



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

CITY CLERKS OFFICE
NEW BEDFORD, MA
2014 OCT 9 P 3:30
CITY CLERK

Appeal Nr. 4168

Petition for a VARIANCE

Date: _____

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: 377 Cedar St

Assessor's Map(s): 77 Lot(s) 122

Registry of Deeds Book: _____ Page: _____

Zoning District: _____

Applicant's Name (printed): Basalam Alum

Mailing Address: 397 Sawyer St NB MA 02746
(Street) (City) (State) (Zip)

Contact Information: 774 627 6324 visions23@comcast.net
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:

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.

12/18/14
Date

Basalam Alum
Signature of Applicant

4/168

ZBA VARIANCE 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)

2. Dimensions of Lot(s) 50' 80.45' Area 4022.5 sqft
Frontage Depth Sq. Ft.

3. Number of buildings on lot 1

4. Size of existing buildings _____

5. Size of proposed buildings N/A

6. Present use of premises mixed residential / commercial

7. Proposed use of Premises convenience store

8. Extent of proposed alterations Paint interior work

9. Existing number of dwelling units & bedrooms 7 units Proposed 7 units

10. For commercial uses, please complete the following:	Existing	Proposed
a) Number of customers per day:	_____	<u>500</u>
b) Number of employees:	_____	<u>1</u>
c) Hours of operation:	_____	<u>7am - 10pm</u>
d) Days of operation:	_____	<u>Sun - Sat</u>
e) Hours of deliveries:	_____	<u>11A.M</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:

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:

Variance Required
No parking + Loading Spaces

Applicability

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

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

	Existing	Allowed/Required	Proposed
Lot Area (sq ft)	4022		4022
Lot Width (ft)	80'		80'
Number of Dwelling Units	7 units		7 unit
Total Gross Floor Area (sq ft)	6581		6581
Residential Gross Floor Area (sq ft)	5625		5625
Non-Residential Gross Floor Area (sq ft)	956		956
Building Height (ft)	4 stories		
Front Setback (ft)	50'		50'
Side Setback (ft)	80'		80'
Side Setback (ft)	80'		80'
Rear Setback (ft)	50'		50'
Lot Coverage by Buildings (% of Lot Area)	75%		75%
Permeable Open Space (% of Lot Area)	25%		25%
Green Space (% of Lot Area)			
Off-Street Parking Spaces	0	2	0
Loading Bays	0		0
Number of Ground Signs	0		0
Height of Ground Sign	0		0
Proximity of Ground Sign to Property Line	0		0
Area of Wall Sign (sq ft)			43.8
Number of Wall Signs	0		3

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: Basalam Alum

at the following address: 377 Cedar St

to apply for: variance

on premises located at: 377 Cedar St

in current ownership since: _____

whose address is: _____

for which the record title stands in the name of: P-6 Management Group

whose address is: 14 Parker Street

by a deed duly recorded in the:

Registry of Deeds of County: _____ Book: _____ Page: _____

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.

12/18/14 Bruno Lusate
Date Signature of Land Owner (If authorized Trustee, Officer or Agent, so identify)

CITY CLERKS OFFICE
NEW BEDFORD, MA
2014 DEC 19 P 3:30
CITY CLERK

APPENDIX

- (1) Owner's/Landlord's Name Bruce A. Quarte
- (2) Title Reference to Property Vice president of operations

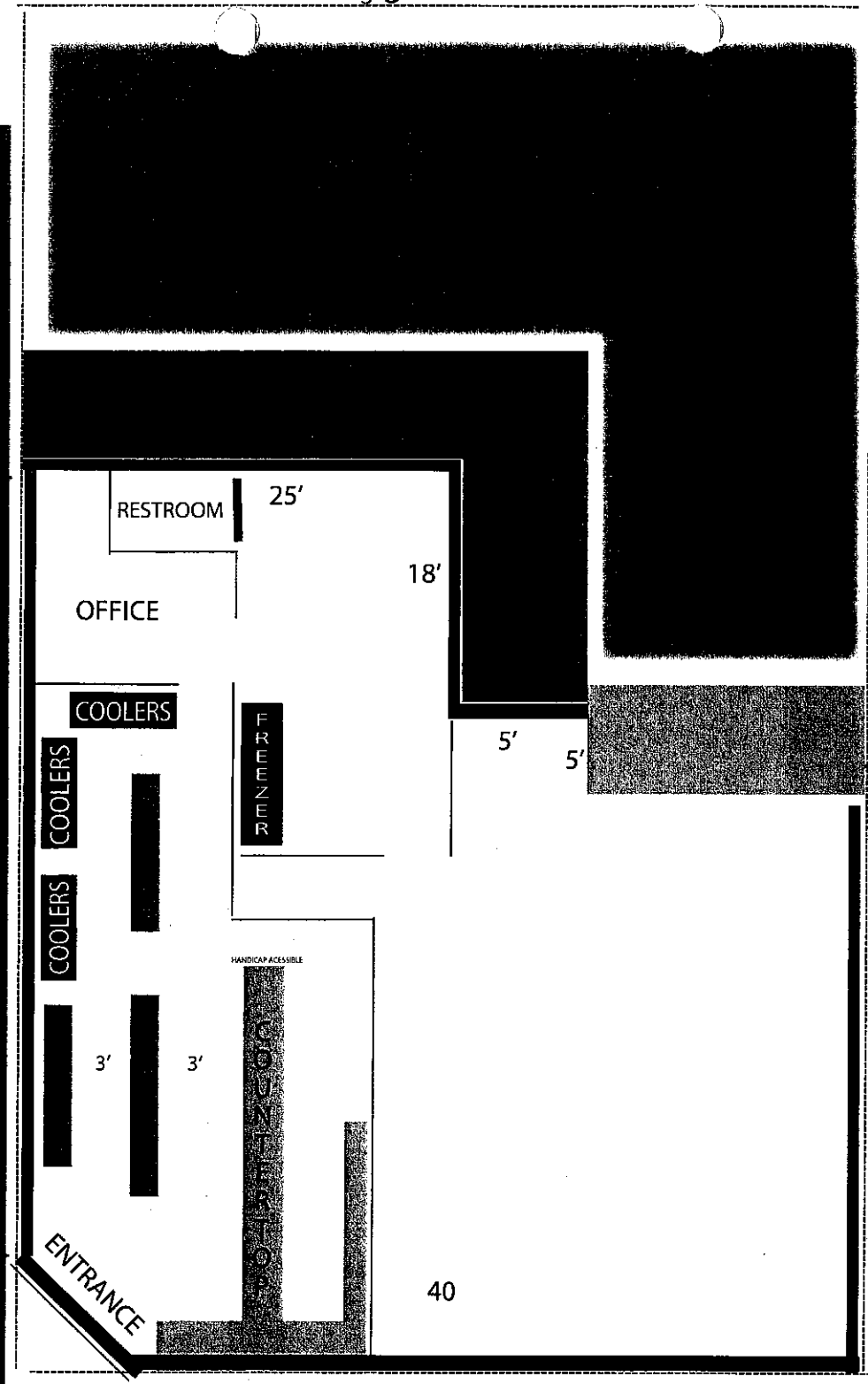
(Attach copy of Deed, Certificate of Title & most recent Recorded Plans showing affected lot or lots)

- (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.

50'

80'

80'



NO PARKING

50'



377 CEDAR ST NEW BEDFORD MA

DESIGNED BY DEREK YATES
7746276324



QUITCLAIM DEED

Philip J. Willette and Laura Mack of 4794 Happy Drive NE, Salem, Oregon, for consideration paid, and in full consideration of Four Hundred Thousand (\$400,000.00) Dollars, receipt of which is hereby acknowledged, grant to P6 Management Group, LLC, a Massachusetts limited liability company, of 14 Parker Street, New Bedford, Bristol County, Massachusetts, with quitclaim covenants, the land in New Bedford, Bristol County, Massachusetts, bounded and described as follows:

BEGINNING at the southeast corner of the land herein described at a point formed by the intersection of the northerly line of Austin Street with the westerly line of Cedar Street; thence

WESTERLY in line of said Austin Street, eighty-one and 75/100 (81.75) feet to land now or formerly of Charles H. Gifford; thence

NORTHERLY in line of last-named land, fifty (50) feet to land now or formerly of Marcus Richardson; thence

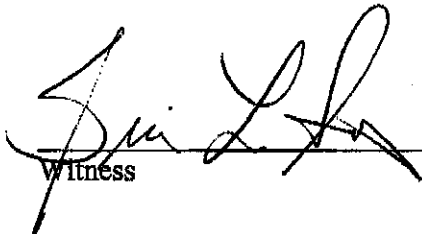
EASTERLY in line of last-named land, eighty-one and 75/100 (81.75) feet to the said line of Cedar Street; and thence

SOUTHERLY in line of said Cedar Street, fifty (50) feet to the said line of Austin Street and the point of beginning.

CONTAINING fifteen (15) square rods, more or less.

FOR OUR TITLE, see Deed from Frank A. Knox and Karen L. Knox dated September 6, 2002 recorded with Bristol County (S.D.) Registry of Deeds in Book 5687, Page 12.

WITNESS our hands and seals this 12 day of January, 2005.


Witness


Philip J. Willette


Witness


Laura Mack



EXHIBIT "A"

The land in New Bedford, Bristol County, Massachusetts, bounded and described as follows:

BEGINNING at the southeast corner of the land herein described at a point formed by the intersection of the northerly line of Austin Street with the westerly line of Cedar Street; thence

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A true copy of instrument as recorded in
Bristol County (S.D.) Registry of Deeds
in Book 7369 Page 319
ATTEST: *mready*
REGISTER

Handwritten text, possibly a signature or date, located in the bottom left corner of the page.

ACKNOWLEDGEMENT

STATE OF OREGON
MARION COUNTY, ss.

On this 12th day of January, 2005, before me, the undersigned notary public, personally appeared Philip J. Willette, proved to me through satisfactory evidence of identification, which was a OREGON driver's 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.



Jeanne M. Smith
Notary Public
My Commission Expires: 3-12-2005

ACKNOWLEDGEMENT

STATE OF OREGON
MARION COUNTY, ss.

On this 12th day of January, 2005, before me, the undersigned notary public, personally appeared Laura Mack, proved to me through satisfactory evidence of identification, which was a MASSACHUSETTS driver's license, to be the person whose name is signed on the preceding or attached documents, and acknowledged to me that she signed it voluntarily for its stated purpose.



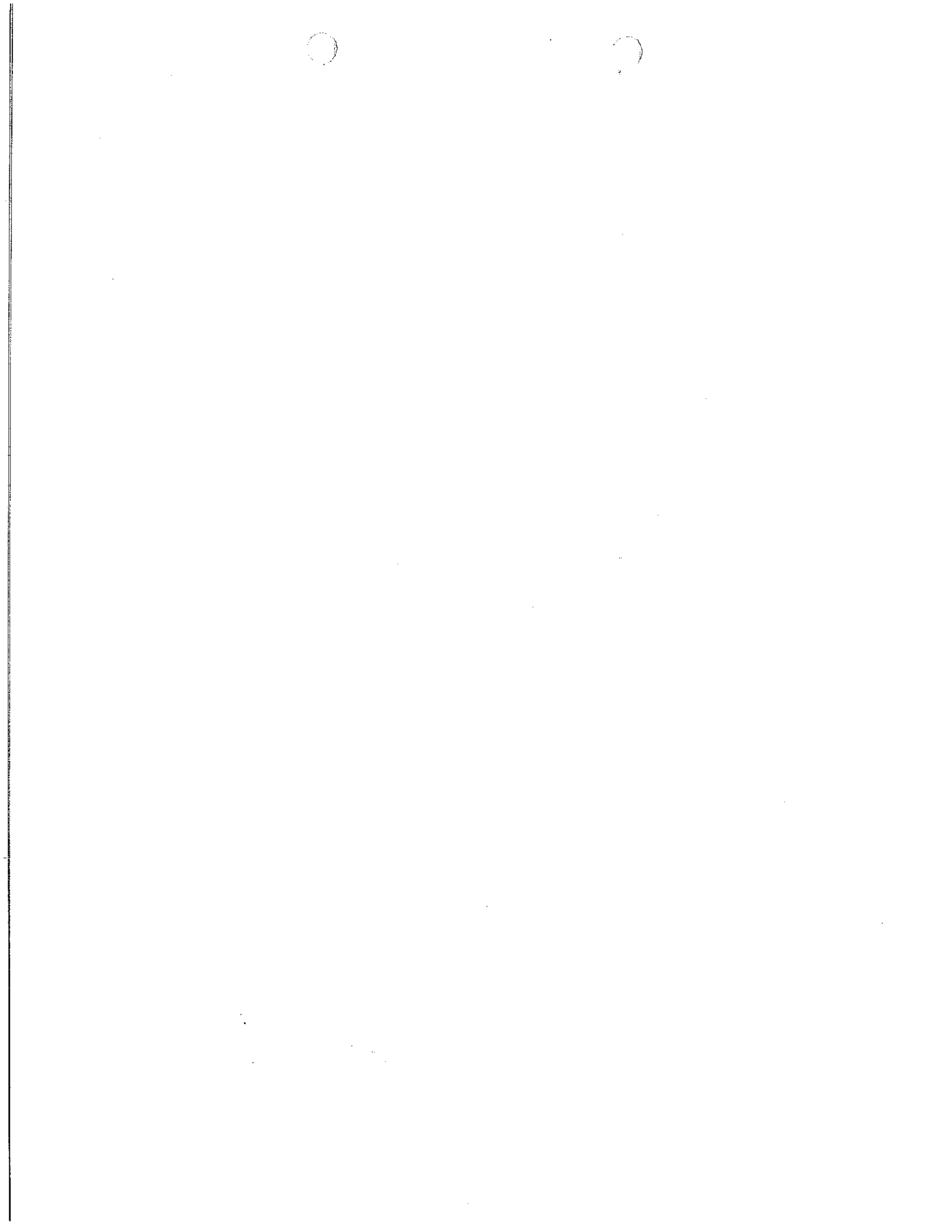
Jeanne M. Smith
Notary Public
My Commission Expires: 3-12-2005

REG OF DEEDS
REG #07
BRISTOL S

01/14/05 8:47AM 01
000000 #2397

FEE - \$1824.00

CASH \$1824.00



750 -

PLANNING
DEC 11 2014
DEPARTMENT

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, Judith M. Serdahl, 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: 12/19/2014

SUBJECT PROPERTY:

MAP 77 LOT 122

LOCATION 377 Cedar Street

OWNER'S NAME Basalam Alum

MAILING ADDRESS _____

CONTACT PERSON Derek Yates

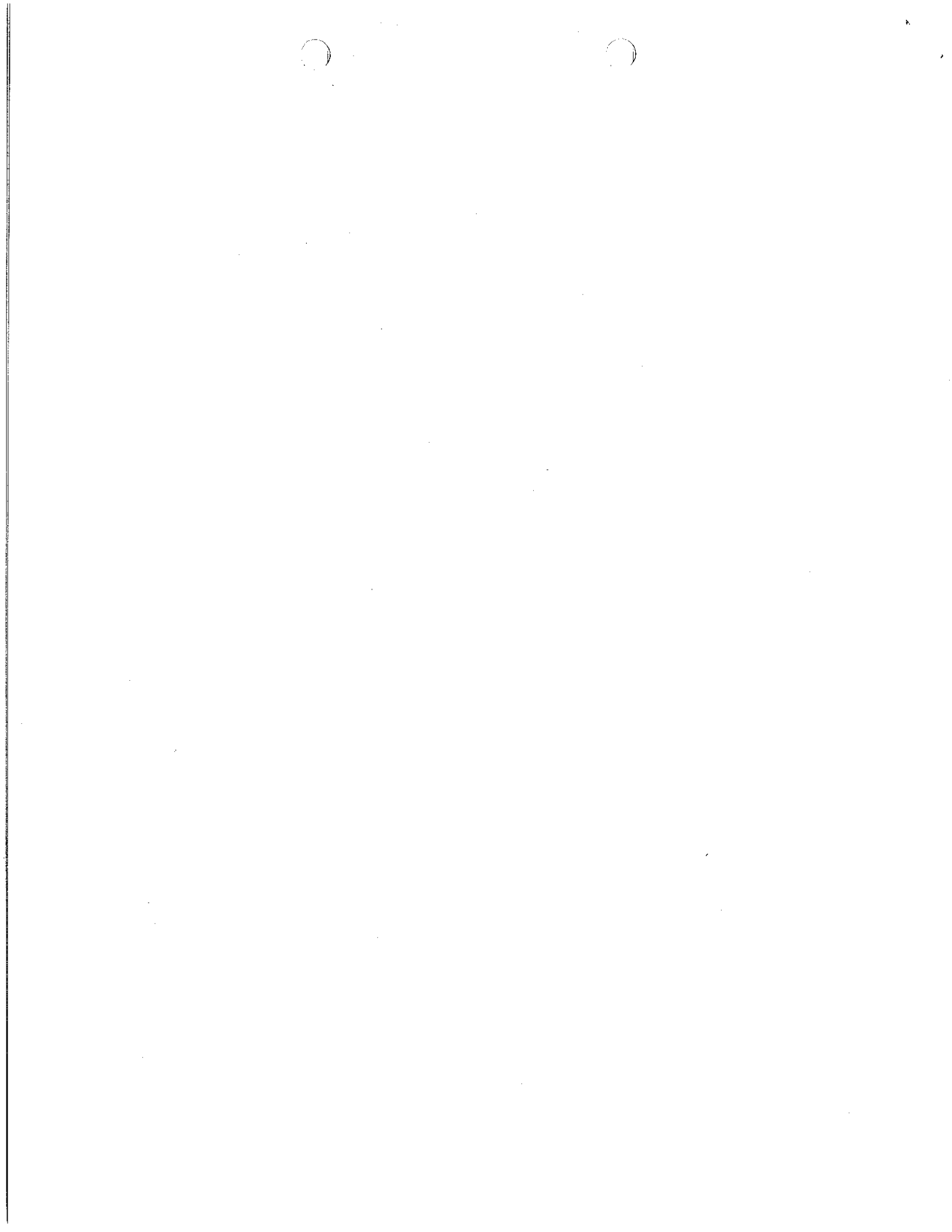
TELEPHONE NUMBER 774-627-6324

EMAIL ADDRESS _____

REASON FOR REQUEST:

ZBA / Planning Board

2014 DEC 19 P 3:30
CITY CLERK
CITY CLERKS OFFICE
NEW BEDFORD, MA



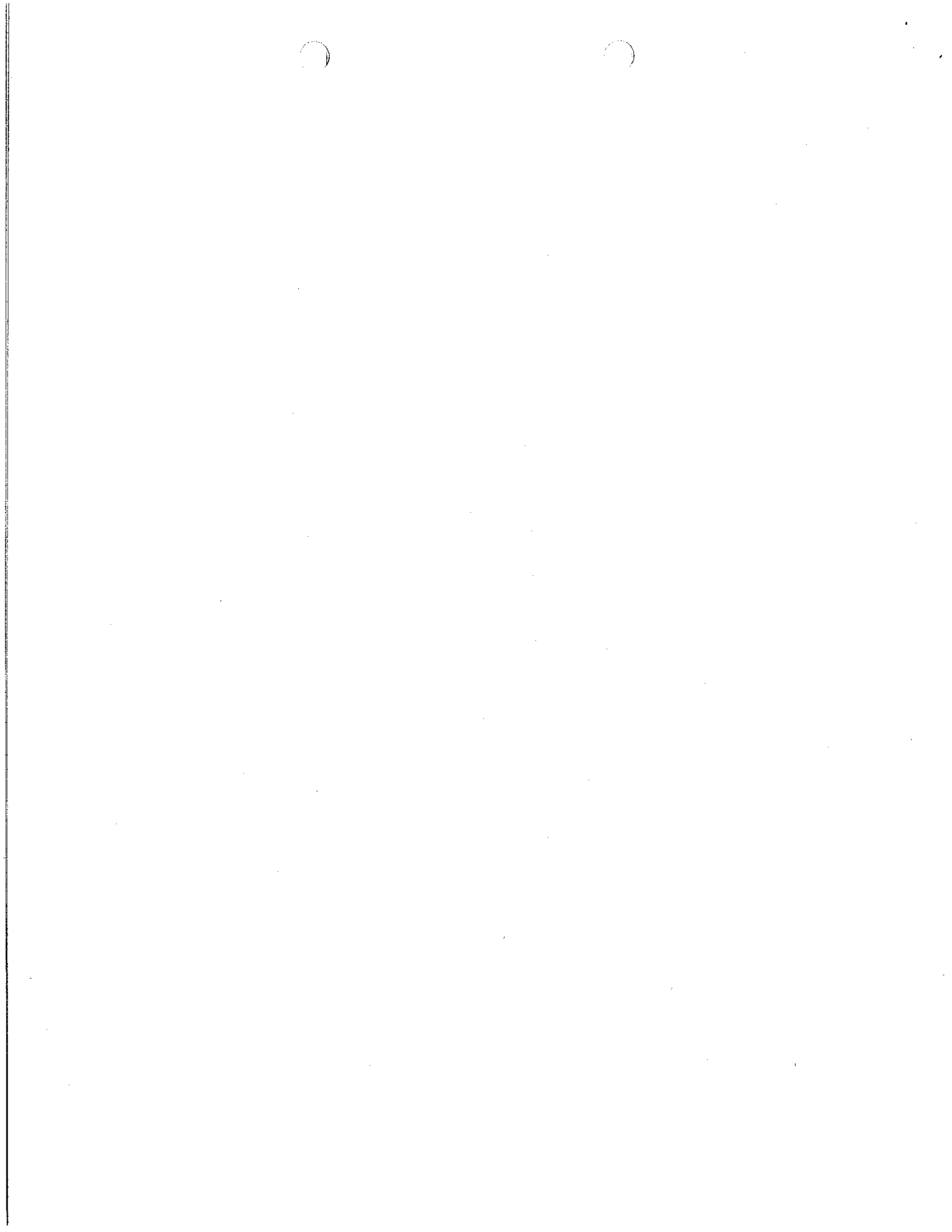
December 11, 2014

Dear Applicant,

Please find below the List of Abutters within 300 feet of the property known as 377 Cedar St (77-122). 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.

<u>Parcel</u>	<u>Location</u>	<u>Owner and Mailing Address</u>
77-200	234 AUSTIN ST	DUMONT CHRISTOPHER J "TRUSTEE", HATHAWAY JEFFREY M "TRUSTEE" 217 JAMES STREET NEW BEDFORD, MA 02740 - 3729
77-199	238 AUSTIN ST	ROCK DONNA LEE, ROCK WAYNER c/o Ronald Oliveira 238 AUSTIN STREET 5 Archer's Way NEW BEDFORD, MA 02740 Acushnet, MA 02743
77-122	377 CEDAR ST 379	P6 MANAGEMENT GROUP LLC, 14 PARKER STREET NEW BEDFORD, MA 02740 - 5421
77-129	378 CEDAR ST	DECLLET RICHARD, 378 CEDAR STREET NEW BEDFORD, MA 02740 - 4562
77-203	57 WILLOW ST 59	TEIXEIRA CARLOS "TRUSTEE", TEIXEIRA IOAQUIM C "TRUSTEE" TEIXEIRA GLORIA "TRUSTEE" Kyle W. Costa c/o Carlos Teixeira 26 FAIRWAY DRIVE ACUSHNET, MA 02743
77-334	210 AUSTIN ST	STERGIOTIS KIRIAKOS M, STERGIOTIS FILOMENA M 210 AUSTIN STREET NW BEDFORD, MA 02740 - 5533
77-114	389 CEDAR ST	SPENCER ARLINDO, SPENCER IVONE 389 CEDAR STREET NEW BEDFORD, MA 02740 - 4535
77-304	375 CEDAR ST	LOMBARD ANGELA L, 375 CEDAR STREET NEW BEDFORD, MA 02740 - 4534
77-336	213 AUSTIN ST	FLANAGAN PATRICK J, 213 AUSTIN ST NEW BEDFORD, MA 02740 - 5534
77-119	237 AUSTIN ST 239	PACHECO JOSE G, PACHECO LIDIA P 237 AUSTIN STREET NEW BEDFORD, MA 02740 - 4522
77-204	49 WILLOW ST	BRANQUINHO DEBORAH, MARTINEZ CHRISTINE 49 WILLOW STREET NEW BEDFORD, MA 02740 - 4553
77-212	370 CEDAR ST	PROVENCAL THERESA M, 370 CEDAR STREET NEW BEDFORD, MA 02740 - 4559



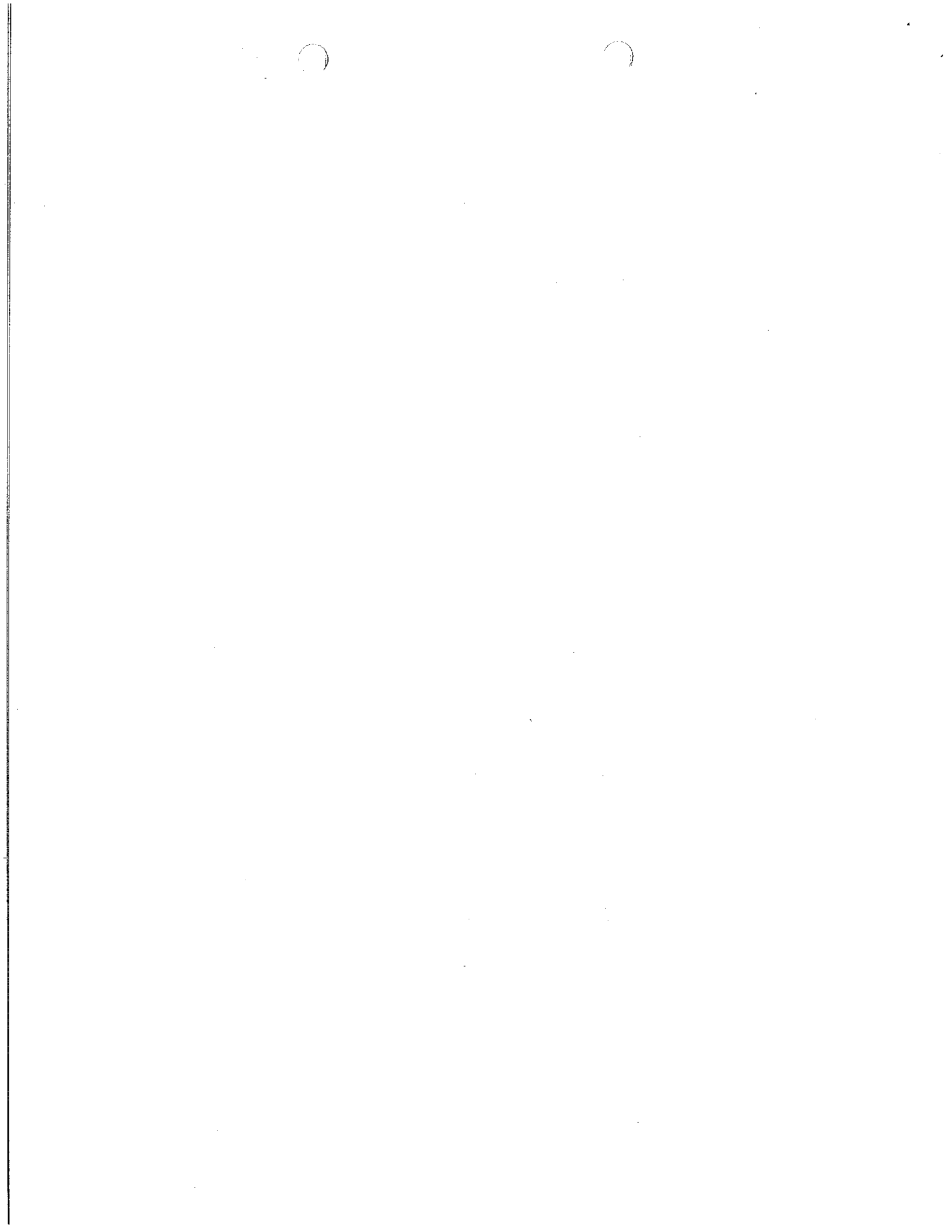
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<u>Parcel</u>	<u>Location</u>	<u>Owner and Mailing Address</u>
77-198	242 AUSTIN ST	FORD NANCY L, 297 MILL ROAD FAIRHAVEN, MA 02719 - 5236
77-120	235 AUSTIN ST	ARRUDA DAVID, ARRUDA JOYCE 235 AUSTIN STREET NEW BEDFORD, MA 02740 - 4522
77-128	382 CEDAR ST	ALDEN MARGARET L, C/O MARGARET L RODERICK 382 CEDAR STREET NEW BEDFORD, MA 02740 - 4562
77-121	383 CEDAR ST	LEDUC NEILL K, LEDUC AMY L 14 CRESCENT DRIVE NO. DARTMOUTH, MA 02747 - 3506
77-127	386 CEDAR ST	ALVAREZ SUSAN A, 386 CEDAR ST NEW BEDFORD, MA 02740 - 4562
77-112	18 TRINITY ST	LEWIS NANCY D, LEWIS DANA B 18 TANNER LANE FAIRHAVEN, MA 02719 - 5241
77-213	27 WILLOW ST	ARVANITES ANTHONY C, 329 CEDAR STREET NEW BEDFORD, MA 02740 - 4503
77-305	373 CEDAR ST	WHITLOW KATHLEEN G, C/O BCF Investment Group LLC 373 CEDAR ST NEW BEDFORD, MA - 02740 02741 PO Box 20600



77-293

N



77-100
77-333
77-298
77-105
77-300

77-106

77-409

77-108

77-109

TRINITY ST

77-378
77-270
77-110
77-236
77-117
77-116

77-384
77-111
77-348
77-349
77-119

77-112
77-114
77-121
77-122

77-113
77-290
77-297
77-120
77-121

AUSTIN ST

77-342
77-338
77-358
77-373

77-343
77-344
77-198
77-337
77-201

77-199
77-200
77-203
77-202

77-304
77-305
77-345
77-204
77-346

77-403

WILLOW ST

71-351
71-352

71-340
71-1

71-2
71-9

71-3
71-318

71-4
71-10

71-5
71-290

71-6
71-283

71-7
71-8

77-141

77-142

77-388

77-354

77-144

77-145
COLLINS ST

CEDAR ST

77-123
77-124
77-125
77-126
77-127
77-128
77-129

77-389
77-295
77-124
77-130
77-131
77-283
77-282

77-296
77-301
77-130
77-131
77-283
77-132

77-336

GLOVER ST

77-335
77-149
77-150
77-383
77-151

77-317
77-212
77-288

77-334
77-213

77-206
77-214

77-207
77-215

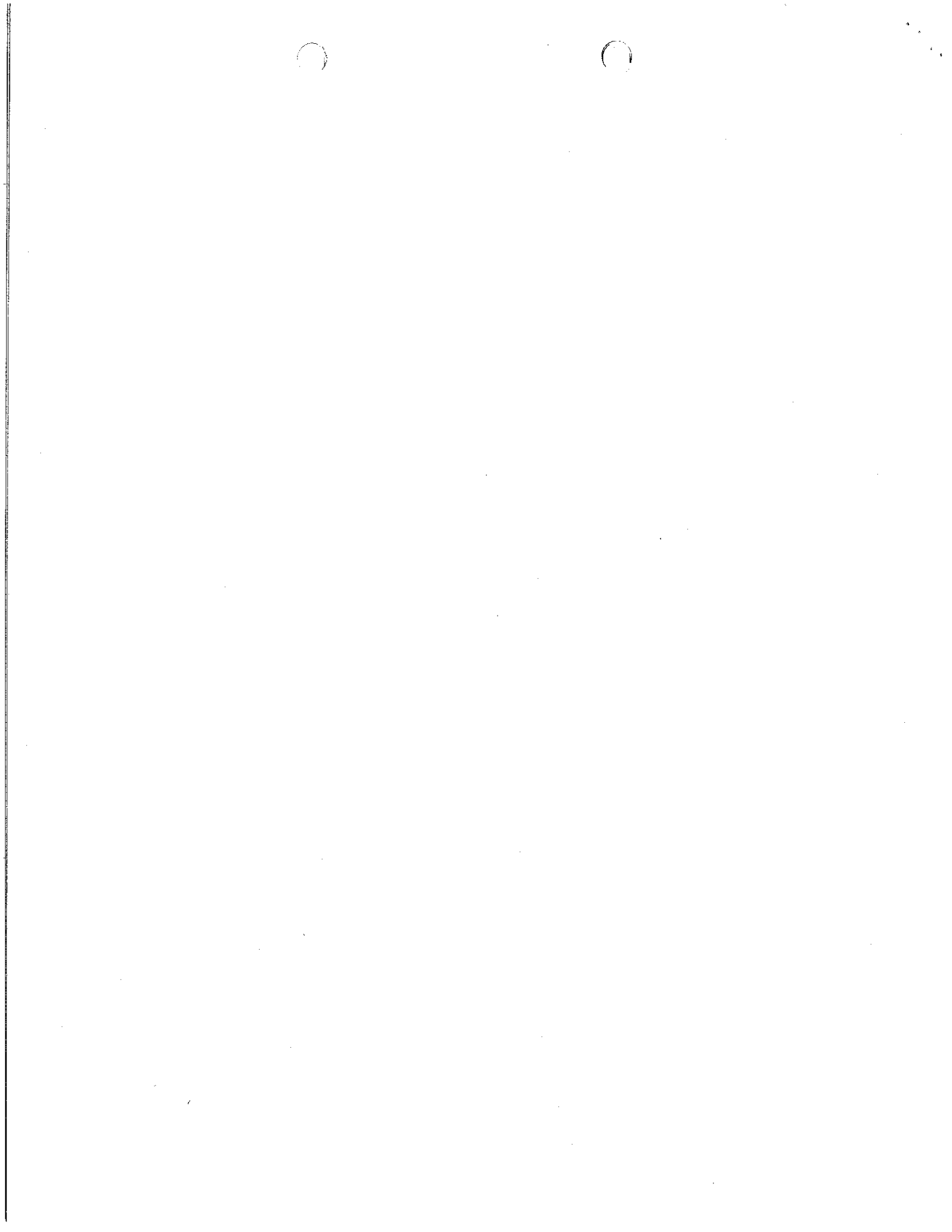
77-208
77-216

71-11
71-266
71-15
71-16

71-12
71-272

71-270
71-17

71-271
71-273



377 Clear St

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	<u>[Signature]</u>	
CITY PLANNING CITY HALL, ROOM 303	1	<u>[Signature]</u>	
CITY CLERK (Original) CITY HALL, ROOM 118	1	<u>[Signature]</u>	12/19/14
CITY SOLICITOR CITY HALL, ROOM 203	1	<u>[Signature]</u>	12/19/14
INSPECTIONAL SERVICES CITY HALL, ROOM 308	1	<u>[Signature]</u>	12-19-14
* PUBLIC INFRASTRUCTURE 1105 SHAWMUT AVENUE	1	<u>[Signature]</u>	12/28/14
CONSERVATION COMMISSION CITY HALL, ROOM 304	1	<u>[Signature]</u>	
* FIRE DEPARTMENT 1204 PURCHASE STREET	1	<u>[Signature]</u>	12/22/14

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I, _____, 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: _____

SUBJECT PROPERTY:

MAP _____ LOT _____

LOCATION _____

OWNER'S NAME _____

MAILING ADDRESS _____

CONTACT PERSON _____

TELEPHONE NUMBER _____

EMAIL ADDRESS _____

REASON FOR REQUEST: _____

