



City of New Bedford

ZBA VARIANCE APPLICATION

CASE # 4408

1. SUBMITTAL CHECKLIST

The following documentation must be submitted, in duplicate (1 Original and 11 Copies):

Have you included...			Planning staff review finds...	
Yes	No		Yes	No
<input checked="" type="checkbox"/>	<input type="checkbox"/>	A <u>Completed and Signed Application</u>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
<input checked="" type="checkbox"/>	<input type="checkbox"/>	An <u>Existing Conditions Site Plan</u> , drawn to a scale not less than 1 inch: 40 feet, identifying positioning of existing structures must be provided. Your site plan must show footprint and dimensions of rear, front and side distances between structure(s) and boundary lines.	<input checked="" type="checkbox"/>	<input type="checkbox"/>
<input checked="" type="checkbox"/>	<input type="checkbox"/>	A <u>Proposed Site Plan</u> showing all proposed alterations or additions with side, front and rear set property lines identified.	<input checked="" type="checkbox"/>	<input type="checkbox"/>
<input type="checkbox"/>	<input type="checkbox"/>	<u>Sub-Division Plans</u> if Applicable.	<input type="checkbox"/>	<input checked="" type="checkbox"/>
<input checked="" type="checkbox"/>	<input type="checkbox"/>	A <u>Certified Abutter's List</u> prepared by planning staff and certified by the Assessor's Office.	<input checked="" type="checkbox"/>	<input type="checkbox"/>
<input checked="" type="checkbox"/>	<input type="checkbox"/>	<u>Plot Plan</u> as provided through Department of Inspectional Services or through the Assessor's Office (in person or online through parcel lookup).	<input checked="" type="checkbox"/>	<input type="checkbox"/>
<input checked="" type="checkbox"/>	<input type="checkbox"/>	<u>Filing Fee</u> in check form made payable to the City of New Bedford.	<input checked="" type="checkbox"/>	<input type="checkbox"/>
<input checked="" type="checkbox"/>	<input type="checkbox"/>	Copy of <u>Building Permit Rejection Packet</u> (Containing Rejected Building Permit and all information submitted with Building Permit Application)	<input checked="" type="checkbox"/>	<input type="checkbox"/>
<input checked="" type="checkbox"/>	<input type="checkbox"/>	<u>Owner's Verification</u> including owner's signature and parcel deed for all involved parcels.	<input checked="" type="checkbox"/>	<input type="checkbox"/>

CITY CLERK

CITY CLERK'S OFFICE
NEW BEDFORD, MA
2020 JAN 14 PM 3:42

Official Use Only:

Review of submittal compliance performed by [Signature] of the city's Division of Planning.

Staff review found the application packet to be ☒ complete ☐ incomplete on this date: _____.

This is page 1 of your ZBA Application.

Please remove the instruction pages when submitting your completed application packet but keep this as your first page.

2. VARIANCE SPECIFICS

The undersigned petitions the New Bedford Zoning Board of Appeals [ZBA] to grant a VARIANCE in the manner and for the reasons set forth here under the provisions of the city's zoning ordinance to the following described premises:

APPLICATION SUMMARY (PLEASE PRINT)

SUBJECT PROPERTY			
ASSESSOR'S MAP PLOT#	54	LOT(S)#	6
REGISTRY OF DEEDS BOOK:	7638	PAGE #	82
PROPERTY ADDRESS: 1238 Fempton Street			
ZONING DISTRICT: MUB			
OWNER INFORMATION			
NAME: Master Dartmouth II, LLC of Charter Party & Der Corp.			
MAILING ADDRESS: 75 Holly Hill Lane Suite 305 Greenwich CT 06830			
APPLICANT/CONTACT PERSON INFORMATION			
NAME (IF DIFFERENT): John McMahon Mechanics Cooperative Bank			
APPLICANT'S RELATIONSHIP TO THE PROPERTY: Check one:	OWNER <input type="checkbox"/>	CONTRACT VENDEE <input type="checkbox"/>	OTHER Describe <input checked="" type="checkbox"/> Lessee
MAILING ADDRESS (IF DIFFERENT): PO Box 552, Taunton MA 02700			
TELEPHONE #	508-823-7744		
EMAIL ADDRESS:	jmcMahon@mechanics-coop.com		

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 ZBA 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.

Signature of Applicant/s

Date

If the applicant differs from the owner, this section must be completed/signed by the property owner/s:

I hereby authorize the applicant represented above and throughout this application to apply and to represent my/our interests on my/our behalf for the relief requested herein for the premises I/we own noted as "property address" above and presented throughout this application. Furthermore, by signing this application I/we acknowledge having read and understood this application and the accompanying instructions and information. If petition is granted, I/we understand the approvals are specific to the plans submitted, unless the Board states otherwise and that if granted, that the variance must be recorded and acted upon within one year.

Signature of Owner/s

Date

CHARTER DARTMOUTH II, LLC, Manager

City Hall • 133 William Street • Room 303 • New Bedford, MA 02740 • www.newbedford-ma.gov
PH: (508)979-1488 • FX: (508)979-1576

CITY CLERKS OFFICE
NEW BEDFORD, MA

CLERK

1/14/20 P 3:42

APPLICATION SPECIFICS

DIMENSIONS OF LOT/S:	FRONTAGE 59.88'	DEPTH 82.89'	AREA in SQ FT 4549'		
EXISTING BUILDING/S	# OF BLDGS 1	EXISTING SIZE 3280	TOTAL SQ FT BY FLOOR 1680	NUMBER OF FLOORS 1 with Basement	TOTAL SQ. FT ENTIRE STRUCTURE 3280
	# OF DWELLING UNITS 0		# OF BEDROOMS 0		
PROPOSED BUILDING/S	# OF BLDGS 1	PROPOSED SIZE 3280	TOTAL SQ FT BY FLOOR 1680	NUMBER OF FLOORS 1 with Basement	TOTAL SQ. FT ENTIRE STRUCTURE 3280
	# OF DWELLING UNITS 0		# OF BEDROOMS 0		EXTENT OF PROPOSED ALTERATIONS
EXISTING USE OF PREMISES:	Bank				
PROPOSED USE OF PREMISES:	Bank				
EXPLAIN WHAT MODIFICATIONS YOU ARE PROPOSING THAT NECESSITATE THE REQUESTED VARIANCE:	The movement of an existing ground sign due to visibility handicap requires the new sign location to be inside the required 6 ft setback from the property line. The sign is also larger than 25 square ft in dimension.				

If there's a commercial use existing and/or proposed, please complete the following:

	EXISTING	PROPOSED
NUMBER OF CUSTOMERS PER DAY		30
NUMBER OF EMPLOYEES		4
HOURS OF OPERATION		7:30 am to 6:00 pm
DAYS OF OPERATION		Monday - Saturday
HOURS OF DELIVERIES		7:30 am to 6:00 pm
FREQUENCY OF DELIVERIES (Check frequency)	<input type="checkbox"/> DAILY <input type="checkbox"/> WEEKLY <input type="checkbox"/> MONTHLY <input type="checkbox"/> OTHER	<input type="checkbox"/> DAILY <input checked="" type="checkbox"/> WEEKLY <input type="checkbox"/> MONTHLY <input type="checkbox"/> OTHER

If you are also requesting site plan review and special permit/s from the planning board, please specify here:

Site plan review has also been requested to Evaluate the ground sign move, and the installation of a drive-up ATM.

Complete each item that is relevant to your variance request:

	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			
Loading Bays			
Number of Ground Signs	1	1	1
Height of Ground Sign	21'		22' 3"
Proximity of Ground Sign to Property Line	4'	6'	2'
Area of Wall Sign (sq ft) <i>Ground Sign</i>	72	25	123
Number of Wall Signs			

3. PARCEL LEGAL DOCUMENTATION

Title Reference to Property _____

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

Is the applicant also the owner? ☐ Yes ☒ No

If no, please attach the following three items to your application and indicate they are attached:

- ☒ A notarized authorization letter on letterhead from the owner to tenant/buyer for application of this permit.

If the Applicant is Not the Owner, Provide:

- ☒ A copy of the Purchase & Sale Agreement or lease, where applicable.
- ☒ A 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.

4. REQUIRED FINDINGS FOR GRANTING A VARIANCE

Massachusetts General Law Chapter 40A Section 10 requires the "permit granting authority" (which, in this instance is the Zoning Board of Appeals) to make ALL the following findings before a variance can be granted:

A

That there are circumstances relating to the soil conditions, shape or topography which especially affect the land or structure in question, but which do not affect generally the zoning district in which the land or structure is located.

B

That due to those circumstances especially affecting the land or structure, literal enforcement of the provisions of the Zoning Ordinance or By Law would involve substantial hardship, financial or otherwise, to the petitioner or appellant.

C

That desirable relief may be granted without nullifying or substantially derogating from the intent or purpose of the Zoning Ordinance or Bylaw.

D

That desirable relief may be granted without substantial detriment to the public good.

The full text of M.G.L. Chapter 40A, Section 10 can be viewed at: <http://www.mass.gov/legis/laws/mgl/>

Because the ZBA must be able to articulate each of these four findings in order to grant a variance, you must make your case as to WHY your application meets each of these four points. ***This is an extremely important question and it is recommended that you answer this VERY carefully.*** You may use an additional sheet if needed.

A

Describe any circumstances relating to soil conditions, shape or topography which especially affect the land or structure in question but that doesn't generally affect the zoning district in which your premises is located:

Narrative Attached

B

Describe how circumstances unique to your land or structure would mean a substantial hardship to you if the city were to literally enforce the zoning ordinance:

C

Describe how granting you relief would not take away from the purpose of the city's zoning ordinance:

D

Describe why nobody else would be hurt if the city granted your requested zoning relief:



Required Findings for Granting a Variance:

- A. The parcel at 1238 Kempton Street (Lot 54-6) has a front property line that follows the angle of Kempton Street creating a triangular shaped landscape bed along the lot frontage. This landscaped bed is larger on the West side (where the existing sign is currently) versus the East side (where the proposed sign will be located). Electrical lines also run overhead parallel to the Kempton Street sidewalk along the property frontage, limiting the space available to move the sign and not impact parking. The landscaping bed where the new, proposed sign would be located, is the only viable spot to provide enough distance away from the existing sign visibility issues and have clearance from the electrical lines overhead. These site restrictions result in a location that is closer than six (6) feet from the property line.
- B. The visibility issues (photographs of the current sign are included with this application) associated with the existing sign creates a hardship for Mechanics Cooperative Bank as a new business in the New Bedford market. We are limited in our ability to address the visibility issue without impacting the City's sign ordinance and respectfully request a variance for Sign Regulations; 3256.

The visibility issues also impact the existing sign design and limit the ability for Mechanics Cooperative Bank to adequately brand our new site. As a new business in the New Bedford market we will rely heavily on signage visibility and branding. The new proposed sign design matches our other branch location signs and will help support our branding efforts. The new proposed sign design exceeds 25 square feet of area and stands more than 15 feet from the ground to the top of the sign. We respectfully request a variance for Sign Regulations 3255.

The new proposed electronic message board to accompany the sign will help support our branding efforts as a new business in New Bedford and will match our other branch location signs. Mechanics Cooperative Bank respectfully request an appeal to Sign Regulation 3220; Prohibited Signs.

** Please note Mechanics Cooperative Bank agrees to limit the dynamic display as required by the City to ensure traffic safety.*

- C. Granting relief for the requested variances above would not take away from the purpose of the city's zoning ordinance as these variances are requested for this specific, one-time use, as a directly result of the existing conditions, visibility hardship and parcel dimensions. Also, the current ground sign at this location does not conform to current City guidelines regarding total square footage and setback requirements.
- D. Granting relief for the requested variances above would not hurt or negatively impact any person or business. These variances will not impact adjacent residents, businesses, traffic patterns or future development of the site. The new sign in the new location will be more visible and easier to read therefore helping eliminate any distraction to drivers. We feel these variances will help create a more visible site that will directly support our success in New Bedford and support our local community.



City of New Bedford
REQUEST for a CERTIFIED ABUTTERS LIST

This information is needed so that an official abutters list as required by MA General Law may be created and used in notifying abutters. You, as applicant, are responsible for picking up and paying for the certified abutters list from the assessor's office (city hall, room #109).

DEC 16 2019

SUBJECT PROPERTY			
MAP #	54	LOT(S)#	6
ADDRESS: 1238 Kempton STREET			
OWNER INFORMATION			
NAME: DAN Zelson: Charter Realty + Development Corp.			
MAILING ADDRESS: 5 Church Lane - Suite 300 Westport, CT 06880			
APPLICANT/CONTACT PERSON INFORMATION			
NAME (IF DIFFERENT): John McMahon: Mechanics Cooperative Bank			
MAILING ADDRESS (IF DIFFERENT): PO Box 552, Taunton, MA 02780			
TELEPHONE #	508-454-5038		
EMAIL ADDRESS:	jmcMahon@mechanics-coop.com		
REASON FOR THIS REQUEST: Check appropriate			
<input checked="" type="checkbox"/>	ZONING BOARD OF APPEALS APPLICATION		
<input checked="" type="checkbox"/>	PLANNING BOARD APPLICATION		
<input type="checkbox"/>	CONSERVATION COMMISSION APPLICATION		
<input type="checkbox"/>	LICENSING BOARD APPLICATION		
<input type="checkbox"/>	OTHER (Please explain):		

CITY CLERKS OFFICE
NEW BEDFORD, MA
2019 JAN 14 P 3 12
CITY CLERK

Once obtained, the Certified List of Abutters must be attached to this Certification Letter.

Submit this form to the Planning Division Room 303 in City Hall, 133 William Street. You, as applicant, are responsible for picking up and paying for the certified abutters list from the assessor's office (city hall, room #109).

Official Use Only:

As Administrative Assistant to the City of New Bedford's Board of Assessors, I 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.

Michael J. Motta

Printed Name

Signature

Date

12/17-2019

December 17, 2019

Dear Applicant,

Please find below the List of Abutters within 300 feet of the property known as 1238 Kempton Street (Map: 54, Lot: 6). 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
54-31	28 METROPOLITAN ST	MORTON HAROLD W, MORTON ANNETTE W 28 METROPOLITAN ST NEW BEDFORD, MA 02740
54-57	4 METROPOLITAN ST	SPOONER CARL F, CARREAU JANICE 4 METROPOLITAN STREET NEW BEDFORD, MA 02740
54-53	18 METROPOLITAN ST	FRIEDLAND DARLENE, 18 METROPOLITAN STREET NEW BEDFORD, MA 02740
54-16	1194 KEMPTON ST	<i>1194 Kempton St. LLC</i> 1194 KEMPTON STREET NEW BEDFORD, MA 02740
54-15	1212 KEMPTON ST	GLENNON JOSEPH R, 1212 KEMPTON STREET NEW BEDFORD, MA 02740
54-13	340 COMMONWEALTH AVE	PANAGAKOS MICHAEL W, 133 FAUNCE CORNER ROAD DARTMOUTH, MA 02747
54-4	1240 KEMPTON ST <i>1240-1258</i>	CHARTER DARTMOUTH II LLC, C/O CHARTER REALTY & DEV CORP 75 HOLLY HILL LANE STE 305 GREENWICH, CT 06830
54-20	48 METROPOLITAN ST	DACOSTA ANTONIO G, DACOSTA MARIA C 48 METROPOLITAN STREET NEW BEDFORD, MA 02740
54-24	317 COMMONWEALTH AVE	SAUNDERS MARK S "TRS", SAUNDERS REALTY TRUST (THE) 317 COMMONWEALTH AVE NEW BEDFORD, MA 02740-1626
54-6	1238 KEMPTON ST	CHARTER DARTMOUTH II LLC, C/O SANTANDER BANK / LEASE ADMINISTRATION TWO MORRISSEY BLVD BOSTON, MA 02125
54-8 <i>WS</i>	COMMONWEALTH AVE	COMMONWEALTH GAS COMPANY, C/O PROPERTY TAX DEPT P O BOX 270 HARTFORD, CT 06141



Legend

54-6

City of New Bedford, Massachusetts
Department of City Planning

Parcel within 300FT



Printed on 10/18/2011 10:00 AM