



*City of New Bedford*

# ZBA ADMIN. APPEAL APPLICATION

CASE #: 4411

## 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 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"/>	Documentation of the <u>Decision</u> that aggrieves the applicant and is being appealed	<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 CLERKS OFFICE  
NEW BEDFORD, MA  
2020 FEB - 11 PM 12:35  
CITY CLERK

### Official Use Only:

Review of submittal compliance performed by 11 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)

SUBJECT PROPERTY			
ASSESSOR'S MAP PLOT#	120	LOT(S)#	16 & 130
REGISTRY OF DEEDS BOOK #:	12584	PAGE #	262
PROPERTY ADDRESS: 906 Hathaway Road, New Bedford			
ZONING DISTRICT: MUB			
OWNER INFORMATION			
NAME: NB Practice Realty, LLC			
MAILING ADDRESS: 906 Hathaway Road, New Bedford			
APPLICANT/CONTACT PERSON INFORMATION			
NAME (IF DIFFERENT): NB Practice Realty LLC / Contact: Marc R. Deshaies - Attorney for NB Practice Realty LLC			
APPLICANT'S RELATIONSHIP TO THE PROPERTY: Check one:	OWNER <input checked="" type="checkbox"/>	CONTRACT VENDEE <input type="checkbox"/>	OTHER Describe <input type="checkbox"/> _____
MAILING ADDRESS (IF DIFFERENT): 906 Hathaway Road, New Bedford 02740 / Contact: 115 Orchard Street, New Bedford, Mass 02740			
TELEPHONE #	Marc R. Deshaies, Esq: 508-993-2300		
EMAIL ADDRESS:	marc@marcdeshaieslaw.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.

*Marc R. Deshaies*

Signature of Applicant/s

*1-30-2020*

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.

*Marc R. Deshaies*

Signature of Owner/s

*1-30-2020*

Date

## APPLICATION SPECIFICS

DIMENSIONS OF LOT/S:	FRONTAGE 142.33 +/-	DEPTH 105' - 139'	AREA in SQ FT 14,854 Sq. Ft. +/-		
EXISTING BUILDING/S	# OF BLDGS	EXISTING SIZE Variable	TOTAL SQ FT BY FLOOR 2418	NUMBER OF FLOORS 1	TOTAL SQ. FT ENTIRE STRUCTURE 2418
	# OF DWELLING UNITS 0		# OF BEDROOMS 0		
PROPOSED BUILDING/S	# OF BLDGS 142.33 +/-	PROPOSED SIZE Variable	TOTAL SQ FT BY FLOOR 2418	NUMBER OF FLOORS 1	TOTAL SQ. FT ENTIRE STRUCTURE 2418
	# OF DWELLING UNITS 0		# OF BEDROOMS 0		EXTENT OF PROPOSED ALTERATIONS n/a
EXISTING USE OF PREMISES:	Dental Office				
PROPOSED USE OF PREMISES:	Dental Office				
EXPLAIN WHAT MODIFICATIONS YOU ARE PROPOSING THAT NECESSITATE THE REQUESTED SPECIAL PERMIT:	<u>Administrative Appeal: Replacement of existing non-illuminated ground mounted monument style sign with double sided LED illuminated sign of greater dimensions.</u> <hr/> <hr/>				

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

	EXISTING	PROPOSED
NUMBER OF CUSTOMERS PER DAY	36-40 patients	36-40 patients
NUMBER OF EMPLOYEES	6	6
HOURS OF OPERATION	8am-5pm	8am - 5pm
DAYS OF OPERATION	Tuesday - Friday (Sat 2x monthly)	Tuesday-Friday (Sat 2x monthly)
HOURS OF DELIVERIES	N/A	N/A
FREQUENCY OF DELIVERIES (Check frequency)	<input type="checkbox"/> DAILY <input type="checkbox"/> WEEKLY <input type="checkbox"/> MONTHLY <input checked="" type="checkbox"/> OTHER	<input type="checkbox"/> DAILY <input type="checkbox"/> WEEKLY <input type="checkbox"/> MONTHLY <input checked="" 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 for New Illuminated Ground Sign

### 3. PARCEL LEGAL DOCUMENTATION

Title Reference to Property

Bristol Cty SD Reg of Deeds Bk12584, Pg 16

*(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):

Denial of Building Commissioner to Issue Building Permit to erect ground mounted sign with LED

illumination at property under Chapter 9 Section 3220 of the Code of Ordinances.

**B**

Explain the reasons for the decision to be overturned:

The proposed signage with LED illumination for the dental practice known as Clear Coast Dental is

professionally designed signage that is Wi-Fi controlled for operational programming. The LED

illuminated display is such that it will not materially affect the surrounding neighborhood and will fact

Hathaway Road; that no LED illuminated signage existing in the immediate area and as such does not

contribute to light pollution that with impact the area. The property is zoned MUB and signage is a

necessary component of business activities for the dental practice.

## PROJECT NARRATIVE

## **PROJECT NARRATIVE**

This matter is before the Planning Board (the "Board") for Site Plan Approval for a New Ground Sign at the dental practice conducted at 906 Hathaway Road, New Bedford, Massachusetts by Clear Coast Dental, PLLC d/b/a Clear Coast Dental. The property at 906 Hathaway Road is owned by NB Practice Realty, LLC.

The proposal is for the replacement of a non-LED illuminated double sided ground monument style sign with new a double-sided ground mounted sign with LED Illumination for the dental practice conducted at the property.

The project site is the location of the former dental practice of Bonnie Brower, DDS. The dental practice of Bonnie Brower, DDS was acquired by Clear Coast Dental in 2018. Clear Coast operates its dental practice on property owned by the petitioner NB Practice Realty, LLC.

The property is situated on the southerly side of Hathaway Road with the easterly side of Geraldine Street and is known and numbered at 906 Hathaway Road New Bedford, Massachusetts. The property consists of approximately 14,854 square feet and is of level terrain improved with a cape styled structure consisting of approximately 2,418 square feet wherein the dental practice is operated. There is off street parking to the rear of the structure accessed via Geraldine Street.

Clear Coast Dental sees approximately 36-40 patients per day Tuesday through Friday during normal business hours of 8AM – 5PM and twice monthly on Saturdays with hours of 8AM – 2PM. The dental practice has a staff of 6 individuals employed as hygienists and office management.

The project manager for the new ground mounted sign is Frank Meroney. Mr. Meroney is the operator of FastSigns Quincy of Quincy, Massachusetts. The signage proposed for the Property is a fixed mounted ground sign of 6' 7" in height and 4' 2" in width of all aluminum construction with powder coated finishes. The signage will incorporate a 24.4" by 36.6" LED digital screen with cloud-based WI-FI controls. The sign will be mounted on a 3 ½" outside diameter pipe set in 4.5' of concrete able to sustain a wind exposure of 140 mph.

Petitioner submits herewith a rendering of the Existing Monument Sign and the Proposed Monument Sign at the Property as Exhibit "A"; the Proposed Sign rendering with materials and finishes as Exhibit "B"; Engineering Specifications as Exhibit "C"; Elevation and Sign Dimensions as Exhibit "D"; and Technical Specifications.





## 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 09 2019

SUBJECT PROPERTY	
MAP #	120
LOT(S)#	16, 130 + 131
ADDRESS: 906 HATHAWAY ROAD	
OWNER INFORMATION	
NAME: NB PRACTICE REALTY, LLC	
MAILING ADDRESS: 906 HATHAWAY ROAD	
APPLICANT/CONTACT PERSON INFORMATION	
NAME (IF DIFFERENT): MARC R. DESHAIES, ESQ.	
MAILING ADDRESS (IF DIFFERENT): 115 ORCHARD ST. NEW BEDFORD, MA	
TELEPHONE #	508-993-2300
EMAIL ADDRESS:	MARC@MARCDESHAIESLAW.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):

2020 FEB -4 P 12:35

PLANNING DIVISION OFFICE  
NEW BEDFORD, MA

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

12-9-2019

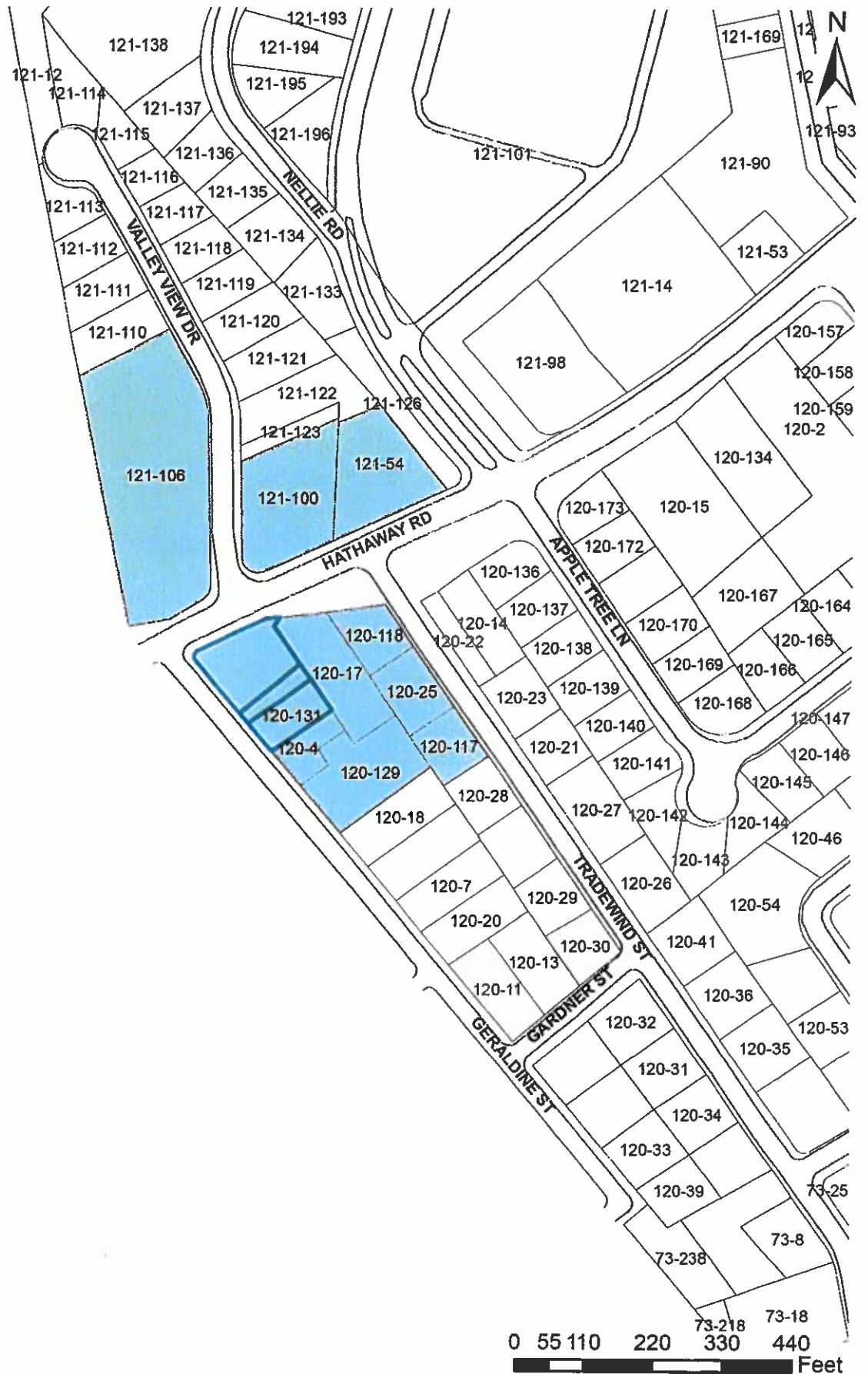
December 9, 2019

Dear Applicant,

Please find below the List of Abutters within 300 feet of the property known as 906 Hathaway Road (Map: 120, Lot: 16,130,131). 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
120-131	982 GERALDINE ST	ROCK REALTY INC, 982 GERALDINE STREET NEW BEDFORD, MA 02740
120-25	981 TRADEWIND ST	CALLAHAN MAUREEN E, MANLEY PATRICIA M 981 TRADEWIND ST NEW BEDFORD, MA 02740
120-129	968 GERALDINE ST	PERRY ANILE M "TRUSTEE", PERRY NOMINEE TRUST 968 GERALDINE STREET UNIT 1A NEW BEDFORD, MA 02740-1815
120-4	978 GERALDINE ST	KATZ ALAN L, P O BOX 70095 NO. DARTMOUTH, MA 02747
120-117	965 TRADEWIND ST	BABINEAU PAUL A, BABINEAU JOYCE A 965 TRADEWIND STREET NEW BEDFORD, MA 02740
120-17	892 HATHAWAY RD	PECKHAM ROBERT G "TRUSTEE", PECKHAM BETSY A "TRUSTEE" 159 NEMASKET STREET NEW BEDFORD, MA 02740
120-118	989 TRADEWIND ST	MEDEIROS DOREEN A, 989 TRADEWIND STREET NEW BEDFORD, MA 02740
121-100	901 HATHAWAY RD	RICCARDI MICHAEL, 901 HATHAWAY RD NEW BEDFORD, MA 02740
121-54	877 HATHAWAY RD	CASEY MARTIN W "TRUSTEE", CASEY SANDRA L "TRUSTEE" 877 HATHAWAY RD NEW BEDFORD, MA 02740
121-106	915 HATHAWAY RD	JONES REBECCA J, 915 HATHAWAY ROAD - UNIT #101 NEW BEDFORD, MA 02740
120-30	935 TRADEWIND ST	LECONTE PAUL K LECONTE DIANE 935 TRADEWIND STREET NEW BEDFORD, MA 02740
120-16	906 HATHAWAY RD	NB PRACTICE REALTY LLC 906 HATHAWAY ROAD NEW BEDFORD, MA 02740



## Legend

120-16,130,131



**ABUTTERS LISTS**

**DARTMOUTH**

DARTMOUTH



MASSACHUSETTS

OFFICE OF BOARD OF ASSESSORS  
400 SLOCUM ROAD  
DARTMOUTH, MA 02747-0985

ADMINISTRATOR OF ASSESSING  
RICHARD GONSALVES  
TEL: 508-910-1809 \* FAX: 508-910-1867

**CERTIFIED ABUTTER'S LIST**

I, Michael B. [Signature], Assessor for the Town of Dartmouth, certify  
that the attached list complies with M.G.L. Chapter 40A, Section 11 on this  
27th day of January, 2020.

Subject parcel: 185/30  
# of abutters certified: 17 names - \$42.50

185/ 37/ / /  
ALEXANDER ALBERT J JR &  
PATRICIA A ALEXANDER  
82 WILBUR AVE  
N DARTMOUTH, MA 02747

185/ 11/ / /  
DEMELLO JAMES G TRUSTEE  
117 HATHAWAY RD  
N DARTMOUTH, MA 02747

185/ 35/ / /  
PEIXOTO LEDOREO &  
RITA PEIXOTO  
86 WILBUR AVE  
N DARTMOUTH, MA 02747

185/ 10/ / /  
DEMELLO JAMES G TRUSTEE  
117 HATHAWAY RD  
N DARTMOUTH, MA 02747

185/ 38/ / /  
ALEXANDER ALBERT J JR &  
PATRICIA ALEXANDER  
82 WILBUR AVE  
N DARTMOUTH, MA 02747

185/ 9/ / /  
FANNING HUGH J  
85 WILBUR AVE  
N DARTMOUTH, MA 02747

185/ 36/ / /  
SMITHIES LORING &  
JULIA L SMITHIES TRUSTEES  
84 WILBUR AVE  
N DARTMOUTH, MA 02747

185/ 29/ 13/ /  
ALMEIDA DANIEL P  
2 SPRING HILL RD  
M DARTMOUTH, MA 02747

185/ 8/ / /  
GALLAGHER WAYNE M &  
PEGGYANNE GALLAGHER  
83 WILBUR AVE  
N DARTMOUTH, MA 02747

185/ 34/ / /  
MURRAY RODERICK R JR &  
SUSAN L MURRAY  
88 WILBUR AVE  
N DARTMOUTH, MA 02747

185/ 33/ / /  
RUTLEDGE ROBERT R &  
BARBARA A RUTLEDGE TRUSTEES  
90 WILBUR AVE  
N DARTMOUTH, MA 02747

185/ 27/ / /  
RANGEL-DESOUZA DOUGLAS &  
DIEGO R DESOUZA  
162 HATHAWAY RD  
N DARTMOUTH, MA 02747

185/ 32/ / /  
RUTLEDGE ROBERT R &  
BARBARA A RUTLEDGE TRUSTEE  
90 WILBUR AVE  
N DARTMOUTH, MA 02747

185/ 13/ / /  
DESIGNER HOME PROPERTIES LLC  
26 BLUEBERRY DR  
ACUSHNET, MA 02743

185/ 30/ / /  
OCIESA CECILIA K  
175 HATHAWAY RD  
N DARTMOUTH, MA 02747

185/ 31/ / /  
LENT SYLVIA A LIFE ESTATE  
171 HATHAWAY RD  
N DARTMOUTH, MA 02747

185/ 30/ / / *Subject*  
DEMELLO JAMES G TRUSTEE  
117 HATHAWAY RD  
N DARTMOUTH, MA 02747

185/ 12/ / /  
LAPAN DANIEL J  
DARCY CATILYN E  
91 WILBUR AVE  
DARTMOUTH, MA 02747

185/ 29/ 1/ /  
ALMEIDA NANCY P TRUSTEE  
2 SPRING HILL RD  
N DARTMOUTH, MA 02747