



City of New Bedford
ZBA VARIANCE APPLICATION

CASE # 4426

1. SUBMITTAL CHECKLIST

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

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

Official Use Only:

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

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

This is page 1 of your ZBA Application.

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

2. VARIANCE SPECIFICS

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

APPLICATION SUMMARY (PLEASE PRINT)

SUBJECT PROPERTY			
ASSESSOR'S MAP PLOT#	136A	LOT(S)#	20
REGISTRY OF DEEDS BOOK:	8597	PAGE #	192
PROPERTY ADDRESS: 4227 Acushnet Avenue			
ZONING DISTRICT: Residence A (RA)			
OWNER INFORMATION			
NAME: 4227 Acushnet Ave LLC			
MAILING ADDRESS: 4227 Acushnet Avenue, New Bedford, MA 02745			
APPLICANT/CONTACT PERSON INFORMATION			
NAME (IF DIFFERENT): Jack Sassin			
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):			
TELEPHONE #	508-998-3445		
EMAIL ADDRESS:	jacksassin@msn.com		

By signing below, I/we acknowledge that all information presented herein is true to the best of my/our knowledge. I/we further understand that any false information intentionally provided or omitted is grounds for the revocation of the approval(s). I/we also give planning division staff and ZBA members the right to access the premises (both interior and exterior) at reasonable times and upon reasonable notice for the purpose of taking photographs and conducting other visual inspections.



Signature of Applicant/s

Date

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

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

Signature of Owner/s

Date

APPLICATION SPECIFICS

DIMENSIONS OF LOT/S:	FRONTAGE 200.8'	DEPTH 101'-150'	AREA in SQ FT 25,138 +/-		
EXISTING BUILDING/S	# OF BLDGS 1	EXISTING SIZE 2,387	TOTAL SQ FT BY FLOOR 2,387	NUMBER OF FLOORS 1	TOTAL SQ. FT ENTIRE STRUCTURE 2,387
	# OF DWELLING UNITS N/A		# OF BEDROOMS N/A		
PROPOSED BUILDING/S	# OF BLDGS 1	PROPOSED SIZE 3,307 SF	TOTAL SQ FT BY FLOOR 3,307	NUMBER OF FLOORS 1	TOTAL SQ. FT ENTIRE STRUCTURE 3,307
	# OF DWELLING UNITS N/A		# OF BEDROOMS N/A		EXTENT OF PROPOSED ALTERATIONS 920 SF
EXISTING USE OF PREMISES:	Gas Station and Auto Repair				
PROPOSED USE OF PREMISES:	Gas Station and Auto Repair				
EXPLAIN WHAT MODIFICATIONS YOU ARE PROPOSING THAT NECESSITATE THE REQUESTED VARIANCE:	The proposed service bay addition represents an extension of a non-conforming structure and use within the Residence A (RA) district. <hr/> <hr/> <hr/>				

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

	EXISTING	PROPOSED
NUMBER OF CUSTOMERS PER DAY	250	250
NUMBER OF EMPLOYEES	5 Total (3 typically on site)	5 Total (3 typically on site)
HOURS OF OPERATION	Varies (see attached narrative)	Varies (no change)
DAYS OF OPERATION	(see attached narrative)	(see attached narrative)
HOURS OF DELIVERIES	(see attached narrative)	(see attached narrative)
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:

N/A

Complete each item that is relevant to your variance request:

	Existing	Allowed/ Required	Proposed
Lot Area (sq ft)	25,138	8,000	25,138
Lot Width (ft)	200.08	75	200.08
Number of Dwelling Units	N/A	N/A	N/A
Total Gross Floor Area (sq ft)	2,387	N/A	3,307
Residential Gross Floor Area (sq ft)	N/A	N/A	N/A
Non-Residential Gross Floor Area (sq ft)	2,387	N/A	3,307
Building Height (ft)	22.6	45	22.6
Front Setback (ft)	57.8	20 (Acushnet)	57.8
Side Setback (ft)	92.4	12 (Cherokee)	92.4
Side Setback (ft)	45.8	10 (Sassaquin)	25.8
Rear Setback (ft)	12.0	30	12.0
Lot Coverage by Buildings (% of Lot Area)	9.5	40	13.2
Permeable Open Space (% of Lot Area)	27.5	35	28.5
Green Space (% of Lot Area)	27.5	35	28.5
Off-Street Parking Spaces	10	9	10
Loading Bays	0	0	0
Number of Ground Signs	2	N/A	2
Height of Ground Sign	N/A	N/A	N/A
Proximity of Ground Sign to Property Line	N/A	N/A	N/A
Area of Wall Sign (sq ft)	N/A	N/A	N/A
Number of Wall Signs	N/A	N/A	N/A

3. PARCEL LEGAL DOCUMENTATION

Title Reference to Property Book 8597 Page 192

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

Is the applicant also the owner? ☒ Yes ☐ No

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

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

If the Applicant is Not the Owner, Provide:

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

- ☐ A copy of the deed or deeds of abutting parcels if said parcels have been held in common ownership with the subject property at any time since January 1, 1976.

4. REQUIRED FINDINGS FOR GRANTING A VARIANCE

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

A

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

B

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

C

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

D

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

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

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

A

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

See attached Project Narrative

B

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

See attached Project Narrative

C

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

See attached Project Narrative

D

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

See attached Project Narrative

SITEC

Civil and Environmental Engineering
Land Use Planning

SITEC, Inc.
449 Faunce Corner Road
Dartmouth, MA 02747
Tel. (508) 998-2125 FAX (508) 998-7554

Unit C
769 Plain Street
Marshfield, MA 02050
Tel. (781) 319-0100 FAX (781) 834-4783

**Project Narrative
Variance Request
Route 18 Gas & Service
Assessors Plot 136A Lot 20
4227 Acushnet Avenue**

Existing Site Conditions

The subject property is a 25,138 square foot, L-shaped parcel of land located on the westerly side of Acushnet Avenue between Cherokee Street and Sassaquin Avenue and is zoned Residence A (RA).

Currently, there is an existing gas and service station also performing auto repair and state vehicle inspections. The station has three existing auto repair bays and serves both gasoline and diesel fuel. The building is connected to both municipal water and sewer.

The topography of the site falls from a high of elevation 147 at Acushnet Avenue to a low of elevation 137 in the northwest parcel corner opposite Sassaquin Avenue and utilizes two retaining walls to keep the site high enough to be accessible from Acushnet Avenue. The parcel is mostly impervious surface with a small, maintained lawn area behind the station at the lower parcel elevations.

Proposed Service/Inspection Bay

The owner seeks to build a 20'x46' addition along the northerly side of the existing station in order to better and more efficiently serve his customers and provide the often requested service of State vehicle inspections for Class C, D, & E vehicles which require a 12'x12' garage door in accordance with state requirements. While the existing inspection bay can support Class A & B vehicle inspections, customers currently requesting the larger class inspections are forced to seek another station for the service which often represents a loss of both gasoline and repair customers as well.

The additional bay will allow the station to provide current customers with a full service location and continue to provide the neighborhood's service needs into the future by retaining those customers forced to seek out alternative locations for their state inspection.

Variance Considerations

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

The L-shape of the parcel as well as the significant, steep grade change affect the subject parcel but do not generally exist in the Residence A zoning district. Topographic features of the site required the use of two retaining walls in order to construct the site improvements so as to be safely accessible from Acushnet Avenue. The proposed bay would also need to be constructed at the same elevation as the existing bay, and essentially within the existing paved surface, to ensure that the addition will be accessible and functional.

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

The topographic changes of the lot which required the use of retaining walls to construct a station accessible safely from Acushnet Avenue, also impact the proposed expansion bay. If the city were to literally enforce the zoning ordinance and prohibit the expansion of the existing structure and use, the owner would suffer the loss of customers resulting in a financial hardship. In order to compete with similar uses and remain in business, Route 18 Gas must keep up with developments in the industry and the needs of their customers. In this case, if the station is unable to provide the customer-requested Class C, D & E vehicle inspections as well as perform repairs in a timely manner, they stand to lose segments of their customer base. Many customers seek to conduct all their auto business with a single vendor. Failure to provide them with all the services they require will often be, and has already been, reflected in a loss of all their business (i.e. inspection, gasoline, and repairs).

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

The City's zoning ordinance was enacted "to promote the general welfare of the City of New Bedford, to protect the health and safety of its inhabitants, to encourage the most appropriate use of land throughout the City, to preserve the cultural, historical heritage of the community, to increase the amenities of the City, and to reduce the hazard from fire by regulating the location and use of buildings and the area of open space around them.....". Far from detracting from the purpose of the ordinance, we feel granting the requested relief meets the applicable intent. The provision of the additional bay would contribute to the general welfare of the City, represent a beneficial expansion of an already appropriate use of the land, increases an amenity, and would conform to all applicable building and fire codes.

- D) Describe why nobody would be hurt if the city granted your requested zoning relief:**

Whereas the proposed bay represents an expansion of an already existing and historic use of the site, and whereas the expansion would occur on the already developed portion of the site, the area would see no major change to the physical site or its operations. The owner maintains a clean, orderly site and has always sought to be a good neighbor and asset to the neighborhood. The proposed addition reflects his commitment to the City, the customers, and the neighbors and will not be harmful if approved.

For all the aforementioned reasons, we respectfully request your approval for the zoning relief required to construct the station addition as proposed. Thank you for your consideration.

Route 18 Gas & Service
4227 Acushnet Avenue
Hours of Operation

Gasoline

Monday – Friday : 6:00 am – 9:00 pm

Saturday: 6:00 am – 8:00 pm

Sunday: 7:00 am – 8:00 pm

Service

Monday – Friday: 8:00 am – 5:00 pm

Saturday: 8:00 am – 1:00 pm



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).

SUBJECT PROPERTY	
MAP #	136A
LOT(S)#	20
ADDRESS: 4227 Acushnet Avenue	
OWNER INFORMATION	
NAME: 4427 Acushnet Avenue, LLC	
MAILING ADDRESS: 4427 Acushnet Avenue New Bedford< MA 02745	
APPLICANT/CONTACT PERSON INFORMATION	
NAME (IF DIFFERENT): Jon Connell for SITEC, Inc	
MAILING ADDRESS (IF DIFFERENT): 449 Faunce Corner Road Dartmouth, MA 02747	
TELEPHONE #	(508)998-2125
EMAIL ADDRESS:	jconnell@sitec-engineering.com
REASON FOR THIS REQUEST: <i>Check appropriate</i>	
<input type="checkbox"/>	ZONING BOARD OF APPEALS APPLICATION
<input type="checkbox"/>	PLANNING BOARD APPLICATION
<input type="checkbox"/>	CONSERVATION COMMISSION APPLICATION
<input type="checkbox"/>	LICENSING BOARD APPLICATION
<input type="checkbox"/>	OTHER (<i>Please explain</i>):

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

Michael Motta

Signature

8/21/2020

Date

Amount Due

\$7.00

Date Paid

08/21/2020

Confirmation Number

5143675

Account Information

Payment Type: Permits

Reference Number: abutters list 4227 acushnet

Phone Number: 5089982125

Email Address: jconnell@cecinc.com

Payment Information

Payment Date: 8/21/2020

Payment Amount: \$7.00

Convenience Fee: \$1.95

Total Payment: \$8.95

Payment Method: **VISA**

Card Number: XXXXXXXXXXXXX3277

Expiration Date: 0622

jon connell

Billing Zip Code: 02721

Your confirmation number is: **5143675**

Your payment will post to the account listed below. It takes approximately two business days to post your payment to the account. Your payment date and time are equal to the time you completed this transaction as indicated by the Digital Time Stamp below.

Digital Time Stamp: 08/21/2020 13:35:40 [EST]

If an email address was provided, your confirmation email will be sent from marketingcloud@valuepaymentsystems.com. Please have payer sign below and retain merchant copy for your records

Signature X

Phone Payment - *CF*

August 17, 2020
Dear Applicant,

Please find below the List of Abutters within 300 feet of the property known as 4227 Acushnet Avenue (Map: 136A, Lot: 20). 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
137B-73	4238 ACUSHNET AVE	SOUTHEASTERN MASSACHUSETTS EDUCATIONAL COLLABORATIVE, 4238 ACUSHNET AVENUE NEW BEDFORD, MA 02745
136-153	ACUSHNET AVE	BURGESS JOAN S, BURGESS ROBERT R 4208 ACUSHNET AVE NEW BEDFORD, MA 02745
136A-288	1017 CHEROKEE ST	BARTLETT MICHAEL A, GUILBEAULT MICHELLE 1017 CHEROKEE STREET NEW BEDFORD, MA 02745
136-200	4208 ACUSHNET AVE	BURGESS JOAN S, BURGESS ROBERT R 4208 ACUSHNET AVE NEW BEDFORD, MA 02745
136-194	ACUSHNET AVE	BURGESS KEVIN, 2904 ACUSHNET AVENUE NEW BEDFORD, MA 02745
136A-259	1026 SASSAQUIN AVE	BRAGA ANTONIO M, BRAGA CISALTINA S 1026 SASSAQUIN AVENUE NEW BEDFORD, MA 02745
136A-256	1018 SASSAQUIN AVE	MILLER CAROL A, 1018 SASSAQUIN AVE NEW BEDFORD, MA 02745
136A-20	4227 ACUSHNET AVE	4227 ACUSHNET AVE LLC, 4227 ACUSHNET AVENUE NEW BEDFORD, MA 02745
136-189	4228 ACUSHNET AVE	SANTOS RANDALL J, 980 PECKHAM RD NEW BEDFORD, MA 02745
136A-250	1019 SASSAQUIN AVE	GREGOIRE MARK, GREGOIRE CARRIELYN 1019 SASSAQUIN AVENUE NEW BEDFORD, MA 02745
136A-29	1009 SASSAQUIN AVE	PACHECO MICHAEL A, PACHECO JAMIE M 1009 SASSAQUIN AVENUE NEW BEDFORD, MA 02745
136A-252	1013 SASSAQUIN AVE	HARRISON ROSALIE R, 1013 SASSAQUIN AVENUE NEW BEDFORD, MA 02745
136A-12	4195 ACUSHNET AVE	ROUSSEAU MARC C "TRUSTEE", ROUSSEAU FAMILY IRREVOCABLE TRUST 1441 MORTON AVENUE NEW BEDFORD, MA 02745

August 17, 2020
Dear Applicant,

Please find below the List of Abutters within 300 feet of the property known as 4227 Acushnet Avenue (Map: 136A, Lot: 20). 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
136A-249	1025 SASSAQUIN AVE	MCLEOD, JOHN & MCLEOD, LORI A. 1025 SASSAQUIN AVE NEW BEDFORD, MA 02745
136A-293	1015 CHEROKEE ST	LIVSEY JEFFREY, 1015 CHEROKEE ST NEW BEDFORD, MA 02745
136A-297	1012 CHEROKEE ST	SNELL CHRISTINE S, 1012 CHEROKEE ST NEW BEDFORD, MA 02745
136A-32	4241 ACUSHNET AVE	ACUSHNET AVENUE,LLC, 711 S E ST LUCIE BOULEVARD STUART, FL 34996
136A-878	4199 ACUSHNET AVE	PRINGLE NATHAN J 4199 ACUSHNET AVENUE NEW BEDFORD, MA 02745

