



CITY OF NEW BEDFORD
JONATHAN F. MITCHELL, MAYOR

CITY CLERKS OFFICE
NEW BEDFORD, MA
ZONING BOARD OF APPEALS

2014 SEP 30 P 3:18

CITY CLERK

SUBMIT TO:
Planning Department
133 William Street
Room 303
New Bedford, MA 0274

Appeal Nr. 4161

Petition for a **VARIANCE**

Date: September 22, 2014

The undersigned petitions the Board of Appeals to grant a Variance in the manner and for the reasons hereinafter set forth under the provisions of the Zoning Ordinance to the following described premises:

1. Application Information

Street Address: 94 Front Street
Assessor's Map(s): 53 Lot(s) 195
Registry of Deeds Book: 8712 Page: 12
Zoning District: Industrial A District (IA)
Applicant's Name (printed): Jason Lanagan
Mailing Address: 29 Union Street New Bedford MA 02740
(Street) (City) (State) (Zip)
Contact Information: (508) 985-8898 jlanagan@farlandcorp.com
Telephone Number Email Address

Applicant's Relationship to Property: Owner Contract Vendee Other _____

List all submitted materials (include document titles & volume numbers where applicable) below:

Completed & Signed Application
Variance & Special Permit Plan
Certified Abutter's List
Plot Plan (assessors map 53)
Filing Fee
Copy if Building Permit Rejection Packet
Appendix with deed attached

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 Zoning Board 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.

9/23/14
Date

[Signature]
Signature of Applicant

15. State your hardship in accordance with Mass General Laws Chapter 40A Section 10. (Reference the attached "Required Findings For Granting a Variance).

Downtown overlay district, set backs. Highway project did not give us the opportunity to use outside dining space.

16. Complete for ALL the portions for which you are requesting a Variance:

	<u>Existing</u>	<u>Allowed/Required</u>	<u>Proposed</u>
Lot Area (sq ft)			
Lot Width (ft)			
Number of Dwelling Units			
Total Gross Floor Area (sq ft)			
Residential Gross Floor Area (sq ft)			
Non-Residential Gross Floor Area (sq ft)			
Building Height (ft)			
Front Setback (ft)			
Side Setback (ft)			
Side Setback (ft)	9.6 feet (right side)	25 feet	0 feet
Rear Setback (ft)	4.3 feet	25 feet	0 feet
Lot Coverage by Buildings (% of Lot Area)			
Permeable Open Space (% of Lot Area)	32.2%		11.1%
Green Space (% of Lot Area)	32.2%	20%	11.1%
Off-Street Parking Spaces			
Loading Bays			
Number of Ground Signs			
Height of Ground Sign			
Proximity of Ground Sign to Property Line			
Area of Wall Sign (sq ft)			
Number of Wall Signs			

17. Verification of Ownership. By signing this application the petitioner is stating that they have read and understand this application and the accompanying instructions and information. If petition is granted, the approvals are specific to the plans submitted, unless the Board states otherwise. Also, if granted, that the Variance must be recorded and acted upon within one year.

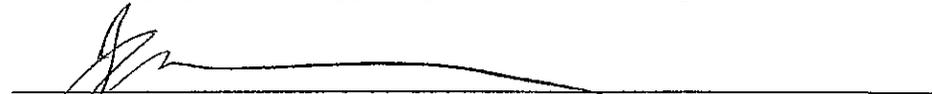
This section is to be completed & signed by the property owner(s):

I hereby authorize the following Applicant: Jason Lanagan
at the following address: 29 Union Street, New Bedford, MA 02740
to apply for: a variance
on premises located at: 94 Front Street
in current ownership since: July 7, 2007
whose address is: 29 Union Street, New Bedford, MA 02740
for which the record title stands in the name of: N.B. Vision Realty, LLC
whose address is: 29 Union Street, New Bedford, MA 02740
by a deed duly recorded in the:
Registry of Deeds of County: Bristol Book: 8712 Page: 12
OR Registry District of the Land Court, Certificate No.: _____ Book: _____ Page: _____

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 Zoning Board 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.

9/23/14

Date


Signature of Land Owner (If authorized Trustee, Officer or Agent, so identify)

ZBA SPECIAL PERMIT APPLICATION SUBMITTAL CHECKLIST

The following documentation must be submitted, in duplicate (1 Original and 11 Copies), containing all items described below:

- Completed & Signed Application
- (a) Existing Conditions Site Plan, drawn to a scale not less than 1 inch: 40 feet, (For example, drawings at 1" : 10', 1" : 20' or 1" : 30' scale are acceptable) identifying positioning of existing structures must be provided. Site Plan must show footprint and dimensions of Rear, Front and Side distances between structure(s) and boundary lines.
- (b) Site Plan Identifying Proposed Plans, showing all proposed alterations or additions with side, front and rear set property lines identified.
- (c) Sub-Division Plans if Applicable
- A Certified Abutter's List
(Compiled by Planning Dept. and Certified in Assessor's Office)
- Plot Plan (Available at Inspectional Services Dept.)
- Filing Fee (Check made out to the City of New Bedford)
- Copy of Building Permit Rejection Packet
(Containing Rejected Building Permit and all information submitted with Building Permit Application)
- Appendix (Owner's Signature & Attached Deed for all Involved Parcels)
- Development Impact Statement (DIS)
(per Chapter 9 §5350 of the City of New Bedford Zoning Code)

September 23, 2014

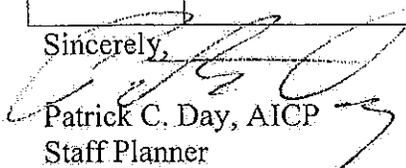
Dear Applicant,

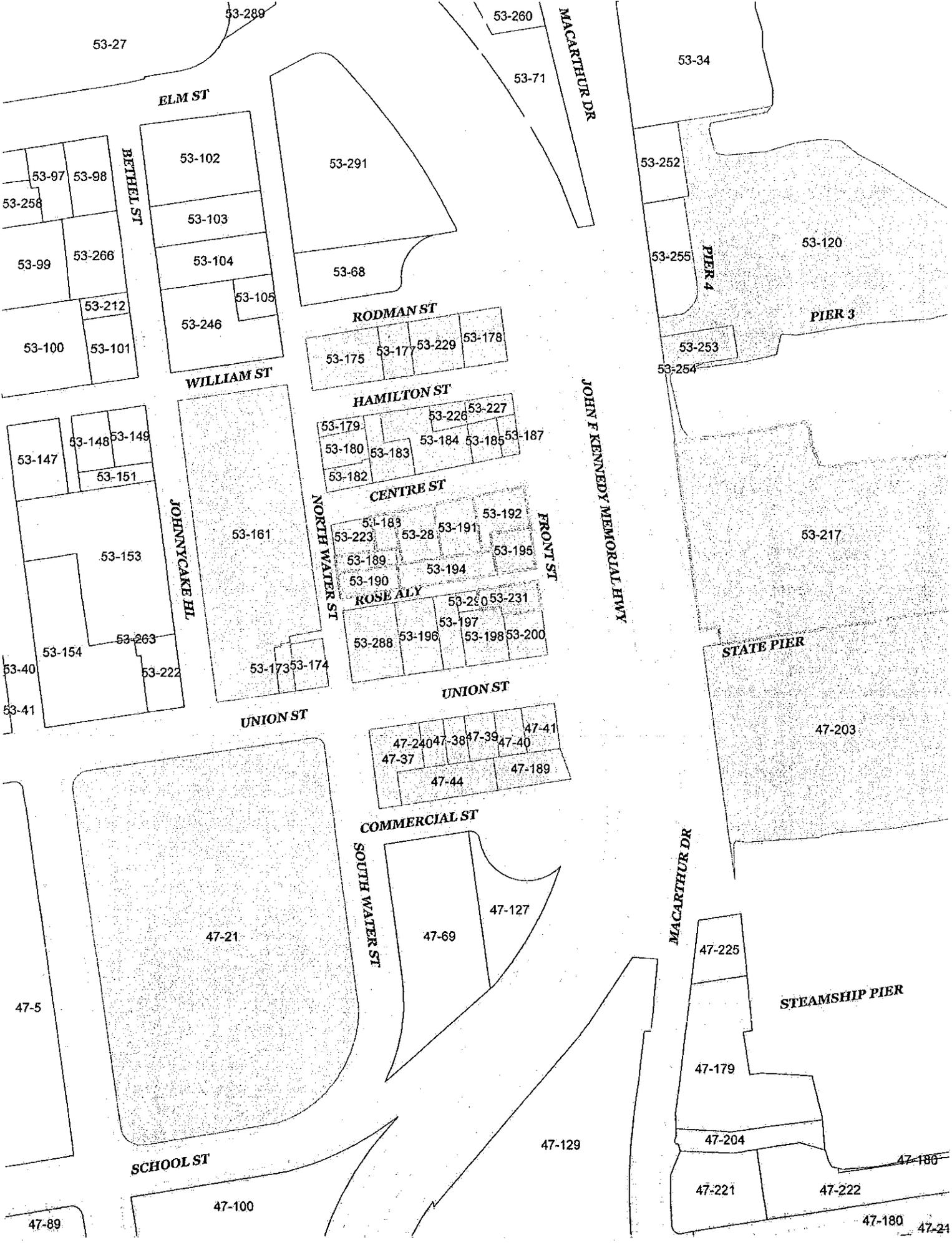
Please find below the List of Abutters within 300 feet of the property known as 94 Front Street (53-195). The current ownership listed herein must be checked and verified by the City of New Bedford Assessor's Office. Following said verification, the list shall be considered a Certified List of Abutters.

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
53-188	26 CENTRE ST	TRUSCOTT WILLIAM F "TRUSTEE", WHITING KIRK A "TRUSTEE" 13 WESTPORT LANE MARBLEHEAD, MA 01945
53-28	24 CENTRE ST	LIMEBURNER RICHARD, PO BOX 342 NANTUCKET, MA 02554
53-195	94 FRONT ST	N B VISION REALTY LLC, C/O ATLANTIS MORTGAGE 29 UNION STREET NEW BEDFORD, MA 02740
53-189	24 N WATER ST	DEHNER LAWRENCE R & KATHY M 1101 ROCKDALE AVENUE NEW BEDFORD, MA 02740
53-191	22 CENTRE ST	SCOTT TRAVIS M, MAGNAN JOHN A 22 CENTRE ST NEW BEDFORD, MA 02740
53-231	90 FRONT ST	FROGLIC, Peter M. Dewalt 112 MATTAPOISETT NECK ROAD to Rose Alley Unit # 3 MATTAPOISETT, MA 02739 New Bedford, MA 02740
53-194	ROSE ALLEY	DEHNER LAWRENCE R, DEHNER KATHY M 1101 ROCKDALE AVENUE NEW BEDFORD, MA 02740
53-217	49 STATE PIER	COMMONWEALTH OF MASS, STATE PIER BUILDING 133 William St. NEW BEDFORD, MA 02740
53-190	20 N WATER ST	HUNT ELAINE F, 128 FISCHER CIRCLE PORTSMOUTH, RI 02871
53-192	98 FRONT ST	FIELD HORACE F & EMILY O 18 CENTRE STREET NEW BEDFORD, MA 02740

Sincerely,


Patrick C. Day, AICP
Staff Planner



53-27

53-289

53-260

ELM ST

53-71

MACARTHUR DR

53-34

BETHEL ST

53-102

53-291

53-252

53-97 53-98

53-258

53-103

53-99

53-266

53-104

53-68

53-212

53-246

53-105

53-100

53-101

RODMAN ST

53-175

53-177

53-229

53-178

53-255

PIER 4

53-120

PIER 3

53-253

53-254

WILLIAM ST

HAMILTON ST

JOHN F KENNEDY MEMORIAL HWY

53-147

53-148

53-149

53-151

53-161

53-179

53-226

53-227

53-180

53-183

53-184

53-185

53-187

53-182

CENTRE ST

53-189

53-191

53-192

53-223

53-28

53-194

53-195

53-189

53-190

53-194

53-195

ROSE AVE

53-230

53-231

53-40

53-154

53-263

53-153

53-173

53-174

NORTH WATER ST

FRONT ST

53-41

UNION ST

UNION ST

47-240

47-38

47-39

47-41

47-37

47-40

47-44

47-189

STATE PIER

47-203

COMMERCIAL ST

SOUTH WATER ST

MACARTHUR DR

47-21

47-69

47-127

47-225

STEAMSHIP PIER

47-5

47-179

SCHOOL ST

47-129

47-204

47-89

47-100

47-221

47-222

47-186

47-180

47-24

APPENDIX

- (1) Owner's/Landlord's Name N.B. Vision Realty, LLC
- (2) Title Reference to Property Deed Book 8712 Page 12

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

- (3) If the Applicant is Not the Owner, Provide:
1. Notarized authorization letter from owner to tenant or buyer for application for this permit, on letterhead.
 2. Copy of Purchase & Sale Agreement or lease, where applicable.
 3. 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.

QUITCLAIM DEED

KNOW ALL MEN BY THESE PRESENTS, That We, PAUL A. LaCHAPELLE of 38 Grove Street, New Bedford, Bristol County, Massachusetts and THOMAS F. MANLEY of 75 Authier's Way, Edgartown, Massachusetts, for consideration paid and in full consideration of THREE HUNDRED SIXTY-FIVE AND NO/100 DOLLARS (\$365,000) paid grant to N.B. Vision Realty, LLC, a Massachusetts limited liability company, of 29 Union Street, New Bedford, Massachusetts, with quitclaim covenants the land in said New Bedford, Bristol County, Massachusetts, with any buildings thereon, bounded and described as follows:

Prop: 94 Front St
New Bedford, MA 02740

PARCEL ONE

BEGINNING at the southeast corner of said lot at the intersection of the north line of Rose Alley with the west line of Front Street;

thence WESTERLY in the said north line of Rose Alley forty-two (42) feet;

thence NORTHERLY twenty-six (26) feet;

thence WESTERLY again ten and one-half (10½) feet;

thence NORTHERLY twenty (20) feet;

thence EASTERLY fifty-two and one-half (52½) feet to the said west line of Front Street; and

thence SOUTHERLY in the said west line of Front Street Forty-six (46) feet to the point of beginning.

PARCEL TWO

BEGINNING at the southwesterly corner thereof at a stake in the north line Rose Alley fifty-two (52) feet westerly therein from its intersection with the west line of Front Street;

thence NORTHERLY twenty-six (26) feet to a stake;

thence EASTERLY ten (10) feet;

thence SOUTHERLY twenty-six (26) feet to the said north line of Rose Alley; and

thence WESTERLY therein ten (10) feet to the point of beginning.

BEING shown as Lot 5 on Plan of Land in New Bedford property of William F. Potter, dated October 1939, Made by L. J. Hathaway, Jr., Surveyor, on file Bristol County (S.D.) Registry of Deeds.

BEING THE SAME PREMISES conveyed to us by deed of Maria A. Silva dated May 25, 2000, recorded in the Bristol County (S.D.) Registry of Deeds in Book 4694, Page 278.

WITNESS our hands and seals this 7th day of July, 2007.

REG OF DEEDS
REG #07
BRISTOL S
07/10/07 8:19AM 01
000000 #0837
FEE \$1664.40
CASH \$1664.40

Paul A. LaChapelle
PAUL A. LaCHAPELLE

Thomas F. Manley
THOMAS F. MANLEY

COMMONWEALTH OF MASSACHUSETTS

Bristol, ss.

New Bedford

On this 9th day of July, 2007, before me, the undersigned notary public, personally appeared Paul A. LaChapelle, proved to me 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.

[Signature]
NOTARY PUBLIC

My Commission Expires: _____ Christopher J. Whitney
Notary Public
My Commission Expires
January 16, 2009

COMMONWEALTH OF MASSACHUSETTS

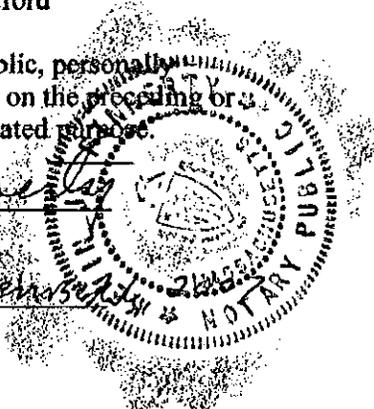
Bristol, ss.

New Bedford

On this 7th day of July, 2007, before me, the undersigned notary public, personally appeared Thomas F. Manley, proved to me 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.

[Signature]
NOTARY PUBLIC

My Commission Expires: September 2008



Development Impact Statement

Rose Alley

94 Front Street, New Bedford, Massachusetts

Project Summary

The subject property associated with this project is located at the north-west corner of the Rose Alley and Front Street in New Bedford, MA. The parcel is situated in the Industrial A District. The total parcel area is 2,404± S.F.

The applicant is seeking permission to construct an exterior seating area with roof.

Physical Environment

The site is located in the historic downtown New Bedford area. The existing structure is located at the south-eastern corner of the property with Front Street bordering the east and Rose Alley bordering the south. A gravel driveway currently exists north of the structure and extends the depth of the property.

The site contains approximately 68% of impervious area. Existing site topography slopes down gently toward Front Street. The site's stormwater runoff currently drains untreated to existing catch basins and into the city storm drainage system.

The applicant is proposing to construct an exterior seating area and roof to be attached to the north-west portion of the existing structure and extend to the northern property line as well a portion of the western property line.

Surface Water and Subsurface Conditions

There are no wetlands adjacent to the site. The site contains soil classified as Urban land which is soil that has been modified by disturbance of the natural layers with additions of fill material.

Stormwater runoff from the site currently runs untreated to existing catch basins and into the City drainage system. Under proposed conditions stormwater will continue to flow towards Front Street and into the City drainage system.

Circulation Systems

Due to the location of the proposed project it is not expected to substantially increase the number of vehicles in the area.

Support Systems

Water Distribution – There will be no change to the water distribution system servicing the existing building.

Sewer Disposal – There will be no change to the sewer disposal system servicing the existing building.

Refusal Disposal – There will be no change to the refusal disposal for the existing building.

Fire Protection – There will be no change to the fire protection system for the existing building.

Recreation – The proposed project may provide an area for social events.

Schools – This project will not have any negative impacts to the school system.



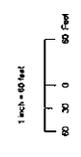
Map Produced By:
 City of New Bedford
 Department of
 Management Information Systems
 January 2011



Plan Year 2011
 This parcel information is used for planning
 and assessment purposes only.

Map: 53

City of New Bedford
 Massachusetts



Water Bodies
 Town Boundary
 Engineering Lot Number
 1st Ltr Area

Legend
 Element
 Planned Subdivision
 Combined Parcels
 Master Parcel Linking to Assessing DB
 Assessing Parcels