153 CRAPO STREET 133 William St. new Bedford NEW BEDFORD, MA 02744 02740
17-173	RICE ST	ROCKDALE AVENUE CO INC, C/O EDSSEL COMPANIES P O BOX 250 BROCKTON, MA 02302 - 0250
17-52	SS 253 ROCKDALE AVE	COMMONWEALTH ELECTRIC CO, C/O PROPERTY TAX DEPARTMENT P O BOX 567 NORWOOD, MA 02062 - 0567
19-52	701 ORCHARD ST	CLUBE UNIAO FAIALENSE INC, 701 ORCHARD ST NEW BEDFORD, MA 02744 - 1017
17-172	SS ROCKDALE AVE	ROCKDALE AVENUE CO INC, C/O EDSSEL COMPANIES P O BOX 250 BROCKTON, MA 02302 - 0250
19-2	5 ROCKDALE AVE	JAMINAC CORPORATION, 790 NORTH MAIN STREET WEST BRIDGEWATER, MA 02379 - 1235
19-47	WS ORCHARD ST	MELLO CURTIS J "TRUSTEE", WILLIAMS JOHN E "TRUSTEE" 651 ORCHARD ST NEW BEDFORD, MA 02740 02744-1097
19-49	37 ROCKDALE AVE	37 - 41 ROCKDALE AVENUE LLC, 200 SOUTH STREET NEW PROVIDENCE, NJ 07974 - 2151
18-59	271 BOLTON ST	DEMORANVILLE RONALD E, DEMORANVILLE NICOLE M 271 BOLTON STREET NEW BEDFORD, MA 02740 - 1103

March 9, 2015
Dear Applicant,

Please find below the List of Abutters within 300 feet of the property known as 37 Rockdale Ave (19-49). 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
18-61	61 ROCKDALE AVE	DEBORTOLI ANGIE, 61 ROCKDALE AVENUE NEW BEDFORD, MA 02740-1075
18-37	287 BOLTON ST	BOTELHO LUIS, BOTELHO LUCIA MIGUEL- 287 BOLTON ST NEW BEDFORD, MA 02740-1105
19-50	665-ORCHARD ST 667	14 SOUTH STREET LLC, 171 MENDELL ROAD ROCHESTER, MA 02770-1312
18-58	275 BOLTON ST	VIVEIROS TANYA, VIVEIROS RICARDO 275 BOLTON STREET NEW BEDFORD, MA 02740-1103
18-36	289 BOLTON ST	RODERIQUES CLIFFORD J, RODERIQUES BARBARA 289 BOLTON ST NEW BEDFORD, MA 02740-1105
18-14	303 BOLTON ST	RICO ANTONIO P, RICO GORETI M 303 BOLTON STREET NEW BEDFORD, MA 02740-1106
19-53	639 ORCHARD ST	UNITED FISHERMEN CLUB INC, 639 ORCHARD ST NEW BEDFORD, MA 02744-1017
19-48	651 ORCHARD ST	MELLO CURTIS J "TRUSTEE", WILLIAMS JOHN E "TRUSTEE" 651 ORCHARD ST NEW BEDFORD, MA 02740-02744-1097



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18-109

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18-102

HEMLOCK ST

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GOSNOLD ST

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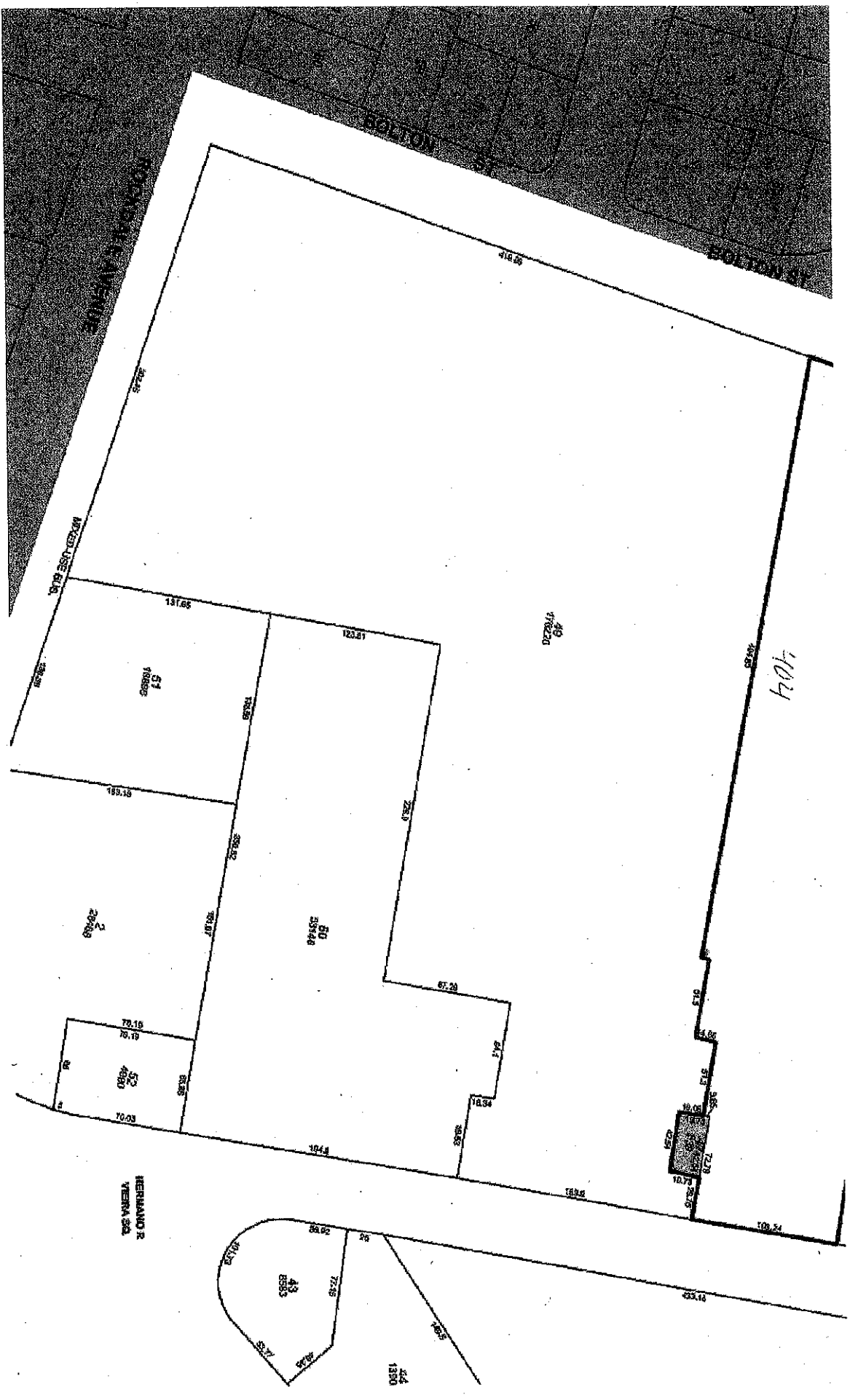
18-18

18-19

18-20

Plot Plan

Map 19 Lots 49



HERNANDO R.
YERNA S.D.

SOLTON

MAYO USE SUB.

404

49

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52

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