

## **BUILDING DEPARTMENT REJECTION PACKAGE**

**IX. HOMEOWNER LICENSE EXEMPTION****Supplement #1**

The current exemption for "homeowner" was extended to include owner-occupied dwellings of two units or less and to allow such homeowners to engage an individual for hire who does not possess a license, provided that the owner acts as supervisor. (State Building Code Section 110.5)

**DEFINITION OF HOMEOWNER:**

Person(s) who own a parcel of land on which he/she resides or intends to reside, on which there is, or is intended to be, a one to two family dwelling, attached or detached structures accessory to such use and /or farm structures. A person who constructs more than one home in a two-year period shall not be considered a homeowner. Such "homeowner shall submit to the Building Official, on a form acceptable to the Building Official, that he/she shall be responsible for all such work performed under the building permit. (Section 110.5)

The undersigned "homeowner assumes responsibility for compliance with the State Building Code and other applicable codes, ordinance, rules and regulations, and will comply with the City of New Bedford Building Department minimum inspection procedures and requirements.

HOMEOWNERS SIGNATURE \_\_\_\_\_

**X. CONSTRUCTION DEBRIS DISPOSAL****Supplement #2**

In accordance with provisions of Massachusetts General Law C40, S54, debris resulting from this work shall be disposed of in a properly licensed solid waste disposal facility as defined by Massachusetts General Law C111, S150A

The debris will be disposed of in: NEW BEDFORD TRANSFER STATION  
(Location of Facility)

Signature of Permit Applicant \_\_\_\_\_

Date 1-9-2020**XI. HOME IMPROVEMENT CONTRACTOR LAW AFFIDAVIT**

(Residential Use Only) Supplement to Permit Application  
Supplement #3

MGLc. 142 A requires that the "reconstruction, alteration, renovation, repair, modernization, conversion, improvement, removal, demolition, or construction of an addition to any pre-existing owner-occupied building containing at least one but not more than four dwelling units... or to structures which are adjacent to such residence of building" be conducted by registered contractors, with certain exceptions, along with other requirements.

Type of Work: MASONRY BLOCK BUILDING ADDITION Est Cost \$75,000

Address of Work: 4227 ACUSHNET AVENUE

Owner Name: JACK SASSON

Date of Permit Application: 1-9-2020

I hereby certify that: Registration is not required for the following reason(s):

\_\_\_\_\_ Work excluded by law \_\_\_\_\_ Job under \$1,000 \_\_\_\_\_ Building not owner-occupied \_\_\_\_\_ Owner obtaining own permit

Other (specify) \_\_\_\_\_

Notice is hereby given that:

**OWNERS OBTAINING THEIR OWN PERMIT OR EMPLOYING UNREGISTERED CONTRACTORS FOR APPLICABLE HOME IMPROVEMENT WORK DO NOT HAVE ACCESS TO THE ARBITRATION PROGRAM OF GUARANTY FUND UNDER MGLC. 142A.**

signed under penalties of perjury.

I hereby apply for a permit as the agent of the owner:

Date \_\_\_\_\_ Contractor Signature \_\_\_\_\_

Registration No. \_\_\_\_\_

OR:  
Notwithstanding the above notice, I hereby apply for a permit as the owner of the above property.

Date 1-9-2020 \_\_\_\_\_  
Owner Signature \_\_\_\_\_

**XII. BUILDING COMMISSIONERS REVIEW COMMENTS AND CONDITIONS**

C. Building Permit Rejected ☒ ZBA SPECIAL PERMIT - Variance

Fee

Reason For Rejection:

Permit #

"SEE ATTACHMENTS"

B-20-50

Comments and Conditions:

Signed Danny A. Romanowicz

Date: 2/10 20 20

Title Building Commissioner

Not valid unless signed (not stamped) by Building Commissioner



CITY OF NEW BEDFORD  
JONATHAN F. MITCHELL, MAYOR

DEPARTMENT OF INSPECTIONAL SERVICES  
133 WILLIAM STREET – ROOM 308  
NEW BEDFORD, MA 02740

## New Bedford Comprehensive Zoning Code Review Code of Ordinances – Chapter-9

4227 Acushnet Avenue – PLOT: 136A – LOT: 20 – ZONED DISTRICT: RA  
Special Permit and Variance is required from the Zoning Board of Appeals

Zoning Code Review as follows:

### Special Permit

### Zoning Board of Appeals

#### ❖ SECTION

- 2400 – Non Conforming Uses and Structures
- 2410 – Applicability
- 2420 – Nonconforming Uses
  - 2421 – Change or substantial extension of the use;
  - 2422 – Change from one nonconforming use to another, less detrimental, nonconforming use.
- 5300-5330 & 5360-5390 – Special Permit

### Variance

### Zoning Board of Appeals

#### ❖ SECTION

- 2400 – Non Conforming Uses and Structures
- 2410 – Applicability
- 2430– Nonconforming Structures, Other Than Single- and Two-Family Structure
  - 2431. Reconstructed, extended or structurally changed;
  - 2432. Altered to provide for a substantially different purpose or for the same purpose in a substantially different manner or to a substantially greater extent;
- 2430– Nonconforming Structures, Other Than Single- and Two-Family Structure – Continued; The reconstruction, extension or structural change of such nonconforming structures so as to increase an existing nonconformity, or create a new nonconformity, including the extension of an exterior wall at or along the same nonconforming distance within a required yard, shall require the issuance of a variance from the Board of Appeals.

**2400. - NONCONFORMING USES AND STRUCTURES**

**2410. Applicability.** This Zoning Ordinance shall not apply to structures or uses lawfully in existence or lawfully begun, or to a building or special permit issued before the first publication of notice of the public hearing required by M.G.L.A. c. 40A, § 5, at which this Zoning Ordinance, or any relevant part thereof, was adopted. Such prior, lawfully existing nonconforming uses and structures may continue, provided that no modification of the use or structure is accomplished, unless authorized hereunder.

(Ord. of 12-23-03, § 1)

**2420. Nonconforming Uses.** The Board of Appeals may award a special permit to change a nonconforming use in accordance with this Section only if it determines that such change or extension shall not be substantially more detrimental than the existing nonconforming use to the neighborhood. The following types of changes to nonconforming uses may be considered by the Board of Appeals:

**2421. Change or substantial extension of the use;**

**2422. Change from one nonconforming use to another, less detrimental, nonconforming use.**

(Ord. of 12-23-03, § 1)

**2430. Nonconforming Structures, Other Than Single- and Two-Family Structures.** The Board of Appeals may award a special permit to reconstruct, extend, alter, or change a nonconforming structure in accordance with this Section only if it determines that such reconstruction, extension, alteration, or change shall not be substantially more detrimental than the existing nonconforming structure to the neighborhood. The following types of changes to nonconforming structures may be considered by the Board of Appeals:

**2431. Reconstructed, extended or structurally changed;**

**2432. Altered to provide for a substantially different purpose or for the same purpose in a substantially different manner or to a substantially greater extent;**

The reconstruction, extension or structural change of such nonconforming structures so as to increase an existing nonconformity, or create a new nonconformity, including the extension of an exterior wall at or along the same nonconforming distance within a required yard, shall require the issuance of a variance from the Board of Appeals.

(Ord. of 12-23-03, § 1)

**2440. Nonconforming Single- and Two-Family Structures.** Nonconforming single- and two-family residential structures may be reconstructed, extended, altered, or structurally changed upon a determination by the Inspector of Buildings that such proposed reconstruction, extension, alteration, or change does not increase the nonconforming nature of said structure, and the issuance of a building permit, where applicable. In the event that the Inspector of Buildings determines that the nonconforming nature of such structure would be increased by the proposed reconstruction, extension, alteration, or change, the Board of Appeals may, by finding (which shall not require a super majority), allow such reconstruction, extension, alteration, or change where it determines that the proposed modification will not be substantially more detrimental than the existing nonconforming structure to the neighborhood.

(Ord. of 12-23-03, § 1)

**2450. Abandonment or Non-Use.** A nonconforming use or structure which has been abandoned, or not used for a period of two (2) years, shall lose its protected status and be subject to all of the provisions of this Zoning Ordinance.

(Ord. of 12-23-03, § 1)

**2460. Catastrophe.** Any nonconforming structure may be reconstructed after a fire, explosion or other catastrophe, provided that such reconstruction is completed within twelve months after such catastrophe, and provided that the building(s) as reconstructed shall be only as great in volume or area as the original nonconforming structure unless a larger volume or area is authorized by special permit from the Board of Appeals. Such time for reconstruction may be extended by the Board of Appeals for good cause.

(Ord. of 12-23-03, § 1)

2470. **Reversion to Nonconformity.** No nonconforming use shall, if changed to a conforming use, revert to a nonconforming use.

(Ord. of 12-23-03, § 1)

**5300. - SPECIAL PERMITS.**

**5310. Special Permit Granting Authority.** The Zoning Board of Appeals, the Planning Board or the City Council shall act as the Special Permit Granting Authority under this Chapter as specifically designated in a particular Section or in accordance with the Specific Designations in the Table of Principal Use Regulations under Appendix A of this Chapter.

(Ord. of 12-23-03, § 1; Ord. of 12-8-05, § 1)

**5320. Criteria.** Special permits shall be granted by the special permit granting authority, unless otherwise specified herein, only upon its written determination that the benefit to the City and the neighborhood outweigh the adverse effects of the proposed use, taking into account the characteristics of the site and of the proposal in relation to that site. In addition to any specific factors that may be set forth in this Ordinance, the determination shall include consideration of each of the following:

5321. Social, economic, or community needs which are served by the proposal;

5322. Traffic flow and safety, including parking and loading;

5323. Adequacy of utilities and other public services;

5324. Neighborhood character and social structures;

5325. Impacts on the natural environment; and

5326. Potential fiscal impact, including impact on City services, tax base, and employment.

(Ord. of 12-23-03, § 1)

**5330. Procedures.** Applications for special permits shall be filed in accordance with the rules and regulations of the various special permit granting authorities, as may be applicable.

(Ord. of 12-23-03, § 1)

**5340. Plans.** An applicant for a special permit shall submit a plan in substantial conformance with the requirements of Section 5400, herein.

(Ord. of 12-23-03, § 1)

5350. **Development Impact Statement (DIS).** At the discretion of the special permit granting authority, the submittal of a development impact statement (DIS) may be required. The DIS shall be prepared by an interdisciplinary team including a Registered Landscape Architect or Architect, a Registered Professional or Civil Engineer, and a Registered Surveyor.

5351. **Physical Environment.**

- (a) Describe the general physical conditions of the site, including amounts and varieties of vegetation, general topography, unusual geologic, archeological, scenic and historical features or structures, location of significant viewpoints, stone walls, trees over sixteen (16) inches in diameter, trails and open space links, and indigenous wildlife.
- (b) Describe how the project will affect these conditions, providing a complete physical description of the project and its relationship to the immediate surrounding area.

5352. **Surface Water and Subsurface Conditions.**

- (a) Describe location, extent, and type of existing water and wetlands, including existing surface drainage characteristics, both within and adjacent to the site.
- (b) Describe any proposed alterations of shore lines, marshes, or seasonal wet areas.
- (c) Describe any limitations imposed on the project by the site's soil and water conditions.
- (d) Describe the impact upon ground and surface water quality and recharge, including estimated phosphate and nitrate loading on groundwater and surface water from septic tanks, lawn fertilizer, and other activities within the site.

5353. **Circulation Systems.**

Project the number of motor vehicles to enter depart the site per average day and peak hour. Also state the number of motor vehicles to use streets adjacent to the site per average day and peak hour. Such data shall be sufficient to enable the special permit granting authority to evaluate (i)



existing traffic on streets adjacent to or approaching the site, (ii) traffic generated or resulting from the site, and (iii) the impact of such additional traffic on all ways within and providing access to the site. Actual study results, a description of the study methodology, and the name, address, and telephone number of the person responsible for implementing the study, shall be attached to the DIS.

5354. Support Systems.

- (a) Water Distribution: Discuss the types of wells or water system proposed for the site, means of providing water for firefighting, and any problems unique to the site.
- (b) Sewage Disposal: Discuss the type of on-site or sewer system to be used, suitability of soils, procedures and results of percolation tests, and evaluate impact of disposal methods on surface and groundwater.
- (c) Refuse Disposal: Discuss the location and type of facilities, the impact on existing City refuse disposal capacity, hazardous materials requiring special precautions.
- (d) Fire Protection: Discuss the type, location, and capacity of fuel storage facilities or other flammables, distance to fire station, and adequacy of existing firefighting equipment to confront potential fires on the proposed site.
- (e) Recreation: Discuss the distance to and type of public facilities to be used by residents of the proposed site, and the type of private recreation facilities to be provided on the site.
- (f) Schools: Project the increase to the student population for nursery, elementary, junior high school, and high school levels, also indicating present enrollment in the nearest public schools serving these categories of students.

5355. Phasing. Where development of the site will be phased over more than one year, indicate the following:

- (a)

Describe the methods to be used during construction to control erosion and sedimentation through use of sediment basins, mulching, matting, temporary vegetation, or covering of soil stockpiles. Describe the approximate size and location of portion of the parcel to be cleared at any given time and length of time of exposure.

- (b) Describe the phased construction, if any, of any required public improvements, and how such improvements are to be integrated into site development.

(Ord. of 12-23-03, § 1)

5360. **Conditions.** Special permits may be granted with such reasonable conditions, safeguards, or limitations on time or use, including performance guarantees, as the special permit granting authority may deem necessary to serve the purposes of this Ordinance.

(Ord. of 12-23-03, § 1)

5370. **Lapse.** Special permits shall lapse if a substantial use thereof or construction thereunder has not begun, except for good cause, within twelve (12) months following the filing of the special permit approval (plus such time required to pursue or await the determination of an appeal referred to in M.G.L.A. c. 40A, § 17, from the grant thereof) with the City Clerk.

(Ord. of 12-23-03, § 1)

5380. **Regulations.** The special permit granting authority may adopt rules and regulations for the administration of this Section.

(Ord. of 12-23-03, § 1)

5390. **Fees.** The special permit granting authority may adopt reasonable administrative fees and technical review fees for applications for special permits.

(Ord. of 12-23-03, § 1)

**State Law reference—** Special permits, M.G.L.A. c. 40A, § 9.



City of New Bedford, Massachusetts  
Building Department  
Application for Plan Examination  
and Building Permit

FOR BUILDING DEPT. USE

DATE RECEIVED

RECEIVED BY: 09/20/2020

ISSUED BY:

IMPORTANT — COMPLETE ALL ITEMS — MARK BOXES WHERE APPLICABLE — PRINT

(AT LOCATION) 4227 ACUSHNET AVENUE  
(NO) (STREET)  
BETWEEN SASSAQUIN AVENUE AND CHEAPOKEE AVENUE  
(CROSS STREET) (CROSS STREET)  
PLOT 136A LOT 20 DISTRICT RA ACCEPTED STREET YES  
PLANS FILED ☐ YES ☐ NO

II. TYPE AND COST OF BUILDING — all applicants complete parts A through D — PRINT

A TYPE OF IMPROVEMENT

- 1 ☐ New Building  
2 ☒ Addition (If residential, enter number of new housing units added, if any, in Part D, 14)  
3 ☐ Alteration (If residential, enter number of new housing units added, if any, in Part D, 14)  
4 ☐ Repair, replacement  
5 ☐ Demolition (If multifamily residential, enter number of units in building in Part D, 14, if non-residential, indicate most recent use checking D-18 - D-32)  
6 ☐ Moving (relocation)  
7 ☐ Foundation only

D1 PROPOSED USE — For demolition most recent use

Residential

- 13 ☐ One family  
14 ☐ Two or more family — Enter number of units  
15 ☐ Transient hotel, motel, or dormitory — Enter number of units  
16 ☐ Garage  
17 ☐ Carport  
18 ☐ Other — Specify

Nonresidential

- 19 ☐ Amusement, recreational  
20 ☐ Church, other religious  
21 ☐ Industrial  
22 ☐ Parking garage  
23 ☒ Service station, repair garage  
24 ☐ Hospital, institutional  
25 ☐ Office, bank, professional  
26 ☐ Public utility  
27 ☐ School, library, other educational  
28 ☐ Stores, mercantile  
29 ☐ Tanks, towers  
30 ☐ Funeral homes  
31 ☐ Food establishments  
32 ☐ Other — Specify

B OWNERSHIP

- 8 ☒ Private (individual, corporation, nonprofit institution, etc.)  
9 ☐ Public (Federal, State, or local government)

D2 Does this building contain asbestos?

- ☐ YES ☒ NO If yes complete the following  
Name & Address of Asbestos Removal Firm:

Submit copy of notification sent to DEDE and the State Dept. of Labor & Industries and results of air sample analysis after asbestos removal is completed

C COST

(Omit cents)

- 10 Cost of construction \$  
To be installed but not included in the above cost  
a Electrical  
b Plumbing  
c Heating, air conditioning  
d Other (elevator, etc.)  
11 TOTAL VALUE OF CONSTRUCTION  
12 TOTAL ASSESSED BLDG. VALUE

D3 Non-residential — Describe in detail proposed use of buildings, e.g., food processing plant, machine shop, laundry building at hospital, elementary school, secondary school, college, parochial school, parking garage for department store, rental office building, office building at industrial plant. If use of existing building is being changed, enter proposed use.

BUILDING ADDITION TO SERVICE AN ADDITIONAL  
BAY FOR VEHICLES SERVICE AND REPAIRS.

III. SELECTED CHARACTERISTICS OF BUILDING —

For new buildings complete part E through I. For demolition, complete only parts G, H & I.  
For all others, (additions, alterations, repair, moving, foundation), complete E through I.

E PRINCIPAL TYPE OF FRAME

- 33 ☒ Masonry (wall bearing)  
34 ☐ Wood frame  
35 ☐ Structural steel  
36 ☐ Reinforced concrete  
37 ☐ Other — Specify

G TYPE OF SEWAGE DISPOSAL

- 43 ☒ Public or private company  
44 ☐ Private (septic tank, etc.)

H. TYPE OF WATER SUPPLY

- 45 ☒ Public or private company  
46 ☐ Private (well, cistern)

F. PRINCIPAL TYPE OF HEATING FUEL

- 38 ☒ Gas  
39 ☐ Oil  
40 ☐ Electricity  
41 ☐ Coal  
42 ☐ Other — Specify

I. TYPE OF MECHANICAL

- Is there a fire sprinkler system?  
47 ☐ YES 48 ☒ NO  
Will there be central air conditioning?  
49 ☐ Yes 50 ☒ No  
Will there be an elevator?  
51 ☐ Yes 52 ☒ No

J. DIMENSIONS

- 53 Number of stories 1-STORY  
54 Height TO MATCH  
55 Total square feet of floor area, all floors based on exterior dimensions 960 SF ±  
56 Building length 48' ±  
57 Building width 20' ±  
58 Total sq. ft. of bldg. footprint 960 SF ±  
59 Front lot line width 200.18'  
60 Rear lot line width 200.35'  
61 Depth of lot 50.16'  
62 Total sq. ft. of lot size 25,138 SF ±  
63 % of lot occupied by bldg (56-62) 13.37% (PROPO)  
64 Distance from lot line (front) 57' ±  
65 Distance from lot line (rear) 12' ±  
66 Distance from lot line (left) 38' ±  
67 Distance from lot line (right) 24' ± (PROPO)

# SITEC

Civil and Environmental Engineering, Land Use  
Planning, Hazardous and Solid Waste Consulting  
Dartmouth • Marshfield • Fall River

Jon C. Connell  
Project Manager



SITEC Inc  
449 Faunce Corner Road  
Dartmouth, MA 02747

(508) 998-2125  
FAX (508) 998-7554  
jconnell@sitec-engineering.com

0  
ation \_\_\_\_\_

Has local conservation commission reviewed this site? NOT FOR THIS SUBMITTAL

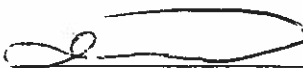
## IV. IDENTIFICATION - ALL APPLICANTS - PLEASE PRINT

OWNER OR LESSEE NAME	MAILING ADDRESS	ZIP CODE	TELEPHONE NO.
4227 Acushnet Ave LLC.	4227 Acushnet Ave New Bedford MA	02745	508 998 3445
E-mail Address: <u>jack.sassina@msn.com</u>			
CONTRACTOR NAME	MAILING ADDRESS	ZIP CODE	TELEPHONE NO.
LICENSE #			
HOME IMP #			
ARCHITECT NAME	MAILING ADDRESS	ZIP CODE	TELEPHONE NO.
LICENSE #			
E-mail Address:			
SIGNATURE OF OWNER		APPLICANT SIGNATURE	DATE
			12-19-19

Omission of reference to any provision shall not nullify any requirement of this code nor exempt any structure from such requirement.

The applicants understands and warrant that they will comply with all pertinent federal and state statutes, local ordinances and all federal, state, and local regulations, including those of the Architectural Barriers board, Department of Environmental Protection Agency and may be forwarded for review to all pertinent local city agencies which may express specific concerns. It is understood that the issuance of a permit shall not serve as an acceptance or acknowledgment of compliance nor exempt any structure from such requirement. The permit shall be a license to proceed with the work and shall not be construed as authority to violate, cancel, or set aside any of the provisions of the State Building Code or local code of ordinances, except as specifically stipulated by modification or legally granted variation in accordance with Section 122.0 of State Building Code or local code of ordinances.

I have read the above and sign under pain and penalty of perjury as to the truth of all of the information and statements contained in sections I through IV of this application.

 4227 Acushnet Ave New Bedford MA 02745  
Applicant's Signature Address City

# V. OTHER JURISDICTION APPROVALS AND NOTIFICATION

APPROVAL	CHECK	DATE OBTAINED	BY
Electrical			
Plumbing			
Fire Department			
Water			
Planning			
Conservation			
Public Works			
Health			
Licensing			
Other			

# VI. ZONING REVIEW

DISTRICT:	USE:
FRONTAGE:	LOT SIZE:
SETBACKS:	
FRONT:	LEFT SIDE: RIGHT SIDE: REAR:
PERCENTAGE OF LOT COVERAGE PRIMARY BUILDING	
VARIANCE HISTORY	

# VII. WORKER'S COMPENSATION INSURANCE AFFIDAVIT

I, \_\_\_\_\_  
 (licensee/permittee) with a principal place of business/residence at: \_\_\_\_\_

(City/State/Zip) do hereby certify, under the pains and penalties of perjury, that:

☐ I am an employer providing worker's compensation coverage for my employees working on this job.

Insurance Company	Policy Number
-------------------	---------------

☐ I am a sole proprietor and have no one working for me.  
☐ I am a sole proprietor, general contractor, or homeowner and have hired the contractors listed below who have the following worker's compensation insurance policies:

Name of contractor	Insurance Company/policy number
Name of contractor	Insurance Company/policy number

☐ I am a homeowner performing all the work myself.

NOTE: Please be aware that while homeowners who employ persons to do maintenance, construction or repair work on a dwelling of not more than three units in which the homeowner also resides or on the grounds appurtenant thereto are not generally considered to be employers under the Workers' Compensation Act (GL. C. 152, sect. 1(5)), application by a homeowner for a license or permit may evidence the legal status of an employer under the Workers' Compensation Act.

I understand that a copy of this statement will be forwarded to the Department of Industrial Accidents' Office of Insurance for coverage verification and that failure to secure coverage as required under Section 25A of MGL 152 can lead to the imposition of criminal penalties consisting of a fine of up to \$1500.00 and/or imprisonment of up to one year and civil penalties in the form of a Stop Work Order and a fine of \$100.00 a day against me.

Signed this \_\_\_\_\_ day of \_\_\_\_\_, 20 \_\_\_\_\_



The Commonwealth of Massachusetts  
Department of Industrial Accidents  
Office of Investigations  
600 Washington Street  
Boston, MA 02111  
www.mass.gov/dia

Workers' Compensation Insurance Affidavit: Builders/Contractors/Electricians/Plumbers

Applicant Information

Please Print Legibly

Name (Business/Organization/Individual): J & N GAS INC. dba Route 18 Gas & Service

Address: 4227 Acushnet Ave

City/State/Zip: New Bedford, MA 02745 Phone #: 508-998-3445

Are you an employer? Check the appropriate box:

- |  |  |
|--|--|
| <p>1. <input checked="" type="checkbox"/> I am a employer with <u>5</u> employees (full and/or part-time).*</p> <p>2. <input type="checkbox"/> I am a sole proprietor or partnership and have no employees working for me in any capacity. [No workers' comp. insurance required.]</p> <p>3. <input type="checkbox"/> I am a homeowner doing all work myself. [No workers' comp. insurance required.]†</p> | <p>4. <input type="checkbox"/> I am a general contractor and I have hired the sub-contractors listed on the attached sheet. These sub-contractors have employees and have workers' comp. insurance.‡</p> <p>5. <input type="checkbox"/> We are a corporation and its officers have exercised their right of exemption per MGL c. 152, §1(4), and we have no employees. [No workers' comp. insurance required.]</p> |
|--|--|

Type of project (required):

6. ☐ New construction
7. ☐ Remodeling
8. ☐ Demolition
9. ☒ Building addition
10. ☐ Electrical repairs or additions
11. ☐ Plumbing repairs or additions
12. ☐ Roof repairs
13. ☒ Other Garage BAY

\*Any applicant that checks box #1 must also fill out the section below showing their workers' compensation policy information.

† Homeowners who submit this affidavit indicating they are doing all work and then hire outside contractors must submit a new affidavit indicating such.

‡ Contractors that check this box must attached an additional sheet showing the name of the sub-contractors and state whether or not those entities have employees. If the sub-contractors have employees, they must provide their workers' comp. policy number.

**I am an employer that is providing workers' compensation insurance for my employees. Below is the policy and job site information.**

Insurance Company Name: Nor Guard Insurance Company

Policy # or Self-ins. Lic. #: JNWC053507 Expiration Date: 3-1-2020

Job Site Address: 4227 Acushnet Ave New Bedford City/State/Zip: MA 02745

Attach a copy of the workers' compensation policy declaration page (showing the policy number and expiration date). Failure to secure coverage as required under Section 25A of MGL c. 152 can lead to the imposition of criminal penalties of a fine up to \$1,500.00 and/or one-year imprisonment, as well as civil penalties in the form of a STOP WORK ORDER and a fine of up to \$250.00 a day against the violator. Be advised that a copy of this statement may be forwarded to the Office of Investigations of the DIA for insurance coverage verification.

**I do hereby certify under the pains and penalties of perjury that the information provided above is true and correct.**

Signature: [Signature] Date: 1-9-2020

Phone #: 508 998 3445

Official use only. Do not write in this area, to be completed by city or town official.

City or Town: \_\_\_\_\_ Permit/License # \_\_\_\_\_

Issuing Authority (circle one):

1. Board of Health 2. Building Department 3. City/Town Clerk 4. Electrical Inspector 5. Plumbing Inspector  
6. Other \_\_\_\_\_

Contact Person: \_\_\_\_\_ Phone #: \_\_\_\_\_

**Location:** 4227 ACUSHNET AVE**Parcel ID:** 136A 20**Zoning:** RA**Fiscal Year:** 2020**Current Owner Information:**

4227 ACUSHNET AVE LLC

4227 ACUSHNET AVENUE

NEW BEDFORD , MA 02745

**Current Sales Information:****Sale Date:**

04/04/2007

**Sale Price:**

\$835,000.00

**Legal Reference:**

8597-192

**Grantor:**

ASHLEY,FREDERICK S "TRS"

Card No. 1 of 1

This Parcel contains 0.5765 acres of land mainly classified for assessment purposes as GAS SVC STA with a(n) SERVICE STATION style building, built about 1969, having Brick exterior, Asphalt Shingles roof cover and 2387 Square Feet, with 1 unit(s), total room(s), total bedroom(s) total bath(s), 0 3/4 baths, and 2 total half bath(s).

**Building Value:**

328000

**Land Value:**

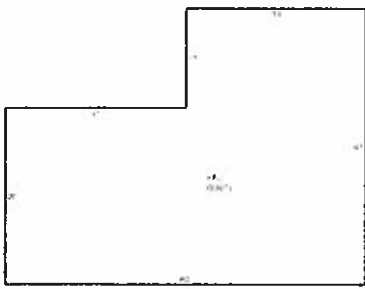
300200

**Yard Items Value:**

139100

**Total Value:**

767300

**Fiscal Year 2020**

Tax Rate Res.: 16.16  
 Tax Rate Com.: 33.59  
 Property Code: 334  
 Total Bldg Value: 328000  
 Total Yard Value: 139100  
 Total Land Value: 300200  
**Total Value:** 767300  
**Tax:** \$25,773.61

**Fiscal Year 2019**

Tax Rate Res.: 16.47  
 Tax Rate Com.: 34.84  
 Property Code: 334  
 Total Bldg Value: 295400  
 Total Yard Value: 142400  
 Total Land Value: 288200  
**Total Value:** 726000  
**Tax:** \$25,293.84

**Fiscal Year 2018**

Tax Rate Res.: 16.63  
 Tax Rate Com.: 35.65  
 Property Code: 334  
 Total Bldg Value: 308400  
 Total Yard Value: 122300  
 Total Land Value: 288200  
**Total Value:** 718900  
**Tax:** \$25,628.79

Disclaimer: Classification is not an indication of uses allowed under city zoning.  
 This information is believed to be correct but is subject to change and is not warranted.





4227 Acushnet Ave



Google Maps 1001 Cherokee St

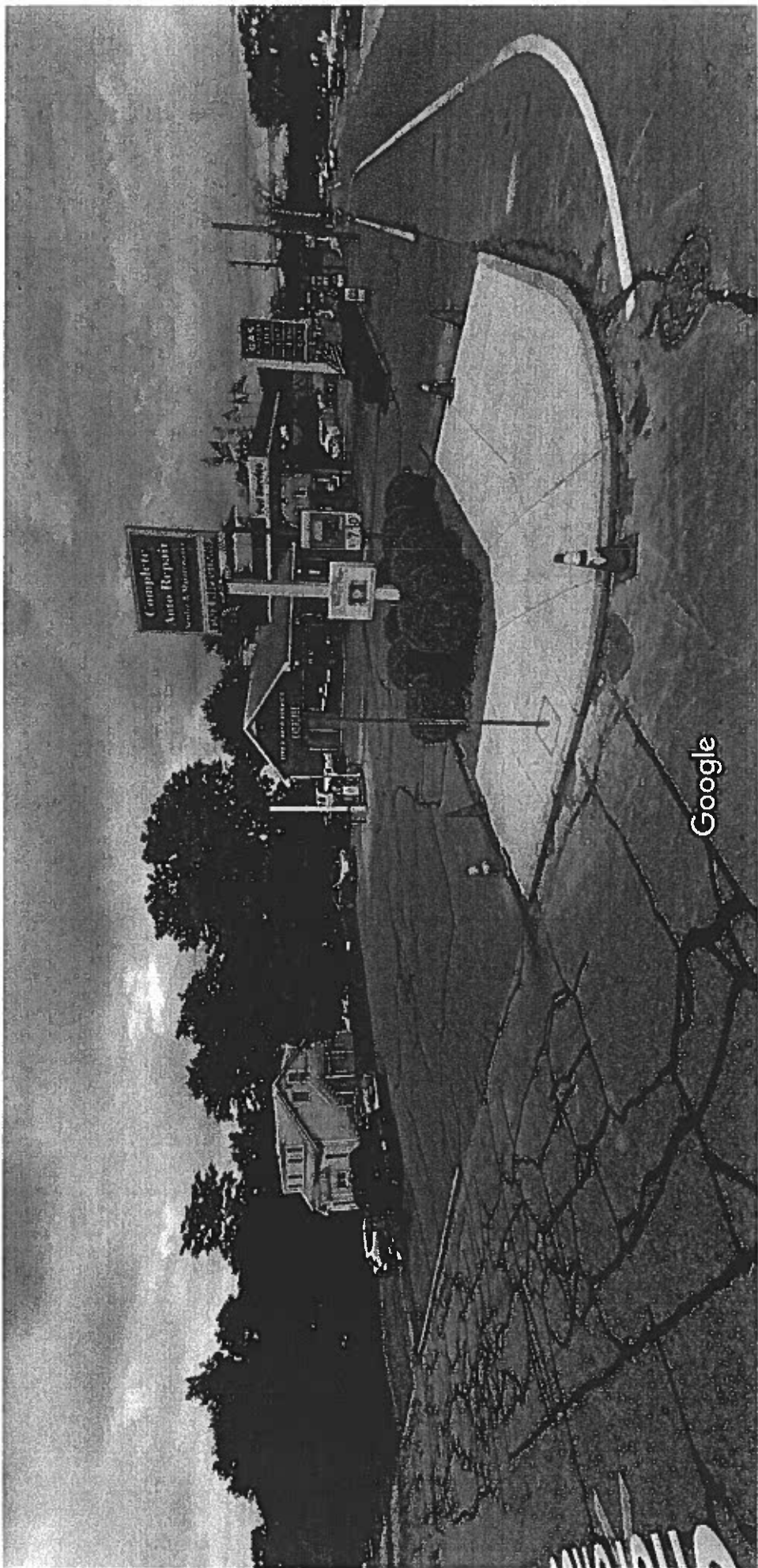


Image capture: Sep 2012 © 2020 Google

New Bedford, Massachusetts



Street View

Google Maps 4226 MA-18

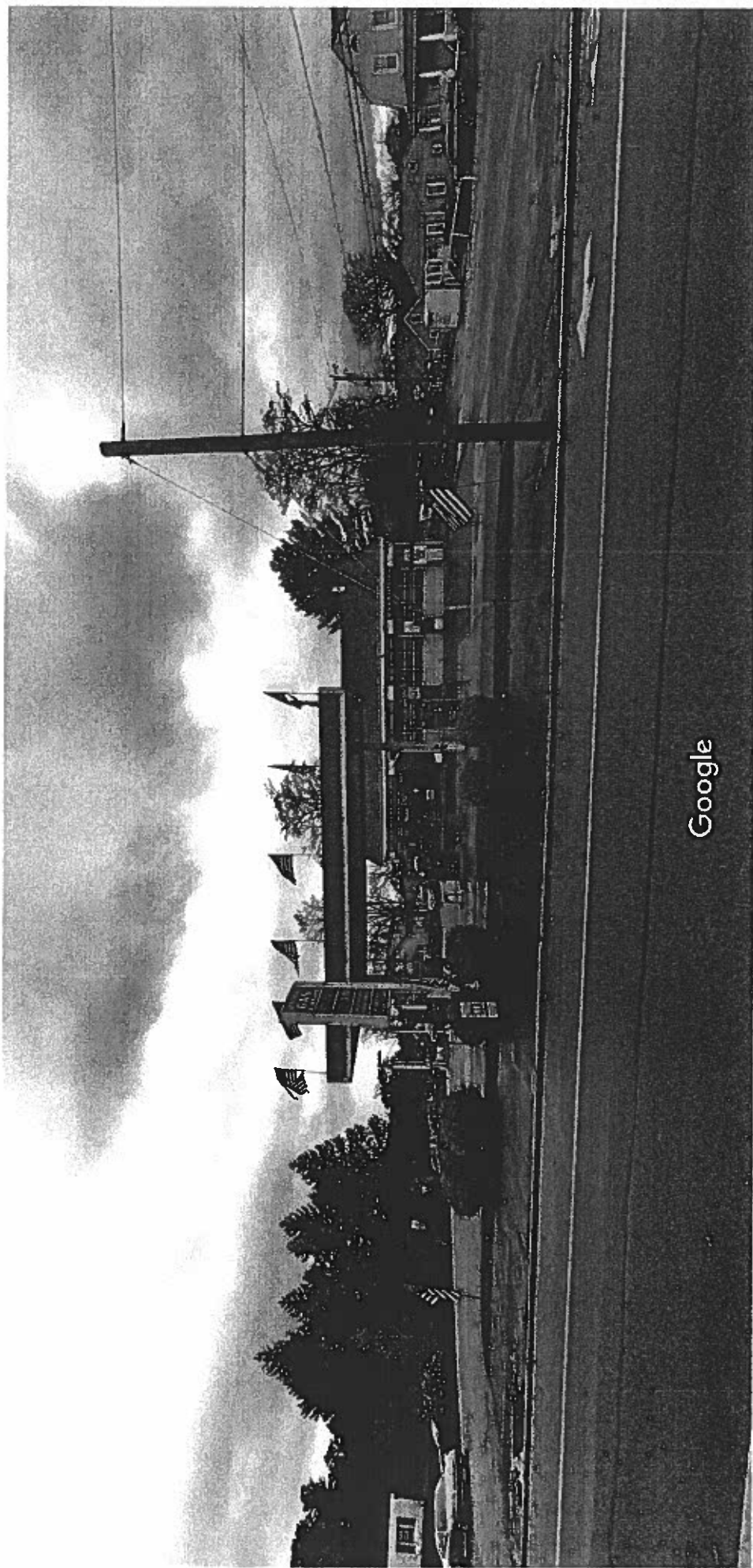
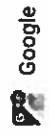


Image capture: Nov 2018 © 2020 Google

New Bedford, Massachusetts



Street View



Google Maps 1009 Sassaquin Ave

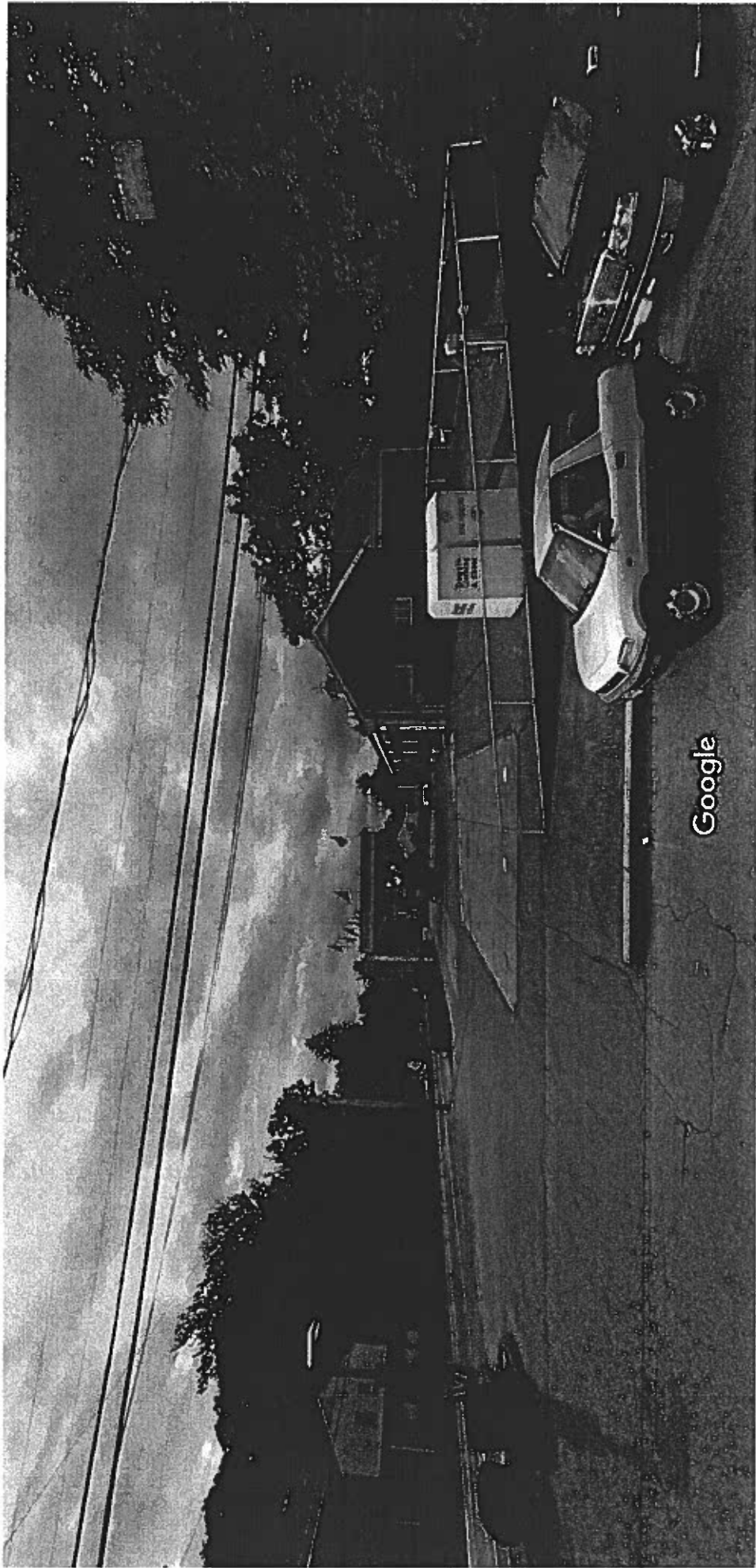
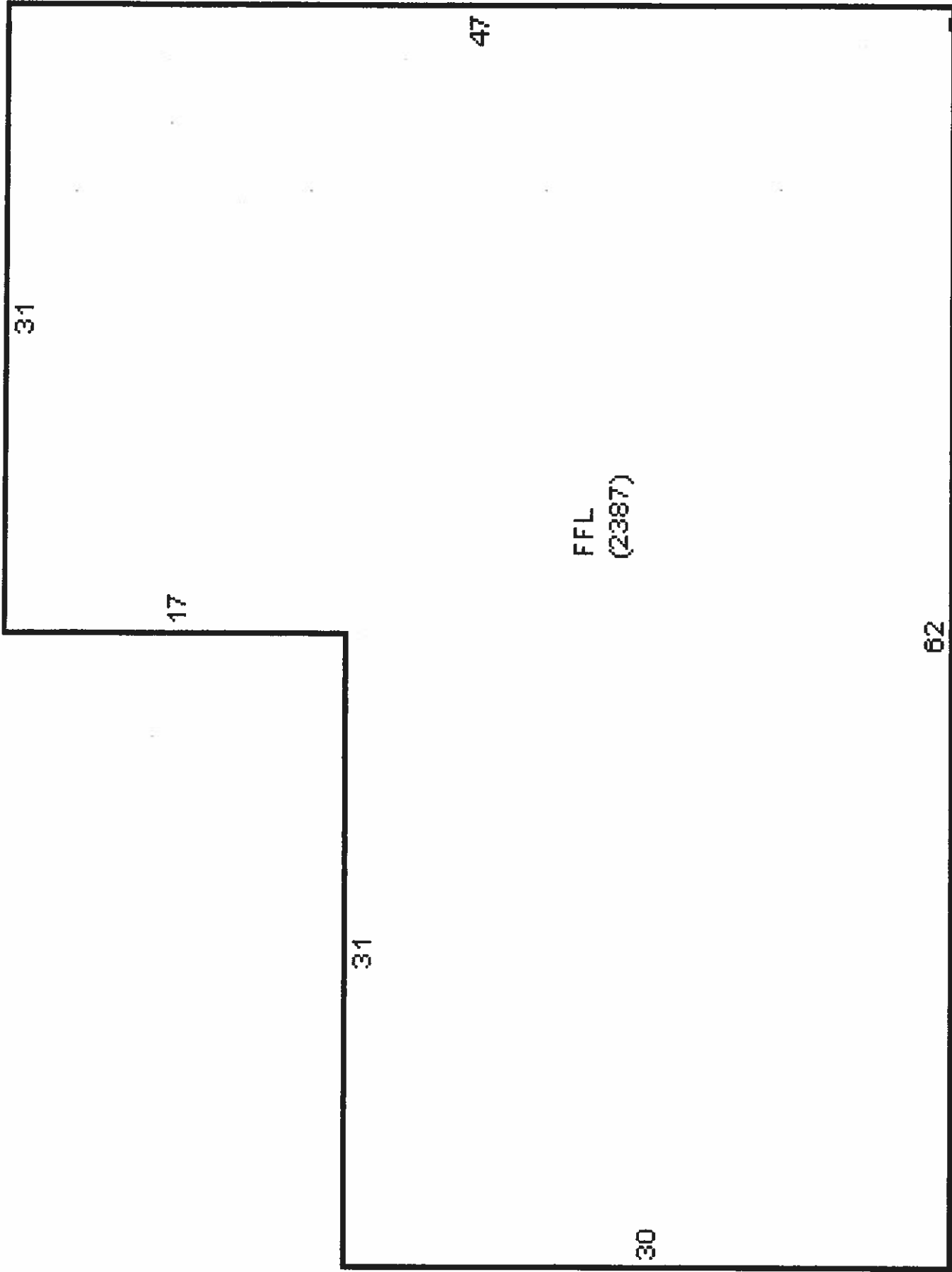


Image capture: Sep 2012 © 2020 Google

**New Bedford, Massachusetts**



### Street View





Map: 136A-1

City of New Bedford  
Massachusetts

Plan Year 2015

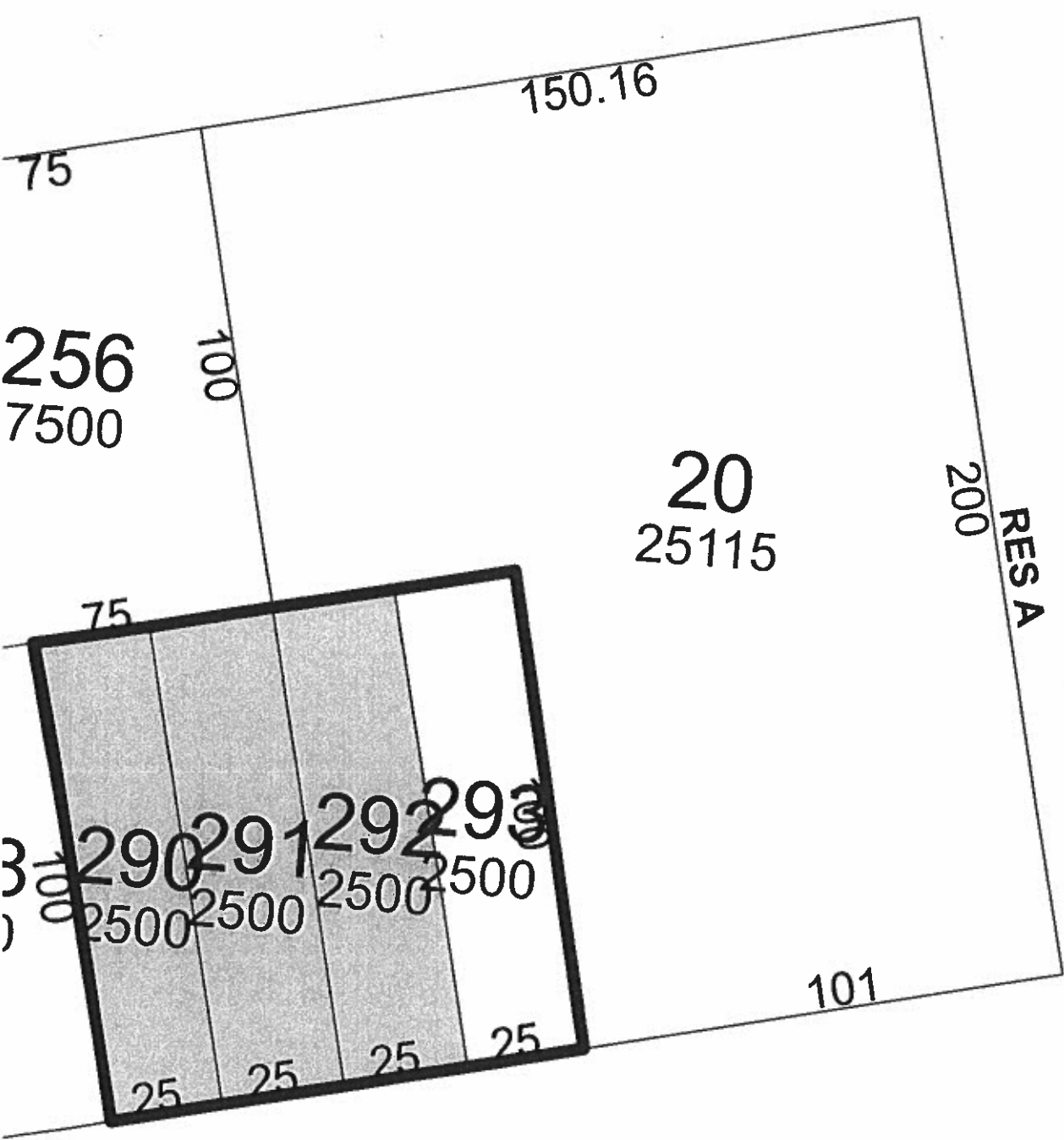
This parcel map should be used for planning  
and development purposes only.

Legend:

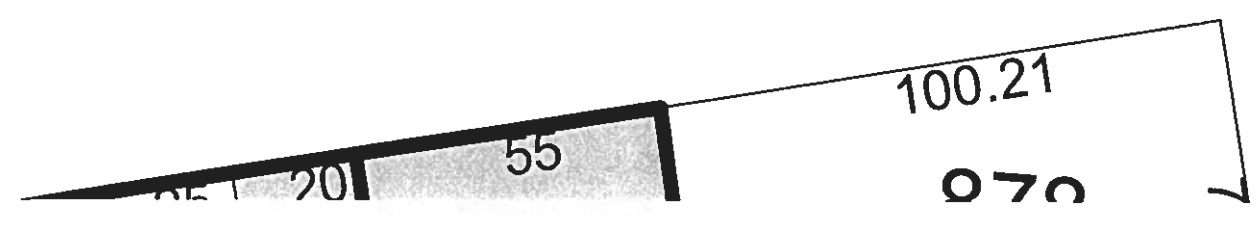
- Water Bodies
- Town Boundary
- Planned Subdivision
- Combined Parcels
- Master Parcel Linkage to Assessing DB

Scale: 1 inch = 100 feet

North Arrow

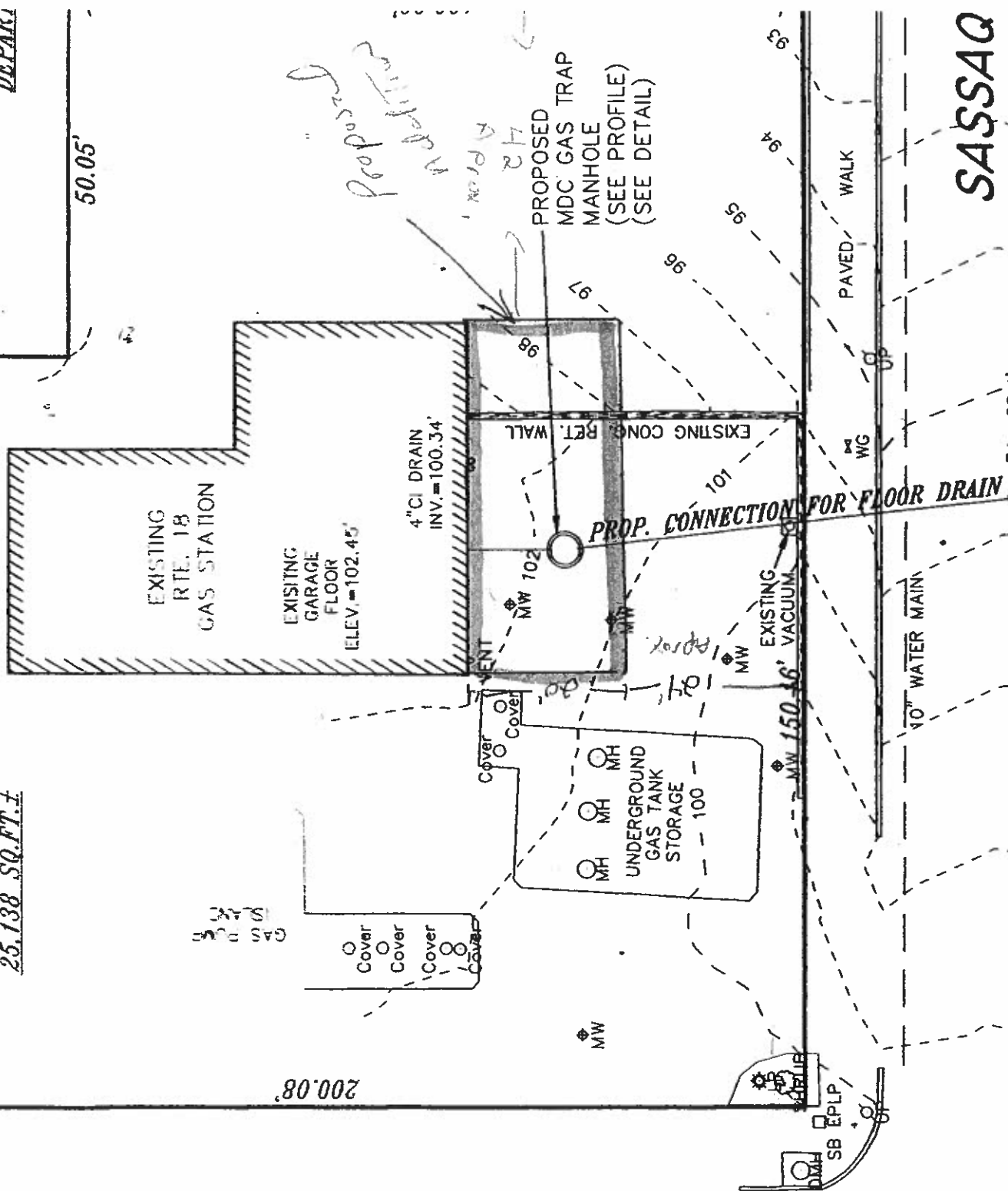


ACUSHNET AVE



11

SA\$SAQ







**William Francis Galvin**  
Secretary of the Commonwealth of Massachusetts



## Corporations Division

### Business Entity Summary

**ID Number:** 208617946

[Request certificate](#)

[New search](#)

**Summary for:** 4227 ACUSHNET AVE LLC

**The exact name of the Domestic Limited Liability Company (LLC):** 4227 ACUSHNET AVE LLC

**Entity type:** Domestic Limited Liability Company (LLC)

**Identification Number:** 208617946

**Date of Organization in Massachusetts:**  
03-13-2007

**Last date certain:**

**The location or address where the records are maintained** (A PO box is not a valid location or address):

Address: 4227 ACUSNET AVE

City or town, State, Zip code, NEW BEDFORD, MA 02745 USA  
Country:

**The name and address of the Resident Agent:**

Name: JACK N. SASSIN

Address: 319 GRAPES ST

City or town, State, Zip code, NEW BEDFORD, MA 02740 USA  
Country:

**The name and business address of each Manager:**

Title	Individual name	Address
MANAGER	JACK SASSIN	4227 ACUSHNET AVE NEW BEDFORD, MA 02745 USA

**In addition to the manager(s), the name and business address of the person(s) authorized to execute documents to be filed with the Corporations Division:**

Title	Individual name	Address
SOC SIGNATORY	JACK SASSIN	4227 ACUSHNET AVE NEW BEDFORD, MA 02745 USA

**The name and business address of the person(s) authorized to execute, acknowledge, deliver, and record any recordable instrument purporting to affect an interest in real property:**

Title	Individual name	Address

REAL PROPERTY	JACK SASSIN	4227 ACUSHNET AVE NEW BEDFORD, MA 02745 USA	
<b>Consent</b>	<b>Confidential Data</b>	<b>Merger Allowed</b>	<b>Manufacturing</b>
<b>View filings for this business entity:</b>			
<div>ALL FILINGS Annual Report Annual Report - Professional Articles of Entity Conversion Certificate of Amendment Certificate of Incorporation</div>			
<a href="#">View filings</a>			
<b>Comments or notes associated with this business entity:</b>			
<div></div>			

[New search](#)

QUITCLAIM DEED

We, Frederick S. Ashley, William C. Ashley and Elton A. Ashley, Jr., jointly and singly, as Trustees of the 4227 Acushnet Avenue Nominee Trust created by Declaration of Trust dated July 31, 2001 recorded in Bristol County (S.D.) Registry of Deeds in Book 5104, Page 192

For consideration of Eight Hundred Thirty Five Thousand and 00/100 (835,000.00) hereby grants to

4227 Acushnet Ave LLC with quitclaim covenants,  
of 4227 Acushnet Ave, New Bedford

The land, with any buildings thereon, in New Bedford, Bristol County, Massachusetts, bounded and described as follows:

EASTERLY by Acushnet Avenue, two hundred (200) feet;

SOUTHERLY by Cherokee Street, one hundred and one (101) feet;

WESTERLY by land now or formerly of Homer Roy, one hundred and 35/100 (100.35) feet;

SOUTHERLY again by land now or formerly of Homer Roy, fifty and 05/100 (50.05) feet;

WESTERLY again by land now or formerly of Homer Roy, one hundred (100) feet; and

NORTHERLY by Sassaquin Avenue, one hundred fifty and 16/100 (150.16) feet.

Containing 25,138 square feet and being shown on plan entitled "Plan of Land in New Bedford, Mass. Surveyed for Cities Service Oil Company" dated March 31, 1969, Cattley & Richard Engineering Corp., New Bedford, Mass., recorded in the Bristol County (S.D.) Registry of Deeds, in Plan Book 81, Page 24.

Subject to any condition which an inspection of the premises and an accurate survey may show and to covenants, easements and restrictions of record.

For title see deed dated March 28, 2001, recorded in said Registry of Deeds on August 9, 2001 in Book 5104, Page 200.

REG OF DEEDS  
REG #07  
BRISTOL S

04/04/07 8:59AM 01  
000000 #0004

FEE \$3807.60

CASH \$3807.60

Return to

ALEXANDROV, METZGER & FLANNAGAN, P.C.  
32 FRANKLIN STREET, SUITE 304  
WORCESTER, MA 01608

4227 Acushnet Ave, New Bedford

Executed as a sealed instrument this 2<sup>nd</sup> day of April, 2007.

Grantors:

4227 Acushnet Avenue Nominee Trust

Frederick S. Ashley, Trustee  
 Frederick S. Ashley, Trustee *by his attorney in fact Thomas T. Mathieu*

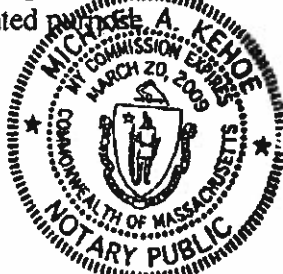
William C. Ashley, Trustee  
 William C. Ashley, Trustee

Elton A. Ashley, Jr., Trustee  
 Elton A. Ashley, Jr., Trustee

COMMONWEALTH OF MASSACHUSETTS  
 COUNTY OF BRISTOL

On this the 2<sup>nd</sup> day of April, 2007, before me, the undersigned notary public, personally appeared Frederick S. Ashley, proved to me through satisfactory evidence of identification, which was his Massachusetts Driver's License, to be the person whose name is signed on the preceding or attached document, and acknowledged to me that he signed it voluntarily for its stated purpose.

*\* by his attorney in fact, Thomas T. Mathieu*



Notary Public Signature and Seal

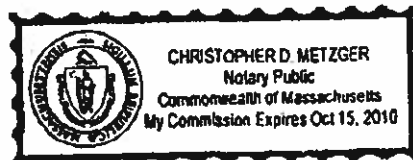
Print Name: MICHAEL A. KEHOE

My Commission Expires: 3-20-09

COMMONWEALTH OF MASSACHUSETTS  
 COUNTY OF BRISTOL

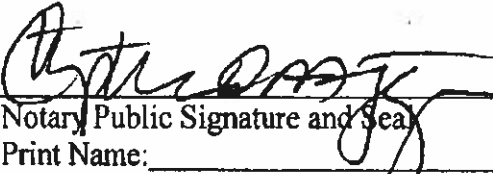
On this the 2<sup>nd</sup> day of April, 2007, before me, the undersigned notary public, personally appeared William C. Ashley, proved to me through satisfactory evidence of identification, which was his Massachusetts Driver's License, to be the person whose name is signed on the preceding or attached document, and acknowledged to me that he signed it voluntarily for its stated purpose.

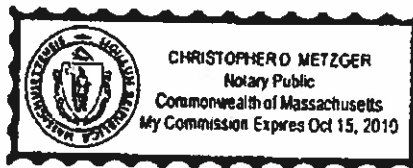
Christopher D. Metzger  
 Notary Public Signature and Seal  
 Print Name: \_\_\_\_\_  
 My Commission Expires: \_\_\_\_\_



COMMONWEALTH OF MASSACHUSETTS  
COUNTY OF BRISTOL

On this the 2<sup>nd</sup> day of April, 2007, before me, the undersigned notary public, personally appeared Elton A. Ashley, Jr., proved to me through satisfactory evidence of identification, which was his Massachusetts Driver's License, to be the person whose name is signed on the preceding or attached document, and acknowledged to me that he signed it voluntarily for its stated purpose.

  
Notary Public Signature and Seal  
Print Name: \_\_\_\_\_  
My Commission Expires: \_\_\_\_\_



Application No.....

Appeal No.....

CITY OF NEW BEDFORD  
BOARD OF APPEALS  
ROOM 301 - MUNICIPAL BUILDING

536-47

**Petition for Variance under the Zoning Ordinance**

To the Board of Appeals,  
New Bedford, Mass.

Date Mar 31 194 7

The undersigned petitions the Board of Appeals to vary, in the manner and for the reasons hereinafter set forth, the application of the provisions of the zoning ordinance to the following described premises.

Owner: Alfred Dion 4228 Acushnet Ave.  
(Full Name) (Address)

Lessee: \_\_\_\_\_  
(Full Name) (Address)

1. Location of Premises 4227 Acushnet Ave.  
(Street No.) (Name of Street)

2. Assessors Plat 138A 20-21-22-23-24  
(Plat No.) (Lot No.)

3. Dimensions of lot 125' (5 lots 25' each) 100' Ave Area 12592' (Total)  
(Frontage) (Dept.) (Square Feet)

4. Zoning districts in which premises are located Residence B

5. Premises in present ownership since Lots 20-21-1945; lots 22-23-24-1933  
(Date of Purchase)

6. one buildings are now on the lot

7. Size of existing buildings filling station 30'x15' (approx)

proposed buildings auto lift to be installed south of station

8. Present use of premises filling station

9. Proposed use of premises filling station and outside lift

10. Extent of proposed alteration to install lift for servicing autos in connection with filling station

11. Number of families for which building is to be arranged ---

12. Plans <sup>have</sup> ~~have not~~ been submitted to the Superintendent of Buildings.

13. The Superintendent of Buildings has refused to issue a permit for installation of lift

14. Provision of zoning ordinance under which petition for variance is made:

to install automobile lift south of existing filling station

Referred for consideration under Chap. 27 Sect 3 of City Code.

15. Reasons for appeal from decision of Superintendent of Buildings

A filling station has been conducted on this site for many years

It is necessary for the proper service to the customer that lift  
be installed. This district was changed from Business to

Residence D otherwise the lift could be installed. It is felt that  
a hardship exists under the present zoning of the premises.

Respectfully submitted,

/s/ (Signature) Alfred Dion

(Address) 4227 Acushnet Ave.



CITY OF NEW BEDFORD  
MASSACHUSETTS  
BOARD OF APPEALS

May 8, 1947

Appeal No. 906  
Appellant: Alfred Dion  
Locus: 4227 Acushnet Ave. N.W. cor. Cherokee

Mr. Frederick R. Ripley  
Superintendent of Buildings  
City of New Bedford

Dear Sir:

You are hereby informed that the Board of Appeals at its meeting held May 7, 1947, voted to grant permission for the installation of an outside automobile lift for use in connection with the filling station on property at 4227 Acushnet avenue, in the location shown on the plan accompanying the appeal of Alfred Dion.

Yours very truly,

*Caleman Lipman*

Clerk

L





CITY OF NEW BEDFORD  
MASSACHUSETTS  
BOARD OF APPEALS

June 10, 1947

TO: Mr. Frederick R. Ripley  
Superintendent of Buildings  
City of New Bedford

Dear Sir:

The following is a copy of a letter sent to Alfred

Dion on June 10, 1947:

June 10, 1947

TO: Mr. Alfred Dion  
4228 Acushnet Avenue  
New Bedford, Mass.,

Dear Sir:

At a meeting of the Board of Appeals held June 4, 1947, the board had before it a communication from Joseph A. Rousseau, requesting permission to install a grease pit on the premises at 4227 Acushnet Avenue for use in connection with the existing filling station on the premises, and the request was granted.

Yours very truly,  
COLEMAN LIPMAN,  
Clerk.

This action supplements the grant of the board at a meeting held May 7, 1947 on Appeal No. 906, relative to premises at 4227 Acushnet Avenue.

Yours very truly,

*Coleman Lipman*  
Clerk. *C*

770.906  
EX-105

No. 536-47 Permit for installing

lift

Location 4337 Acushnet Ave

Owner Alfred Dion

Type of Construction

Plot 131 A Lot 23

Permit Granted June 12, 19 47

Card Issued by J. H. RYAN, JR.

Date Completed Nov. 15 19 48

PERMIT REFUSED

May 31 1941

*Permit was left for 30 days  
without action Dec. 17 1940*

*J. H. Ryan*

Approved 19



CITY OF NEW BEDFORD  
BUILDING DEPARTMENT

Application for Permit to *install auto lift*  
Type of Construction

To, 536-42

New Bedford, Mass., *Jan 31* 1947

TO THE INSPECTOR OF BUILDINGS:

The undersigned hereby applies for a permit according to the following specifications:

Location *4227 Commercial Ave* Telephone: \_\_\_\_\_  
Proposed Use *Lift for Filling Station*  
Class of District *Res. B* In Fire District *C* Plans Filed \_\_\_\_\_ Plot Const \_\_\_\_\_  
Name of Owner *Alfred D. Dineen* Address *4227 Commercial Ave*  
Name of Architect *John G. Roushman* Address *158 Blinnon St*  
Name of Builder *Day Bros.* Address \_\_\_\_\_  
Size of Lot: Front \_\_\_\_\_ feet; rear \_\_\_\_\_ feet; depth \_\_\_\_\_ feet; area \_\_\_\_\_ sq. ft.  
Size of Building: Length \_\_\_\_\_; width \_\_\_\_\_; height \_\_\_\_\_; number of stories \_\_\_\_\_  
Projections { Front \_\_\_\_\_ x \_\_\_\_\_; height \_\_\_\_\_; side \_\_\_\_\_ x \_\_\_\_\_; height \_\_\_\_\_  
Rear \_\_\_\_\_ x \_\_\_\_\_; height \_\_\_\_\_; side \_\_\_\_\_ x \_\_\_\_\_; height \_\_\_\_\_  
Area of Building as defined by Zoning Ordinance \_\_\_\_\_ sq. ft.; percentage of lot occupied \_\_\_\_\_  
Distance from Street *40'*; from \_\_\_\_\_ side line \_\_\_\_\_; from \_\_\_\_\_ side line \_\_\_\_\_; rear line \_\_\_\_\_  
Distance between buildings: front \_\_\_\_\_; rear \_\_\_\_\_; side \_\_\_\_\_; side \_\_\_\_\_  
Nature of Soil \_\_\_\_\_; foundation material \_\_\_\_\_; height \_\_\_\_\_; thickness \_\_\_\_\_  
Size of sills \_\_\_\_\_; size of posts \_\_\_\_\_; size of girder \_\_\_\_\_; size of columns or piers \_\_\_\_\_  
Thickness of Walls: 1st \_\_\_\_\_ 2nd \_\_\_\_\_ 3rd \_\_\_\_\_ 4th \_\_\_\_\_ 5th \_\_\_\_\_ 6th \_\_\_\_\_ 7th \_\_\_\_\_  
Size of floor timbers: 1st \_\_\_\_\_ 2nd \_\_\_\_\_ 3rd \_\_\_\_\_ 4th \_\_\_\_\_ 5th \_\_\_\_\_ 6th \_\_\_\_\_ 7th \_\_\_\_\_  
Size of Rafters \_\_\_\_\_; Spacing \_\_\_\_\_; Roof—flat—pitch—gambrel—hip; roofing material \_\_\_\_\_  
Heating methods—steam \_\_\_\_\_; hot water \_\_\_\_\_; furnace \_\_\_\_\_; combination \_\_\_\_\_  
Gas appliances \_\_\_\_\_; how vented \_\_\_\_\_ Automatic Meter Check \_\_\_\_\_  
Estimated value \_\_\_\_\_

IN CASE OF ADDITION OR ALTERATION

Present use *Filling Station* Number families \_\_\_\_\_ Proposed use *do* Number families \_\_\_\_\_  
Present area \_\_\_\_\_ sq. ft. Area addition \_\_\_\_\_ sq. ft. Total area \_\_\_\_\_ sq. ft. Allowable use area \_\_\_\_\_ sq. ft.  
Size of addition—length \_\_\_\_\_; width \_\_\_\_\_; height \_\_\_\_\_; number stories \_\_\_\_\_; dormers \_\_\_\_\_  
Stairways—present number \_\_\_\_\_; proposed number \_\_\_\_\_ protection required \_\_\_\_\_  
Distance addition from—street \_\_\_\_\_; rear line \_\_\_\_\_; side line \_\_\_\_\_; side line \_\_\_\_\_  
Distance from building on front \_\_\_\_\_; rear \_\_\_\_\_; side \_\_\_\_\_; side \_\_\_\_\_  
Estimated value \_\_\_\_\_ Roof—flat—pitch—gambrel—hip; roofing material \_\_\_\_\_

IN CASE OF DEMOLITION

Name of wrecker \_\_\_\_\_ Address \_\_\_\_\_  
Distance from street \_\_\_\_\_ Has application for street obstruction been filed? \_\_\_\_\_  
Authority for removal \_\_\_\_\_ Tenements eliminated \_\_\_\_\_

GENERAL REMARKS

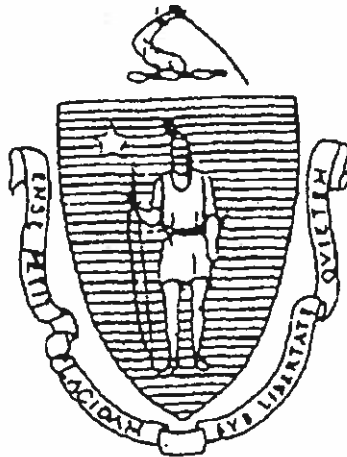
*To install auto lift for use in connection with filling station.*

NOTICE  
This permit is granted subject to  
the rules and regulations of the  
C. P. A.

All work to be performed in compliance with all governing laws, ordinances and regulations.

Name *Alfred Dineen*  
Address *4227 Commercial Ave*  
*by Leon B. Dineen*

# NOTICE TO EMPLOYEES



# NOTICE TO EMPLOYEES

## The Commonwealth of Massachusetts DEPARTMENT OF INDUSTRIAL ACCIDENTS

600 Washington Street, Boston, Massachusetts 02111  
617-727-4900

As required by Massachusetts General Law, Chapter 152, Sections 21, 22 & 30, this will give you notice that I (we) have provided for payment to our injured employees under the above mentioned chapter by insuring with:

NorGUARD Insurance Company

P.O. Box A-H  
Wilkes-Barre, PA 18703-0020

NAME OF INSURANCE COMPANY  
16 South River Street

ADDRESS OF INSURANCE COMPANY

JNWC554478

03/01/2014

03/01/2015

POLICY NUMBER  
EASTERN INSURANCE  
233 West Central Street  
Natick, MA 01760

EFFECTIVE DATES  
508-651-7700

NAME OF INSURANCE AGENT  
J & N Gas Inc.  
4227 Acushnet Avenue  
New Bedford, MA 02745

ADDRESS

PHONE

EMPLOYER

ADDRESS

02/05/2014

EMPLOYER'S WORKERS COMPENSATION OFFICER (IF ANY)

DATE

### MEDICAL TREATMENT

The above named insurer is required in cases of personal injuries arising out of and in the course of employment to furnish adequate and reasonable hospital and medical services in accordance with the provisions of the Workers Compensation Act. A copy of the First Report of Injury must be given to the injured employee. The employee may select his or her own physician. The reasonable cost of the services provided by the treating physician will be paid by the insurer, if the treatment is necessary and reasonably connected to the work related injury. In cases requiring hospital attention, employees are hereby notified that the insurer has arranged for such attention at the

NAME OF HOSPITAL

ADDRESS

## TO BE POSTED BY EMPLOYER

Application No. ....

Appeal No. ....

CITY OF NEW BEDFORD  
BOARD OF APPEALS  
ROOM 301 - MUNICIPAL BUILDING

Petition for Variance under the Zoning Ordinance

To the Board of Appeals,  
New Bedford, Mass.

Date October 29 1953

The undersigned petitions the Board of Appeals to vary, in the manner and for the reasons hereinafter set forth, the application of the provisions of the zoning ordinance to the following described premises.

Owner: Alfred Dion 4228 Acushnet Ave.  
(Full Name) (Address)

Lessee: \_\_\_\_\_  
(Full Name) (Address)

1. Location of Premises 4227 Acushnet Ave.  
(Street No.) (Name of Street)
2. Assessors Plat # 136-A Lots # 20-21-22-23-24  
(Plat No.) (Lot No.)
3. Dimensions of lot 125.0' 100.0' Area 12500  
(Frontage) (Depth) (Square Feet)
4. Zoning districts in which premises are located Res. "B" (formerly Business)
5. Premises in present ownership since #20 & #21 Jan. 18, 1945. #22 & #23 & #24 May 19, 1933.  
(Date of Purchase)
6. One buildings is now on the lot A service station office
7. Size of existing buildings 15'-0" x 10'-0"  
proposed buildings Repair Garage 25'-0" x 20'-0" x 15'-0"
8. Present use of premises Service station
9. Proposed use of premises Same
10. Extent of proposed alterations To erect a concrete block building with concrete floor & wood frame and boarding roof covered with asphalt shingles.
11. Number of families for which building is to be arranged None



12. Plans ~~have not~~ <sup>have</sup> been submitted to the Superintendent of Buildings.

13. The Superintendent of Buildings has refused to issue a permit for this work.

14. Provision of zoning ordinance under which petition for variance is made:

Chapter 27, section 64 (1.)

15. Reasons for appeal from decision of Superintendent of Buildings.

Formerly in a business district, but since has been changed  
to Residence "B". Because of accumulation of work in gas  
station, changing tires and minor repairs, which have to be  
made in the open, it would be better to work under cover,  
especially in inclement weather.

Respectfully submitted,

(Signature)

(Address)

Alfred J. J. J.  
4204 Chestnut Ave

Nov. 20, 1953.

Dear Sir:

At a meeting of the Board of Appeals held Wednesday, Nov. 18, 1953, the petition of Alfred Dion, for permission to erect an addition to a gasoline station located at 4227 Acushnet Avenue in a Residence B. Zone, was considered. The property is non-conforming at present. In Executive Session, the Board voted that this petition be DENIED.

*Joseph L. Mongeau Jr.*  
Clerk Pro Tem.





CITY OF NEW BEDFORD  
MASSACHUSETTS  
BUILDING DEPARTMENT

October 29, 1953

To the Board of Appeals  
New Bedford, Mass.

Gentlemen:

Alfred Dion has applied at this office for a permit to erect an addition to a gasoline station.

The premises, which at the present time are non-conforming, are located at 4227 Acushnet Avenue, in a Residence "B" zone.

The permit has been refused because it would be a violation of Chapter #27, Section #18 of the City Code.

An appeal has been filed and is transmitted herewith.

Very truly yours,

*Frederick O. Rayley*  
Supt. & Insp. of Buildings

FRR/hd



November 19, 1953.

Appeal No. 1352  
Appellant: Alfred Dion  
Locus: 4227 Acushnet Avenue

Mr. Frederick R. Ripley,  
Superintendent of Buildings  
New Bedford, Mass.

Dear Mr. Ripley:

At a meeting of the Board of Appeals held Wednesday, November 18, 1953, the petition of Alfred Dion, for permission to erect an addition to a gasoline station located at 4227 Acushnet Avenue in a Residence B. Zone, was considered. The property is non-conforming at present. His appeal was made under Chap. 27, Sec. 64(1) of the City Code.

In the Executive Session, the Board took into consideration the following facts: It is an extension of a non-conforming use. The proposed addition would be twice the existing building. The neighbors objected.

The Board voted that this petition be DENIED.

Very truly yours,

---

Clerk

CC: Board of Health

November 20, 1953.

Mr. Alfred Dion  
4228 Acushnet Avenue  
New Bedford, Mass.

Dear Sir:

At a meeting of the Board of Appeals held Wednesday, November 18, 1953, your petition, for permission to erect an addition to a gasoline station located at 4227 Acushnet Avenue in a Residence B. Zone, was considered. The property is non-conforming at present. Your appeal was made under Chap. 27, Sec. 64(1) of the City Code.

In the Executive Session, the Board took into consideration the following facts: It is an extension of a non-conforming use. The proposed addition would be twice the existing building. The neighbors objected.

The Board voted that your petition be DENIED.

Very truly yours,

---

Clerk Pro Tem.



Appeal No. 1352  
Appellant: Alfred Dion  
Docus: 4227 Acushnet Avenue  
Hearing: November 18, 1953  
Action: November 18, 1953 - Denied.

A communication from Frederick R. Ripley, Superintendent of Buildings, dated October 29, 1953, was received and placed on file, said communication stating that the petitioner seeks permission to erect an addition to a gasoline station located at 4227 Acushnet Avenue in a Residence B. Zone. The property is non-conforming at present. His appeal was made under Chap. 27, Sec. 64(1) of the City Code.

An appeal from the decision of the Superintendent of Buildings, submitted by Alfred Dion, was received and placed on file.

A plan, submitted with the appeal and showing the proposed addition, was received and placed on file.

Voted, that on the appeal of Alfred Dion, the owners of the following lot shown on a plan prepared from the latest record of ownership in the Assessors' Office are the ones deemed by this board to be affected:

Plot 136A Lots 20, 21, 22, 23, 24, 25, 26, 27, 254, 255, 256, 257, 258, 289, 290, 291, 292, 293, 19, 18, 17, 294, 295, 296, 297

Plot 136 Lots 203, 202, 201, 200, 199, 198, 197, 196, 195, 194, 193, 192, 191, 190, and 189.

It was announced that, by order of the clerk, notice of a hearing to be held Wednesday, November 18, 1953, on the appeal of Alfred Dion, was published in the Standard-Times of Wednesday, November 4, 1953; also that on Tuesday, November 10, 1953, written notice was sent by mail to the owners of all the property deemed by the board to be affected.

Voted, that the action of the clerk in giving notice of a hearing as stated be and it hereby is ratified.

The hearing was then declared open.

#### APPEARANCES:-

Proponents: Alfred Dion of 4228 Acushnet Avenue spoke in favor of his petition. Mr. Poulin asked him if he had anything more to add to which he answered yes. Mr. Dion stated: I want that addition because of the bad weather. The fellow who works at my gasoline station has to change plugs outside and also oil. Nothing else is going in there. Mr. Poulin asked: Isn't that addition in which to grease the cars and so forth? Mr. Dion said yes, it is. Mr. Poulin asked: Do you have a lift outdoors? Mr. Dion answered: There is a pit there and is full of water at present. It isn't going to be a big building. It will be right at the corner. It is going to be connected to the other building.

Philip Lavoie also spoke in favor. He stated: This garage is not going to be built over the pit. It is a non-conforming use where the whole of Acushnet Avenue was at one time Business. There is still quite a bit of it in a Business District. This is only a minor addition where a man will change spark plugs or tires.

No one else spoke in favor of this appeal.

Opponents: Adelard Bonneau of 4195 Acushnet Avenue spoke in opposition. Mr. Poulin asked Mr. Bonneau: Is that somewhere near the place in question? Mr. Bonneau answered: It is very close. My house is the first one south of the gas station. When we bought the house two years, that station has changed hands several times since. Since Mr. Dion is asking for this addition, it might be for the changing of oil and greasing cars or do minor repairs and even big repair jobs during all hours of the night. It is a residential section.

Victor Reale of 1345 Ashley Boulevard also spoke in opposition. He stated: I own a lot on the corner of Cherokee Street and Acushnet Avenue and on the south side of Cherokee Street. For one thing, I operated that gas station for almost five years. I had to do it outside. I don't know why they want to change it. You can hear the noise inside the garage as well as out. He said about the pit being full of water. It cost me about \$100 for the concrete. I can't see why he wants it changed now. I had it for five years and others had it before me.

Mr. Poulin asked: I didn't think pits were allowed outdoors? Mr. Ripley stated: In this case, it is outside and there are no fumes from it. You can have a pit. You can have a pit inside providing there's means for exiting the fumes from it.

Mr. Bonneau, in opposition, stated: When he rented the place, he knew what he was renting. From Nye's Lane to Peckham Road on both sides is Residential Zone. That is why it is non-conforming today. I have plenty of land. I have 9 house lots. It will depreciate the value of the property. We bought that property at a good price and we want it quiet. When it comes to an addition, I say no.

Mr. Dion, in rebuttal, asked Mr. Bonneau: You say that it is going to make noise. In what way, is it going to disturb you? Mr. Bonneau didn't answer.

Mr. Poulin to Mr. Dion: On the plan, it says contemplates repair garage. Are you intending to do any repairs there? Mr. Dion answered yes. We will change plugs or any tires. There will be no pounding going on there. Mr. Poulin remarked that is why I asked you if it is for greasing.

Mr. Lavoie, in rebuttal, stated: Anything you do on an automobile is a repair, other than tin knocking. In any garage, you can do repairing in a residential area providing you put a sign up or create no dissension against the neighbors.

Mr. Dion said: Mr. Bonneau is about 400 feet from me. I am on the corner north and he is south. Mr. Poulin stated: He is about 200 feet. He asked: What size is the present gas station? Mr. Lavoie answered: It is either 14 X 12 or 14 X 16. It is a little office. The proposed addition will be 25 X 20 so as to put in one car. It is approximately 250 feet from Mr. Bonneau.

No one else opposed this petition.

The hearing was then declared closed and the appeal considered in executive session.

.....



IN EXECUTIVE SESSION:

Whereas Alfred Dion is the owner of a plot of land situated at 4227 Acuah-net Avenue with a frontage of 125'-0"; a depth of 100'-0"; and an area of 12,500 square feet, zoned for Residence B. (formerly Business), on which is located a service station office; and he now proposes to erect an addition to the gasoline station. His appeal was made under Chap. 27, Sec. 64(1) of the City Code, and

Whereas the petitioner is the owner of the property concerned, and

Whereas it is an extension of a non-conforming use, and

Whereas the proposed addition would be twice the existing building, and

Whereas the neighbors objected,

the Board voted that this appeal be DENIED.

The roll call on the question of granting was as follows:

YEAS: None.

NAYS: Caliste B. Poulin; Elbe J. D'Oliveira; and Associate Members Charles D. Onley; John Lopes; and Joseph L. Mongeau, Jr.

.....

---

Clerk Pro Tem.