



# City of New Bedford

## ZBA ADMIN. APPEAL APPLICATION

CASE #: 4409

### 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
<input checked="" type="checkbox"/>	<input type="checkbox"/>	A <u>Completed and Signed Application</u>	<input checked="" 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 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 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 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 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 checked="" type="checkbox"/>	<input type="checkbox"/>	Documentation of the <u>Decision</u> that aggrieves the applicant and is being appealed	<input checked="" 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"/>

CITY CLERK

Planning staff review finds...

CITY CLERKS OFFICE  
NEW BEDFORD, MA  
JAN 14 3:37

#### 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: \_\_\_\_\_.

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

This is page 1 of your ZBA Application.

## 2. ADMINISTRATIVE APPEAL SPECIFICS

The undersigned petitions the New Bedford Zoning Board of Appeals [ZBA] for an ADMINISTRATIVE APPEAL 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)

<b>SUBJECT PROPERTY</b>			
ASSESSOR'S MAP PLOT#	54	LOT(S)#	6
REGISTRY OF DEEDS BOOK #:	767B	PAGE #	22
PROPERTY ADDRESS: 123B Kempton Street			
ZONING DISTRICT: MUB			
<b>OWNER INFORMATION</b>			
NAME: CHANTER DARTMOUTH II, LLC c/o CHANTER REALTY & DEV CORP.			
MAILING ADDRESS: 75 Hony Hill Lane, Suite 305, Greenwich CT 06870			
<b>APPLICANT/CONTACT PERSON INFORMATION</b>			
NAME (IF DIFFERENT): John Mc Mahon 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 02780			
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 special permit must be recorded and acted upon within one year.

Signature of Owner/s

Date

Chanter Dartmouth II, LLC, Manager

## 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 SPECIAL PERMIT:	The installation of an electronic message board (sign)				

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 review the movement of the ground sign, installation of a drive-up ATM and interior renovations.

### 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 INFORMATION FOR ADMINISTRATIVE APPEAL

Under Massachusetts General Law Chapter 40A Section 7, 8, and 15 anyone who has been denied a building permit or enforcement action from any administrative officer may apply for an administrative appeal.

In order for the Board to make a determination the following must be included:

A

Documentation of the  
decision being  
appealed

B

Narrative explaining  
your case for the  
decision being  
overturned

The full text of M.G.L. Chapter 40A, Sections 7, 8, and 15 can be viewed at: <http://www.mass.gov/legis/laws/mgl/>

Because the ZBA must be able to articulate their findings on your appeal, you must describe your case and reasoning for the decision to be overturned. ***This is an extremely important part of your application and it is recommended that you answer this VERY carefully.*** You may use an additional sheet if needed.

A

Describe the decision being appealed (attach documentation of the decision being appealed):

*None are Attached.*

B

Explain the reasons for the decision to be overturned:



#### **4. Required Information for Administrative Appeal:**

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- A. An Administrative Appeal is requested regarding the denial of the Bank's application submitted on December 10, 2019 to install an electronic message center/sign at 1238 Kempton Street.
- B. The Bank respectfully requests an administrative appeal be issued and the application denial be overturned for the installation of an electronic message center/sign.

We feel this electronic message center/sign will have a positive impact on the community and will not be detrimental in any way. Mechanics Cooperative Bank currently operates four (4) of these electronic message center/signs in adjacent communities and they have proven to be a valuable resource. As a community bank we are heavily involved in supporting local non-profit organizations both through donations and employee volunteerism but also as advocates and ambassadors. In addition to Bank related information, these electronic message centers/signs are often used to share details about local community events and the opportunities available for the public's support.

We feel this electronic message center/sign will have a positive impact on the community as it will also be used to share local school and student related information and events. We often share the details of upcoming school programs including sports and drama for example. Wishing luck to local students performing in the theater, at the regional science fair, or those playing sports, has a positive impact on the local community and confirms our commitment to being an exceptional community bank.

We also often use these electronic message center/signs to wish luck to our local professional sports teams that have important games ahead. This type of message creates conversation with our customers, it creates a sense of community and a realization that we all have common ground. The feedback from our community partners and our customers and has been nothing but positive and we feel it helps reinforce our brand as a local community bank.

We also respectfully request a special permit be issued due to the fact that a number of other businesses in New Bedford currently have and operate electronic signs. The Bank agrees to operate the sign in accordance with the City's preferences to limit moving, flashing, animated or intermittent lighting.



*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  
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		12/17/2019
Printed Name	Signature	Date

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	1194 Kempton St. LLC 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 1240-1258	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 WS	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



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