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

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

(At Location) 984 SHARON ST
Between ___________________________ and ___________________________
Plot ___________________________ Lot ___________________________
District ___________________________
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

B. OWNERSHIP

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

C. COST

10. Cost of construction (Enter costs) $______________________________

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 ___________________________

D.1 PROPOSED USE — For demolition most recent use

Residential

☐ One family

☐ Two or more family — Enter number of units ___________________________

☐ Transient hotel, motel, or dormitory — Enter number of units ___________________________

☐ Garage

☐ Carport

☐ 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, leakers

30. ☐ Funeral homes

31. ☐ Food establishments

32. ☐ Other — Specify ___________________________

D.2. Does this building contain asbestos?

☐ YES ☐ NO If yes complete the following:

Name & Address of Asbestos Removal Firm:

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

D.3. 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, retail office building, office building
at industrial plant. If use of existing building is being changed, enter proposed use.

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

III. SELECTED CHARACTERISTICS OF BUILDING —

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)

I. TYPE OF MECHANICAL

66. ☐ Yes ☐ No If there is a fire sprinkler system:

51. ☐ Yes ☐ No Will there be a central air conditioning?

52. ☐ Yes ☐ No Will there be an elevator?
5476. Minimize unreasonable departure from the character, materials, and scale of buildings in the vicinity, as viewed from public ways and places.

5477. Minimize contamination of groundwater from on-site wastewater disposal systems or operations on the premises involving the use, storage, handling, or containment of solid and liquid wastes and hazardous substances;

5478. Ensure compliance with the provisions of this Zoning Ordinance.

5479. Minimize damage to existing adjacent public ways.

5479A. Promote orderly and reasonable internal circulation within the site so as to protect public safety and not unreasonably interfere with access to a public way or circulation of traffic on a public way in general.

(Ord. of 12-23-03, § 1)

5480. Lapse. Site plan approval shall lapse after one year from the final approval if a substantial use in accordance with such approved plans has not commenced except for good cause. Such approval may, for good cause, be extended in writing by the Planning Board upon the written request of the applicant, within this one-year period.

(Ord. of 12-23-03, § 1)

5490. Regulations. The Planning Board may adopt and from time to time amend reasonable regulations for the administration of these Site Plan guidelines.

(Ord. of 12-23-03, § 1)

5490A. Fee. The Planning Board may, from time to time, adopt reasonable administrative fees and technical review fees for site plan review.

(Ord. of 12-23-03, § 1)

5490B. Appeal. Any person aggrieved by a decision of the Planning Board rendered pursuant to Section 5400 may appeal such decision to the Zoning Board of Appeals as provided in M.G.L.A. c. 40A, § 8.

(Ord. of 12-23-03, § 1)
contemplated for the property and a summary of the provisions of any ownership or maintenance thereof, identification of all land that will become common or public land, and any other evidence necessary to indicate compliance with this Ordinance.

5454. The site plan shall be accompanied by drainage calculations by a registered professional engineer as well as wetland delineations, if applicable. Storm drainage design must conform to City of New Bedford subdivision regulations.

5455. The Planning Board may require a DIS as set forth in Section 5300, above.

5456. Certification that the proposal is in compliance with the provisions, if applicable, of the Americans with Disabilities Act and the Massachusetts Architectural Barriers Board.

(Ord. of 12-23-03, § 1)

5460. Waivers. The Planning Board may, upon written request of the applicant, waive any of the submittal or technical requirements of Section 5430 and 5440 where the project involves relatively simple development plans.

(Ord. of 12-23-03, § 1)

5470. Approval. Site Plan approval shall be granted upon determination by the Planning Board that the plan meets the following objectives: The Planning Board may impose reasonable conditions at the expense of the applicant, including performance guarantees, to promote these objectives. Any new building construction or other site alteration shall provide adequate access to each structure for fire and service equipment and adequate provision for utilities and stormwater drainage consistent with the functional requirements of the Planning Board’s Subdivision Rules and Regulations. New building construction or other site alteration shall be designed in the Site Plan, after considering the qualities of the specific location, the proposed land use, the design of building form, grading, egress points, and other aspects of the development, so as to:

5471. Minimize: the volume of cut and fill, the number of removed trees six-inch caliper or larger, the length of removed stone walls, the area of wetland vegetation displaced, the extent of stormwater flow increase from the site, soil erosion, and the threat of air and water pollution;

5472. Maximize: pedestrian and vehicular safety to and from the site;

5473. Minimize obstruction of scenic views from publicly accessible locations;

5474. Minimize visual intrusion by controlling the layout and visibility of parking, storage, or other outdoor service areas viewed from public ways or premises which are residually used or zoned;

5475. Minimize glare from vehicle headlights and lighting fixtures;
5450. **Contents of Plan.** The contents of the site plan are as follows:

5451. Plan sheets prepared at a scale of one inch equals forty (40) feet or such other scale as may be approved by the Planning Board. The plans are as follows:

5451.a. Site layout, which shall contain the boundaries of the lot(s) in the proposed development, proposed structures, general circulation plan for vehicles and pedestrians, drive-thru windows, curb cut locations, parking, fences, walls, walks, outdoor lighting including proposed fixtures, loading facilities, solid waste storage locations, and areas for snow storage after plowing. The first sheet in this plan shall be a locus plan, at a scale of one inch equals one hundred (100) feet, showing the entire project and its relation to existing areas, buildings and roads for a distance of one thousand (1,000) feet from the project boundaries or such other distance as may be approved or required by the Planning Board.

5451.b. Topography and drainage plan, which shall contain the existing and proposed final topography at two-foot intervals and plans for handling stormwater runoff drainage.

5451.c. Utility plan, which shall include all facilities for refuse and sewerage disposal or storage of all these wastes, the location of all hydrants, fire alarm and firefighting facilities on and adjacent to the site, all proposed recreational facilities and open space areas, and all wetlands including floodplain areas.

5451.d. Architectural plan, which shall include the ground floor plan, proposed exterior building materials, treatments and colors and architectural elevations of all proposed buildings and a color rendering where necessary to determine the proposal’s affect on the visual environment.

5451.e. Landscaping plan, showing the limits of work, existing tree lines as well as those tree lines to remain, and all proposed landscape features and improvements including screening, planting areas with size and type of stock for each shrub or tree, and including proposed erosion control measures during construction.

5451.f. Lighting plan showing the location and orientation of all existing and proposed exterior lighting, including building and ground lighting. The plan shall note the height, initial foot-candle readings on the ground and the types of fixtures to be used.

5452. The site plan shall be accompanied by a written statement indicating the estimated time required to complete the proposed project and any and all phases thereof. There shall be submitted a written estimate, showing in detail the costs of all site improvements planned.

5453. A written summary of the contemplated project shall be submitted with the site plan indicating, where appropriate, the number of dwelling units to be built and the acreage in residential use, the evidence of compliance with parking and off-street loading requirements, the forms of ownership
shall be a vote of a majority of the members of the Planning Board and shall be in writing. No building permit, for activities requiring site plan approval, shall be issued by the Inspector of Buildings without the written approval of the site plan by the Planning Board.

5431. Application for Building Permit. An application for a building permit to perform work as set forth in Section 5410 available as of right shall be accompanied by an approved site plan.

5432. Application for Special Permit or Variance. An application for a special permit or a variance to perform work as set forth in Section 5420 shall be accompanied by an approved site plan; in the alternative, any special permit or variance granted for work set forth in Section 5420 shall contain the following condition and cause the same to be written on such special permit or variance:

The work described herein requires the approval of a site plan by the New Bedford Planning Board pursuant to Section 5400 of the Zoning Ordinance. Any conditions imposed in such site plan approval shall also be conditions of this special permit/variance.

5433. Where the Planning Board approves a site plan "with conditions", and said approved site plan accompanies a special permit or variance application to the Board of Appeals, the conditions imposed by the Planning Board shall be incorporated into the issuance, if any, of a special permit or variance by the Board of Appeals.

5434. Where the Planning Board serves as the special permit granting authority for proposed work, it shall consolidate its site plan review and special permit procedures.

5435. The applicant may request, and the Planning Board may grant by majority vote of its' membership, an extension of the time limits set forth herein.

5436. No deviation from an approved site plan shall be permitted without modification thereof.

5437. Site plan approval does not constitute a certification that the proposed plan conforms to applicable zoning regulations, wetland regulations and/or any other City, state or federal requirements that must be obtained prior to implementation the of elements of the site plan.

(Ord. of 12-23-03, § 1)

5440. Preparation of Plans. Applicants are invited to submit a pre-application sketch of the proposed project to the Planning Department and are encouraged to schedule a pre-submission meeting with the Planning Department. Site Plans shall be submitted on 24-inch by 36-inch sheets. Plans shall be prepared by a Registered Professional Engineer, Registered Land Surveyor, Architect, or Landscape Architect, as appropriate. Dimensions and scales shall be adequate to determine that all requirements are met and to make a complete analysis and evaluation of the proposal. All plans shall have a minimum scale of 1" = 40'.

(Ord. of 12-23-03, § 1)
5400. - SITE PLAN REVIEW

5410. Purpose. The purpose of this Section is to provide for individual detailed review of development proposals which have an impact on the natural or built environment of the City in order to promote the health, safety and general welfare of the community; to ensure adequate parking, safe and accessible pedestrian and vehicular circulation; and to minimize traffic impact on City streets.

(Ord. of 12-23-03, § 1)

5420. Applicability. The following types of activities and uses require site plan review by the Planning Board:

5421. Any new industrial or commercial construction or expansion over two thousand (2,000) gross square feet or any new industrial or commercial construction or expansion requiring more than five (5) additional parking spaces;

5422. New multiple-family residential construction of three (3) or more units or expansion of existing multifamily residential structures resulting in the creation of one or more additional units.

5423. Any new construction or expansion of existing construction where a drive-thru window for any service including self-service is proposed; and any expansion of a structure presently containing a drive-thru; or any facility currently containing a drive-thru, at which the owner or operator of the drive-thru is altered or changed; or at which the drive-thru is closed for a period of 10 days or more and to be reopened.

5424. Any residential subdivision which is submitted under the subdivision control process;

5425. New industrial or commercial construction or additions less than two thousand (2,000) square feet if requiring a new curb cut or driveway or if substantially affecting existing internal circulation.

5426. Driveways in residential areas which require more than one new curb cut.

5427. Commercial or industrial ground signs.

(Ord. of 12-23-03, § 1; Ord. of 12-31-08, § 1)

5430. Procedures. Applicants for site plan approval shall submit seventeen (17) copies of the site plan to the Planning Board for distribution to City departments and commissions for their review. The Planning Board shall review and act upon the site plan, with such conditions as may be deemed appropriate and notify the applicant of its decision. In the event two (2) meetings have lapsed after the application for site plan approval is filed, without the Planning Board taking action on said site plan said Applicant may file a statement with the Board that the Board has received complete information in accordance with this Ordinance and has had adequate time to consider the Site Plan. Upon receiving said statement, the Planning Board shall act on said Site Plan at its next meeting, if said Board determines that the Board has, in fact, received complete information in accordance with this Ordinance. The decision of the Planning Board
<table>
<thead>
<tr>
<th>USE</th>
<th>PARKING REQUIREMENTS</th>
<th>LOADING REQUIREMENTS</th>
</tr>
</thead>
<tbody>
<tr>
<td>One-family dwelling</td>
<td>Two (2) spaces per dwelling unit</td>
<td>One (1) loading space for each multifamily dwelling containing more than ten (10)</td>
</tr>
<tr>
<td>Two-family dwelling</td>
<td>Two (2) spaces per dwelling unit</td>
<td>dwelling units, or more than twenty (20) housekeeping units</td>
</tr>
<tr>
<td>Multi-family (3) or more per structure</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Hotel, motel, bed and breakfast,</td>
<td>One (1) space per each employee per shift, who does not</td>
<td>One (1) loading space for each building containing more than 20 guest rooms</td>
</tr>
<tr>
<td>rooming or boarding or lodging house,</td>
<td>reside on the premises; one (1) space per guest room,</td>
<td></td>
</tr>
<tr>
<td>tourist home, dormitories, or other non-</td>
<td>dwelling parking requirements, if applicable</td>
<td></td>
</tr>
<tr>
<td>family residence accommodations,</td>
<td></td>
<td></td>
</tr>
<tr>
<td>excluding group homes</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Offices: General, professional,</td>
<td>One (1) space per each 200 sq. ft. of gross floor area</td>
<td>One (1) loading space for each building containing 10,000 sq. ft. or more of gross</td>
</tr>
<tr>
<td>business, banks, medical clinics</td>
<td>but not less than two (2) spaces for each business unit</td>
<td>floor area. Two (2) loading spaces for 100,000 sq. ft. or more of gross floor area</td>
</tr>
<tr>
<td>and laboratories, radio and television</td>
<td>intended to occupy the premises. After 10,000 sq. ft. of</td>
<td></td>
</tr>
<tr>
<td>stations; office of non-profit</td>
<td>gross floor area, one space for every 1,000 sq. ft. of</td>
<td></td>
</tr>
<tr>
<td>educational, cultural, or charitable</td>
<td>gross floor area</td>
<td></td>
</tr>
<tr>
<td>organizations</td>
<td></td>
<td></td>
</tr>
</tbody>
</table>
3110. Applicability. Every building erected, enlarged, converted, or relocated and each use or change of use of land shall be provided with off-street parking spaces and off-street loading spaces in accordance with Section 3130, Table of Parking Requirements.

3111. In the event of the enlargement of a structure existing on the effective date of the ordinance from which this Section is derived, or the construction or relocation of additional structures on a lot, after such effective date, the regulations of this Section shall apply only to the enlargement, construction or relocation thereof, except that any off-street parking and off-street loading facilities established to serve any buildings and any uses prior to such effective date shall not be reduced below the required number.

3112. For a building or premises used for combined purposes, the number of off-street parking spaces and off-street loading spaces shall be determined as the sum of the required number of spaces in each component of the combined use.

3113. Where the computation of required parking spaces and loading spaces result in a fractional number, the required parking spaces shall be the next whole number.

(Ord. of 12-23-03, § 1)

3120. Special Permit. Any parking or loading requirement set forth herein may be reduced upon the issuance of a special permit by the Planning Board if the Board finds that the reduction is not inconsistent with public health and safety, or that the reduction promotes a public benefit. Such cases might include:

3121. Use of a common parking lot for separate uses having peak demands occurring at different times;

3122. Age or other characteristics of occupants of the facility requiring parking which reduces auto usage;

3123. Peculiarities of the use which make usual measures of demand invalid;

3124. Availability of on-street parking or parking at nearby municipally owned facilities.

3125. Where a special permit is granted, a reserve area, to be maintained indefinitely as landscaped open space, may be required sufficient to accommodate the difference between the spaces otherwise required and the spaces reduced by special permit. The parking/site plan shall show (in dotted outline) how the reserve area would be laid out in to provide the otherwise required number of spaces.

(Ord. of 12-23-03, § 1)

3130. Table of Parking and Loading Requirements. See Appendix C.

(Ord. of 12-23-03, § 1)
| Green Space | 35% | 35% | 35% | 35% | 35% for uses allowed in residential districts; 0 for other uses | 20% | 20% | 20% | 20% | 20% |

¹Provided, however, that no part of any building shall be erected to a height in excess of 1¾ times the horizontal distance from its face to the opposite street line.

²Provided, however, that no story or part of any building except projecting eaves or uncovered steps shall be erected nearer to the street line of any street on which it fronts than the average alignment of the corresponding stories or parts of existing buildings within two hundred (200) feet on each side of the lot and within the same block and district. Where there is a building on one or both of the adjoining lots, the front yard for a building shall have a depth equal to the average of the front yard depths of the two (2) adjoining lots. A lot without a building shall be counted as having a front yard of the depth required by this chapter. If there are no existing buildings on the same side of the street, the average setback alignment of corresponding stories within two hundred (200) feet on each side of and directly opposite the lot shall govern. One street frontage of a corner lot shall have a clear depth of no less than ten (10) feet, in which case this distance shall not be considered in determining the front yard depths on such street. Nothing in this chapter shall require any building hereafter erected between two (2) existing buildings or immediately adjacent lots to set back from the street a greater distance than that one of such two (2) existing buildings which is farther from the street line.

(Ord. of 12-23-03, § 1; Ord. of 11-27-13, § 1)
<table>
<thead>
<tr>
<th>Rear Yard (ft.)</th>
<th>30</th>
<th>30</th>
<th>30</th>
<th>30</th>
<th>25</th>
<th>25</th>
<th>25</th>
<th>25</th>
<th>25</th>
<th>10 for 1-2 story buildings; 20 feet for 3 or more stories</th>
</tr>
</thead>
<tbody>
<tr>
<td>Lot Coverage by Buildings (%)</td>
<td>30; 40 on corner lots</td>
<td>30; 40 on corner lots</td>
<td>30; 40 on corner lots</td>
<td>30; 40 on corner lots</td>
<td>50</td>
<td>50</td>
<td>50</td>
<td>50</td>
<td>50</td>
<td>---------------------------------------------------------</td>
</tr>
</tbody>
</table>

uses, 10 on any side where adjacent lot is in a residential district or used for residential purposes.
<table>
<thead>
<tr>
<th>Height of Buildings (# stories)</th>
<th>2.5; 3 for religious, educational, or institutional buildings</th>
<th>2.5; 3 for religious, educational, or institutional buildings</th>
<th>4.0</th>
<th>2.5; 3 for religious, educational, or institutional buildings</th>
<th>uses</th>
</tr>
</thead>
<tbody>
<tr>
<td>Front Yard (ft.)</td>
<td>20²</td>
<td>20²</td>
<td>20²</td>
<td>40²</td>
<td>25</td>
</tr>
<tr>
<td>Side Yard (ft.)</td>
<td>10 on one side; 12 on the other</td>
<td>10 on one side; 12 on the other</td>
<td>10 on one side; 12 on the other</td>
<td>16 on one side; 24 on the other</td>
<td>25</td>
</tr>
</tbody>
</table>

20² for uses allowed in residential district; 0 for other uses
<table>
<thead>
<tr>
<th>Lot Frontage (ft.)</th>
<th>75</th>
<th>75 for uses allowed in RA; 100 for two family</th>
<th>75 for uses allowed in RA; 100 for two family; 150 for 3 or more family</th>
<th>150</th>
<th>0</th>
<th>0</th>
<th>0</th>
<th>0</th>
<th>0</th>
</tr>
</thead>
<tbody>
<tr>
<td>Height of Buildings (ft.)</td>
<td>45; 60 for religious, educational, or institutional buildings</td>
<td>45; 60 for religious, educational, or institutional buildings</td>
<td>60</td>
<td>35; 60 for religious, educational, or institutional buildings</td>
<td>45 for single or two family; 60 for three family, 100 for other allowed uses</td>
<td>25</td>
<td>100</td>
<td>100</td>
<td>100</td>
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</tbody>
</table>
## APPENDIX B - TABLE OF DIMENSIONAL REGULATIONS

### DISTRICTS

<table>
<thead>
<tr>
<th>REQUIREMENT</th>
<th>RA</th>
<th>RB</th>
<th>RC</th>
<th>RAA</th>
<th>MUB</th>
<th>PB</th>
<th>IA</th>
<th>IB</th>
<th>IC</th>
<th>WI</th>
</tr>
</thead>
<tbody>
<tr>
<td>Minimum Lot Size (sq. ft.)</td>
<td>8,000</td>
<td>8,000 for uses allowed in RA; 10,000 for two family units</td>
<td>8,000 for uses allowed in RA; 10,000 for two family units; 15,000 for 3 or more family units</td>
<td>16,000</td>
<td>8,000 for uses allowed in residence A; 10,000 for two family units; 15,000 for 3 or more family units</td>
<td>0</td>
<td>0</td>
<td>0</td>
<td>0</td>
<td>0</td>
</tr>
<tr>
<td>Density of Dwelling Units per Lot</td>
<td>1 per 10,000 sq. ft.</td>
<td>1 per 10,000 sq. ft. for single family; 1 per 5,000 sq. feet for two family</td>
<td>1 per 10,000 sq. ft. for single family; 1 per 5,000 sq. feet for two</td>
<td>1 per 16,000 sq. ft.</td>
<td>1 per 10,000 sq. ft. for single family; 1 per 5,000 sq. feet for two family; 1 per 1,000</td>
<td>N/A</td>
<td>N/A</td>
<td>N/A</td>
<td>N/A</td>
<td>N/A</td>
</tr>
</tbody>
</table>
2775. A cornice or belt course shall not project more than six (6) inches into any inner court.

(Ord. of 12-23-03, § 1)

2780. **Height of Buildings.** The provisions governing the height of buildings in Appendix B shall apply to chimneys, cooling towers, flagpoles, elevator bulkheads, skylights, ventilators, and other necessary appurtenant features usually carried above roofs; to domes, stacks or spires and also to wireless communications facilities.

(Ord. of 12-23-03, § 1)
2755. Side Yards. There shall be a side yard on every lot and it shall be at least ten (10) feet on one side and twelve (12) feet on the other side. The side yard shall be unobstructed from the line of the street to the rear lot line except that open porches, decks, steps, patios and pools (including any projections therefrom), which are located behind the dwelling within the rear yard, may extend to six (6) feet of a side lot line, driveways may extend to four (4) feet of a side lot line and storage sheds, which are located behind the dwelling within the rear yard may extend to eighteen (18) inches of a side yard unless a fence is erected on the property along the side yard line. In such case the storage shed may extend eighteen (18) inches of the fence or fence post whichever is closest. For all driveways, including those regulated under Section 2756, the area between a driveway and the side lot line shall be of a different material than the material used for the driveway and shall not be covered with an impervious surface or crushed stone.

Notwithstanding any provision to the contrary, any driveway existing prior to April 15, 2009, that is made of a material that creates an impervious surface, may be permitted for repair, resurfacing or reconstruction with substantially the same type of material provided that the dimensions of the driveway are not increased and the location of the driveway layout is not altered.

2756. Special Driveway Side Yard Requirements. For existing dwellings on lot sizes of less than five thousand (5,000) square feet, driveways shall not extend to the side lot line closer than ten (10) percent of the distance between the side lot line and the principle dwelling. For any driveway in excess of thirteen (13) feet in width, the provisions of Section 2755 regulating driveway setbacks shall apply and this section shall not apply.

(Ord. of 12-23-03, § 1; Ord. of 4-15-10, § 1; Ord. of 10-20-11, § 1; Ord. of 1-15-13, §§ 1, 2)

2760. Cornices and Belt Courses.

2761. A cornice shall not project more than one-third (1/3) of the width of a required open space.

2762. A belt course or other ornamental feature shall not project more than nine (9) inches into a required open space.

(Ord. of 12-23-03, § 1)

2770. Courts.

2771. If any part of a story of a nonresidence building is used for offices, studios or workshops which are not lighted from the street or the rear yard, there shall be a court starting not more than fifty (50) feet from the main exterior walls of that story.

2772. If any part of a story is used for living or sleeping rooms which are not lighted from the street or the rear yard, such court shall be required starting not more than two (2) rooms or thirty-five (35) feet from the main exterior walls of that story.

2773. An inner court shall be at least one-third (1/3) as wide as it is high, measured from the sills of the lowest windows served by it to the average level of the tops of the enclosing walls, and shall be at least twice as long as its required width or of an equivalent area, but no court shall be less than ten (10) feet in width.

2774. The minimum width of an outer court shall be double that required in this Section for an inner court.
2740. **Vision Clearance on Corner Lots in Residence Districts.** On a corner lot no fence, wall or structure more than three and one-half (3½) feet high above the plane of the established grades of the streets shall be erected on a front or side yard herein established which is included within the street lines of the intersecting streets and a straight line connecting said street lines at points which are twenty (20) feet distant from their point of intersection, measured along said street line, and no trees or hedges which will materially obstruct the view of a driver of a vehicle approaching the street intersection shall be placed or maintained within such area.

(Ord. of 12-23-03, § 1)

2750. **Yards in Residence Districts.**

2751. **Front Yards.** No story or part of any building except projecting eaves or uncovered steps shall be erected nearer to the street line of any street on which it fronts than the average alignment of the corresponding stories or parts of existing buildings within two hundred (200) feet on each side of the lot and within the same block and district. Where there is a building on one or both of the adjoining lots, the front yard for a building shall have a depth equal to the average of the front yard depths of the two (2) adjoining lots. A lot without a building shall be counted as having a front yard of the depth required by this Ordinance. If there are no existing buildings on the same side of the street, the average setback alignment of corresponding stories within two hundred (200) feet on each side of and directly opposite the lot shall govern. Nothing in this Ordinance shall require any story or part of a building to set back more than fifteen (15) feet from any street line. One street frontage of a corner lot shall be exempt from these provisions as provided in subsection 2752. The front yard of a lot shall remain clear of debris and junk.

2752. Where the alignment of a building is not controlled by subsection 2751, between every building and the line of the street upon which it fronts there shall be a front yard of a clear depth of fifteen (15) feet, except that on one side of a corner lot a yard of a clear depth of not less than ten (10) feet shall be provided, in which case this distance shall not be considered in determining the front yard depths on such street.

2753. **Rear Yards.** There shall be a rear yard on every lot and it shall be at least thirty (30) feet deep behind a dwelling, except that a ground story deck or porch, without a permanent roof, a patio, or a pool (including any projections therefrom) may extend to six (6) feet of a rear lot line. An unattached private garage may extend to four feet of a rear yard. A storage shed may extend to eighteen (18) inches of a rear yard unless a fence is erected on the property along the rear yard line. In such case the storage shed may extend to eighteen (18) inches of the fence or fence post whichever is closest. Unless referenced in this Code, nothing may be placed or constructed in or upon the ground within six (6) feet of a rear lot line. Notwithstanding the previous sentence, a fence may be constructed near or along a rear lot line and vegetation may also be planted within six (6) feet of a rear lot line.

2754. Where a lot is more than one hundred (100) feet deep, one-half (½) of the additional depth of the lot in excess of one hundred (100) feet shall be added to said rear yard depth; but in no case shall a rear yard depth in excess of forty (40) feet be required. The setbacks referenced in the previous section shall also apply to this Section.
2700. - DIMENSIONAL REGULATIONS.

2710. General. No structure shall be erected or used, premises used, or lot changed in size or shape except in conformity with the requirements of this Section, unless exempted by this Ordinance or by statute.

2711. Lot change. No existing conforming or nonconforming lot shall be changed in size or shape except through a public land taking or donation for road widening, drainage, utility improvements or except where otherwise permitted herein, so as to violate the provisions of this Ordinance with respect to the size of lots or yards or to create a nonconformity or increase the degree of nonconformity that presently exists.

2712. Merger of lots. Adjacent lots held in common ownership on or after the effective date of this Section shall be treated as a single lot for zoning purposes so as to minimize nonconformities with the dimensional requirements of this Ordinance. Notwithstanding the previous sentence, adjacent lots in common ownership may be treated as separate lots for zoning purposes upon a finding by the zoning enforcement officer that the owner of said lots has expressly exhibited the intent to maintain the lots as separate. In making said finding the zoning enforcement officer shall rely on the following factors:

2712.a. The existence and maintenance of walls or fences along the original lot lines;

2712.b. The fact that the lots are separately assessed for tax purposes;

2712.c. The placement of structures on the various lots.

The manner in which said lots were acquired or the fact that said lots were separately described on a deed shall not be considered by the zoning enforcement officer in making said finding.

2713. Recorded Lots. A lot or parcel of land having an area or frontage of lesser amounts than required in the following schedule of dimensional requirements may be considered as satisfying the area and frontage requirements of this Section provided such lot or parcel of land was shown on a plan or described in a duly recorded deed or registered at the time of adoption of this Ordinance and did not at the time of adoptions of adjoint other land of the same owner available for use in connection with such lot or parcel.

(Ord. of 12-23-03, § 1)

2720. Table of Dimensional Requirements. See Appendix B.

(Ord. of 12-23-03, § 1)

2730. Dimensional Variation. The Board of Appeals may vary otherwise applicable dimensional requirements pertaining to frontage, lot area, building height and sidelines upon finding that owing to circumstances relating to the soil conditions, shape, or topography of such land or structures and especially affecting such land or structures but not affecting generally the zoning district in which it is located, a literal enforcement of the provisions of the ordinance or by-law would involve substantial hardship, financial or otherwise, to the petitioner or appellant, and that desirable relief may be granted without substantial detriment to the public good and without nullifying or substantially derogating from the intent or purpose of such ordinance or by-law.
Parking Spaces Calculations

984 Sharon Street – Proposed 12 Unit Addition to an Existing 12 Unit Residential Building

Number of Spaces Required – Multi-Family
Number of Space Required = 2 Parking Spaces/Unit x 24-Units = 48 Parking Spaces

Number of Parking Spaces Provided = 30 Parking Spaces

Number of Parking Spaces Required for Relief = 18 Parking Spaces

Lot Coverage by Building Calculations

984 Sharon Street – Lot Square Footage – 32,000sf
Building Coverage = Lot 32,000sf x 40% (Corner Lot) = 12,800sf Minimum

Building Coverage Provided = 9,546sf – 29.8%

Green Space

Dimension not indicated on the plans, – 33% Green Space Stated by Farland Corporation
(Please see attached email)
**New Bedford Comprehensive Zoning Code Review Code of Ordinances – Chapter-9**


**Site Plan Review and Special Permit Required from the Planning Board**

**Variance Required from the Zoning Board of Appeals**

Zoning Code Review as follows:

<table>
<thead>
<tr>
<th>Variance</th>
<th>Zoning Board of Appeals</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>SECTION</strong></td>
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<tr>
<td>- 2700 – Dimensional Regulation</td>
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<td>- 2710 – General</td>
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<tr>
<td>- 2720 – Table of Dimensional Requirements – Appendix-B</td>
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<tr>
<td>▪ Front Yard (Ft.)</td>
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<td>▪ Side Yard (Ft.)</td>
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<td>▪ Rear Yard (Ft.)</td>
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<tr>
<td>▪ Lot Coverage by Buildings (%)</td>
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<td>▪ Green Space</td>
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<td>- 2750 – Yards in Residence District</td>
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<td>- 2751 – Front Yard</td>
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<td>- 2753 – Rear Yard</td>
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<td>- 2755 – Side Yard</td>
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**Special Permit**

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<thead>
<tr>
<th>SECTION</th>
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<tbody>
<tr>
<td>- 3100 – Parking and Loading</td>
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<td>- 3110 – Applicability</td>
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<tr>
<td>- 3120 – Special Permit</td>
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<tr>
<td>- 3130 – Table of Parking Loading Requirements – Appendix C</td>
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<tr>
<td>▪ Multi-Family (3) or more per structure</td>
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<td>- 5300-5390 – Special Permit</td>
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**Site Plan Review**

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<tr>
<th>SECTIONS</th>
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<tr>
<td>- 5400 – Site Plan Review</td>
<td></td>
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<tr>
<td>- 5410 – Purpose</td>
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<td>- 5420 – Applicability</td>
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<tr>
<td>▪ 5421. Any new industrial or commercial construction or expansion over two thousand (2,000) gross square feet or any new industrial or commercial construction or expansion requiring more than five (5) additional parking spaces</td>
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<tr>
<td>▪ 5422 – New multiple-family residential construction of three (3) or more units or expansion of existing multifamily residential structures resulting in the creation of one or more additional units.</td>
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<tr>
<td>- 5430-5490B</td>
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</table>
IX. HOMEOWNER LICENSE EXEMPTION

Supplement #1
The current exemption for "homeowners" 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 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 C44, SS4, 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: ABC NEW BEDFORD
(Location of Facility)

Signature of Permit Applicant
8/23/18

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: BUILD AN ADDITION TO EXISTING BUILDING
Est Cost: $209,000.00

Address of Work: 989 SHARON ST

Owner Name: SHARON ST, REALTY TRUST

Date of Permit Application: 8/23/18

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.

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

Date: 8/23/18

Contractor Signature: TRUSTED

Registration No: 136-402

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

Date: 8/23/18

Owner Signature: TRUSTED

XII. BUILDING COMMISSIONERS REVIEW COMMENTS AND CONDITIONS

C. Building Permit Rejected: X VARIANCE ZBA

Reason For Rejection: Site Plan Review + Special Permit For Reduction in Parking

Planning Board: Permit # B-18-2422

Comments and Conditions:

"SEE ATTACHMENTS"

Signed: [Signature]
Title: Building Commissioner
Date: 9-12-2018

Not valid unless signed (not stamped) by Building Commissioner
OTHER APPLICABLE REVIEWS

K. FLOODPLAIN
Is location within flood hazard area?  yes no
If yes, zone: _______________ and base elevation _______________  

L. WETLANDS PROTECTION
Is location subject to flooding?  
Is location part of a known wetland?  
Has local conservation commission reviewed this site?  

<table>
<thead>
<tr>
<th>IV. IDENTIFICATION – ALL APPLICANTS – PLEASE PRINT</th>
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<tbody>
<tr>
<td>OWNER OR LESSEE NAME</td>
</tr>
<tr>
<td>SHARON ST. REALTY TRUST</td>
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</tbody>
</table>

E-mail Address:  

| CONTRACTOR NAME | MAILING ADDRESS | ZIP CODE | TELEPHONE NO. |
| ARMANDO M. PEREIRA | P.O. BOX 578 WEST Wareham, MA 02576 | 083273 | 508-291-1861 EXT 100 |

E-mail Address:  

| ARCHITECT NAME | MAILING ADDRESS | ZIP CODE | TELEPHONE NO. |
| FRED HANACK | 27 Slocum RD DARTMOUTH, MA 02747 | 8789 | 508-441-9577 |

E-mail Address:  

| SIGNATURE OF OWNER | APPLICANTS SIGNATURE | DATE |
| FRED HANACK | | 8/23/18 |

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.

Applicant's Signature:  
Address:  
City:  

V. OTHER JURISDICTION APPROVALS AND NOTIFICATION

<table>
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<tr>
<th>APPROVAL</th>
<th>CHECK</th>
<th>DATE OBTAINED</th>
<th>BY</th>
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VI. ZONING REVIEW

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<tr>
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<tr>
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<tr>
<td>SETBACKS:</td>
<td>LEFT SIDE:</td>
<td>RIGHT SIDE:</td>
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<td>FRONT:</td>
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PERCENTAGE OF LOT COVERAGE PRIMARY BUILDING

VARIANCE HISTORY

VII. WORKER'S COMPENSATION INSURANCE AFFIDAVIT

INbüN A, M. PEREIRA
(licensee/permittee) with a principal place of business/residence at:
123 BOX 528 WEST HAREHAM, RI 02572

(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 23 day of AUGUST 2018.
Applicant Information

Business/Organization Name: Armando M. Pereira
Address: P.O. Box 578
City/State/Zip: West Wareham, MA 02576
Phone #: 508-291-1061 ext:100

Are you an employer? Check the appropriate box:
1. ☐ I am an employer with ______ employees (full and/or part-time).*
2. ☐ I am a sole proprietor or partnership and have no employees working for me in any capacity.
   [No workers' comp. insurance required]
3. ☐ We are a corporation and its officers have exercised their right of exemption per c. 152, §1(4), and we have no employees. [No workers' comp. insurance required]**
4. ☐ We are a non-profit organization, staffed by volunteers, with no employees. [No workers' comp. insurance req.]

*Any applicant that checks box #1 must also fill out the section below showing their workers' compensation policy information.
**If the corporate officers have exempted themselves, but the corporation has other employees, a workers' compensation policy is required and such an organization should check box #1.

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

Insurance Company Name:
Insurer's Address:
City/State/Zip:
Policy # or Self-ins. Lic. #
Expiration Date:

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: ____________________________ Date: ____________

Phone #: 508-291-1061 ext:100

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):

Contact Person: ________________________ Phone #: ________________________
AFFIDAVIT
Home Improvement Contractor Law
Supplement to Permit Application

The Office of Consumer Affairs and Business Regulation ("OCABR") regulates the registration of contractors and subcontractors performing improvements or renovations on detached one to four family homes. Prior to performing work on such homes, a contractor must be registered as a Home Improvement Contractor ("HIC").

M.G.L. Chapter 142A 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 or building" be done by registered contractors.

Note: if the homeowner contracted with a corporation or LLC, that entity must be registered.

Type of Work: Addition of a 12- Dwelling unit to an existing building, Est. Cost: $700,000.00 +/-

Address of Work: 984 Sharon St, New Bedford, MA 02745

Date of Permit Application: August 23, 2018

I hereby certify that:

- Registration is not required for the following reason(s):
  - Work excluded by law (explain)
  - Job under $1,000.00
  - Building not owner-occupied
  - Owner obtaining own permit (explain)
  - Other (specify)

OWNERS OBTAINING THEIR OWN PERMIT OR ENTERING INTO CONTRACTS WITH UNREGISTERED CONTRACTORS OR SUBCONTRACTORS FOR APPLICABLE HOME IMPROVEMENT WORK ARE NOT ELIGIBLE FOR AND DO NOT HAVE ACCESS TO THE ARBITRATION PROGRAM OR GUARANTY FUND UNDER M.G.L. Chapter 142A.

Signed under the penalties of perjury:
I hereby apply for a permit as the agent of the owner:

August 23, 2018 Armando M. Pereira 136402
Date Contractor Name HIC Registration No.

OR:

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

Date Owner Name and Signature
Location: 984 SHARON ST
Parcel ID: 137A 21
Zoning: MUB
Fiscal Year: 2018

Current Owner Information:
SIVISOGLU JULIDE "TRUSTEE"
SIVISOGLU RIFAT CEM "TRUSTEE"
2003 NORTH RIVERSIDE DRIVE
POMPANO BEACH, FL 33062

Current Sales Information:
Sale Date: 09/12/1994
Sale Price: $100.00
Legal Reference: 17242
Grantor: SIVISOGLU BEHZAT
Card No. 1 of 1

This Parcel contains 0.73 acres of land mainly classified for assessment purposes as Apts >8 with a(n) Apartment style building, built about 1974, having Brick exterior, Asphalt Shingles roof cover and 13247 Square Feet, with 12 unit(s), 51 total room(s), 27 total bedroom(s) 12 total bath(s), 0 3/4 baths, and 0 total half bath(s).

Building Value: 483700
Land Value: 210000
Yard Items Value: 6700
Total Value: 700400

Fiscal Year 2018
Tax Rate Res.: 16.63
Tax Rate Com.: 35.65
Property Code: 112
Total Bldg Value: 483700
Total Yard Value: 6700
Total Land Value: 210000
Total Value: 700400
Tax: $11,647.65

Fiscal Year 2017
Tax Rate Res.: 16.69
Tax Rate Com.: 36.03
Property Code: 112
Total Bldg Value: 494400
Total Yard Value: 6700
Total Land Value: 210000
Total Value: 711100
Tax: $11,868.26

Fiscal Year 2016
Tax Rate Res.: 16.49
Tax Rate Com.: 35.83
Property Code: 112
Total Bldg Value: 520800
Total Yard Value: 6700
Total Land Value: 210000
Total Value: 737500
Tax: $12,161.38

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.
Matthew J. Silva

From: Ken Wainor [kwainor@farlandcorp.com]
Sent: Monday, September 10, 2018 4:17 PM
To: Matthew J. Silva
Subject: 984 Sharon Street, New Bedford, MA

Matthew,

The greenspace on the above referenced site is 33%:

Please feel free to contact me if you should have any questions.

Sincerely,

Kenneth A. Wainor
Sr. Project Manager

Virus-free. www.avast.com