



CITY OF NEW BEDFORD  
JONATHAN F. MITCHELL, MAYOR

CITY CLERKS OFFICE  
NEW BEDFORD, MA

# ZONING BOARD OF APPEALS

2014 DEC - 8 P 2:08

CITY CLERK

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

Appeal Nr. 4166

## Petition for a VARIANCE

Date: 10/30/14

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: 619-621 Summer St. New Bedford MA 02746

Assessor's Map(s): 90 Lot(s) 1161

Registry of Deeds Book: 9402 Page: 219-220-221

Zoning District: MIX USE BUSINESS + Residential

Applicant's Name (printed): Joseph F. MKNIZ

Mailing Address: 100 Adams St. New Bedford MA 02746  
(Street) (City) (State) (Zip)

Contact Information: 508-989-2712 Telephone Number jm.cabinets@yahoo.com Email Address

Applicant's Relationship to Property:  Owner  Contract Vendee  Other \_\_\_\_\_

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

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.

10/30/14  
Date

Joseph F. MKNIZ  
Signature of Applicant

2. Dimensions of Lot(s) 46' 99' Area 4,292  
 Frontage Depth Sq. Ft.

3. Number of buildings on lot 1

4. Size of existing buildings 30' x 51' 1504<sup>sq'</sup>

5. Size of proposed buildings SAME

6. Present use of premises Business use

7. Proposed use of Premises Residential use

8. Extent of proposed alterations Rehab interior

9. Existing number of dwelling units & bedrooms ~~2 units w/ 1 bed~~ OFFICE SPACE Proposed 2 units w/ 1 bed

10. For commercial uses, please complete the following:

	Existing	Proposed
a) Number of customers per day:	<u>—</u>	<u>—</u>
b) Number of employees:	<u>—</u>	<u>—</u>
c) Hours of operation:	<u>—</u>	<u>—</u>
d) Days of operation:	<u>—</u>	<u>—</u>
e) Hours of deliveries:	<u>—</u>	<u>—</u>
f) Frequency of deliveries:	<input type="checkbox"/> Daily <input type="checkbox"/> Weekly <input type="checkbox"/> Monthly <input type="checkbox"/> Other: <u>—</u>	

11. Planning Board Site Plan Review and Special Permits:  
 \_\_\_ The applicant is also requesting Site Plan Review and Special Permit(s) from the Planning Board. If so, specify below:  
 \_\_\_\_\_  
 \_\_\_\_\_

12. Have plans been submitted to the Department of Inspectional Services? NO

13. Has the Department of Inspectional Services refused to issue a permit? YES

14. Explain what modifications are proposed that would require the requested Variance:  
Both OFFICE spaces been FOR RENT. No Luck  
OF RENTING because it's not a high visible Area  
FOR BUSINESS. Need to convert to Residential 1 Bed  
APARTMENTS.

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

Due to renting units it is very difficult  
to rent. TAXES are expensive. In my plan if  
these units were converted to residential it would be  
much easier to rent for financial reasons to pay  
taxes + mortgage.

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

	Existing	Allowed/Required	Proposed
Lot Area (sq ft)	4,242	16,000	4,242
Lot Width (ft)	46'		46'
Number of Dwelling Units	2		2
Total Gross Floor Area (sq ft)	1,504		1,504
Residential Gross Floor Area (sq ft)	1,504		1,504
Non-Residential Gross Floor Area (sq ft)	-	-	-
Building Height (ft)			
Front Setback (ft)	0	10'	0
Side Setback (ft)	2'	10'	2'
Side Setback (ft)	2'	10'	2'
Rear Setback (ft)	49'	10'	49'
Lot Coverage by Buildings (% of Lot Area)	40%		40%
Permeable Open Space (% of Lot Area)	60%		60%
Green Space (% of Lot Area)	0		0
Off-Street Parking Spaces	2 GARAGES	2 GARAGES	2 GARAGES
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: Joseph F. Meniz

at the following address: 100 ADAMS ST. New Bedford MA 02746

to apply for: Permit FOR 2 Apartment UNITS

on premises located at: 619-621 summer st.

in current ownership since: June 10th, 2009

whose address is: 100 ADAMS ST. New Bedford MA 02746

for which the record title stands in the name of: Joseph F. Meniz (J Meniz Realty)

whose address is: 100 ADAMS ST. New Bedford MA 02746

by a deed duly recorded in the:

Registry of Deeds of County: Bristol Book: 9402 Page: 219-220-221

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.

10/31/14  
Date

Joseph F. Meniz  
Signature of Land Owner (If authorized Trustee, Officer or Agent, so identify)

## APPENDIX

(1) Owner's/Landlord's Name Joseph F. Moniz

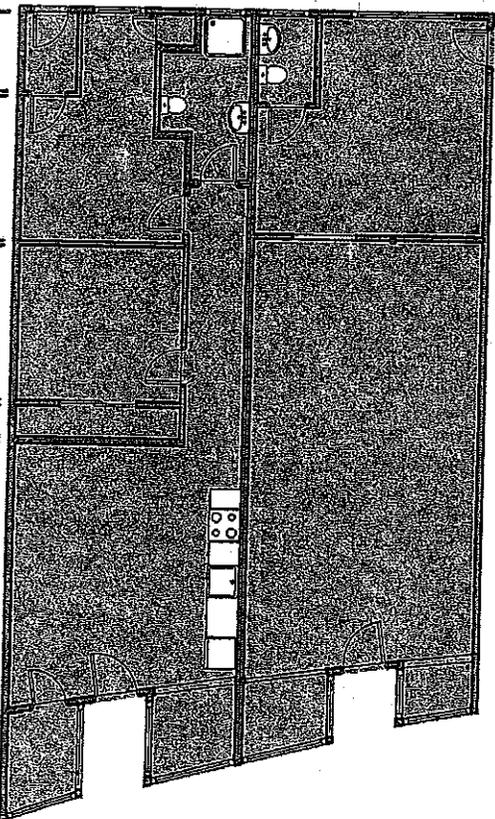
(2) Title Reference to Property Manager

(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.

(10) GARAGE UNITS



#619

#621

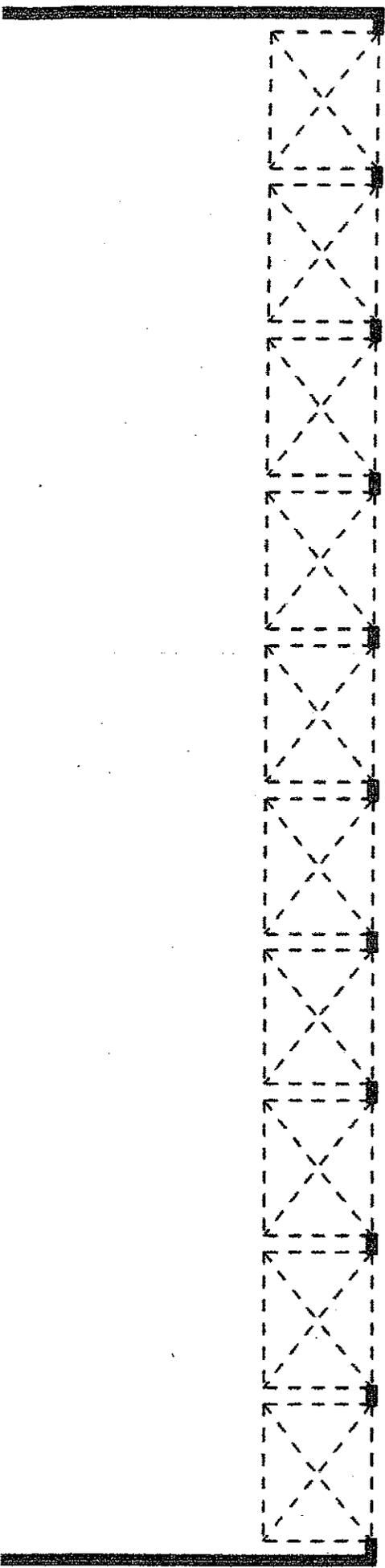
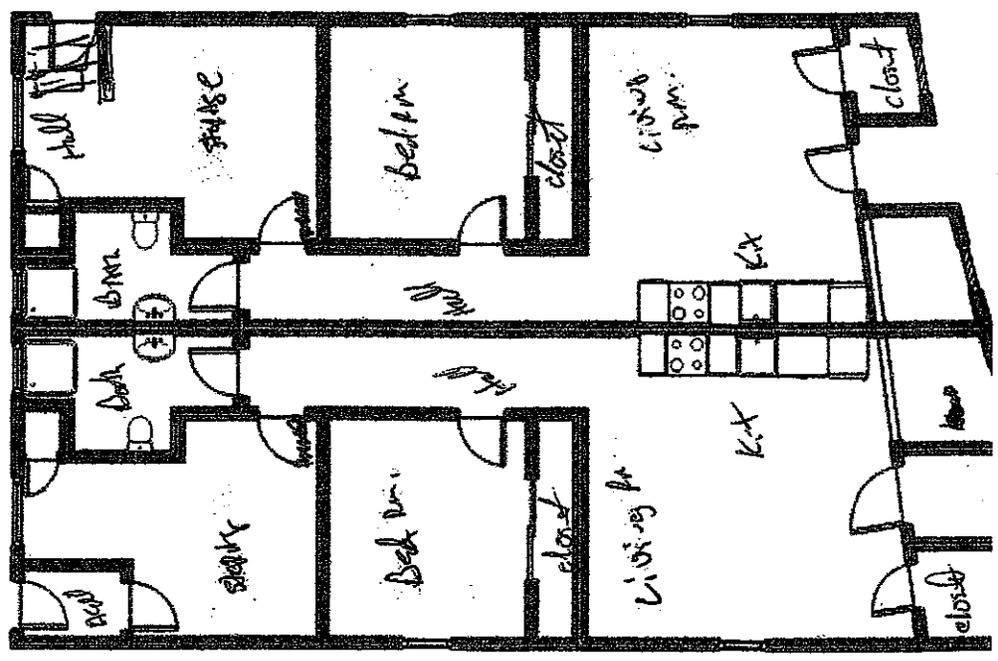
Summer St

N

New & had use  
for RESQ-13

See plan  
619-621 SUMMER ST  
N.B.  
508-989-2712

REVIEW  
AUG 15 2014  
BY



# ZBA VARIANCE 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)

- Deed at Registry of Deeds
- Site Plan Drawn to SCALE

**MASSACHUSETTS QUITCLAIM DEED**

I, **Gail Monahan, Trustee of the Gilbert Quintin Supplemental Needs Trust**, w/d/t dated October 23, 2008 and duly filed with Barnstable County Probate Court as Docket No. 08P1146PG1 and established by said Court under decree dated August 28, 2008 as a disability trust meeting the requirements set forth in 42 USC § 1396(d)(4)(A), Of 390 Burnfagon Road, Loudon, New Hampshire

For consideration paid, and in full consideration of Two Hundred Fifty-Five Thousand and 00/100 (\$255,000.00)

grant to **J. Moniz Realty, LLC**, a Massachusetts limited liability company with a mailing address of 100 Adams Street, New Bedford, Massachusetts,

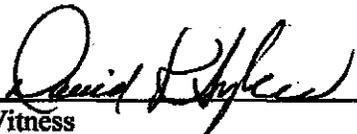
with *quitclaim covenants*

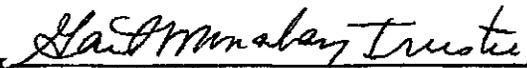
The property in said New Bedford, Bristol County, Massachusetts with an address of:

**100 Adams Street, New Bedford, Massachusetts and  
621 Summer Street, New Bedford, Massachusetts**

**SEE ATTACHED EXHIBIT "A" - PROPERTY DESCRIPTION**

Witness my hand and seal this 10th day of June, 2009.

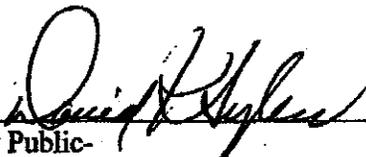
  
\_\_\_\_\_  
Witness

  
\_\_\_\_\_  
Gail Monahan, Trustee

**COMMONWEALTH OF MASSACHUSETTS**

Bristol, ss.

On this 10th day of June, 2009, before me, the undersigned notary public, personally appeared the above-named Gail Monahan, proved to me through satisfactory evidence of identification which was a New Hampshire driver's license, to be the person whose name is signed on the preceding or attached document, and acknowledged to me that she signed it voluntarily for its stated purpose.

  
\_\_\_\_\_  
Notary Public-  
My Commission Expires:



**DAVID K. SYKES**  
Notary Public  
Commonwealth of Massachusetts  
My Commission Expires Oct. 13, 2011

100 Adams Street, New Bedford, MA and 621 Summer Street, New Bedford, MA

**EXHIBIT "A" - PROPERTY DESCRIPTION**

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

Beginning at the northeast corner of the lot to be conveyed at the point of intersection of the south line of Adams Street with the west line of Summer Street; thence

**SOUTHERLY** in said west line of Summer street, ninety-three and 19/100 (93.19) feet; thence

**WESTERLY** in line of land now or formerly of M. Cohen, ninety-nine and 35/100 (99.35) feet; thence

**NORTHERLY** ninety-one and 29 (91.29) feet to a point in the south line of said Adams Street; and thence

**EASTERLY** in said south line of Adams Street, seventy-eight and 62/100 (78.62) feet to the point of beginning.

Containing twenty-nine and 78/100 (29.78) square rods, more or less.

Said property is also shown as Parcels 160 and 161 as shown on Assessor's Map 90 in the records of the City of New Bedford.

Being the same premises conveyed to this Grantor by deed of Gilbert M. Quintin, a/k/a Gilbert Quintin, dated March 27, 2009 and recorded with Bristol County (Southern District) Registry of Deeds in Book 9325, Page 133.

**REG OF DEEDS  
REG #07  
BRISTOL S**

06/10/09 1:51PM 01  
000000 #6379

FEE \$1162.80

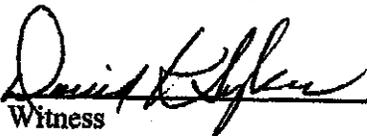
CASH \$1162.80

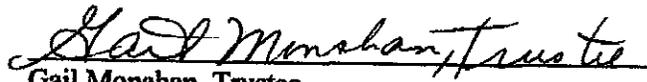
**CERTIFICATE OF TRUSTEE  
PURSUANT TO  
MASSACHUSETTS GENERAL LAWS, CHAPTER 184, SECTION 35**

The undersigned Trustee hereby certifies as follows:

1. This Certificate of Trust, pursuant to Massachusetts General Law, Chapter 184, Section 35, relates to the Gilbert Quintin Supplemental Needs Trust dated August 23, 2008, as amended.
2. The name of the Settlor is Gilbert Quintin and the Current Trustee is Gail Monahan.
3. The undersigned hereby represents that the statements contained in this Certificate of Trust are true and correct and that the trust has not been terminated and remains in full force and effect.
4. The Trustee of the Trust has authority to act with respect to real estate owned by the Trust, and has full and absolute power under said Trust to acquire or convey any interest in real estate or improvements thereon held in said Trust and no purchaser or third party shall be bound to inquire whether the Trustee has said power or is properly exercising said power or to see to the application of any trust asset paid to the Trustee for a conveyance thereof.
6. The undersigned hereby represents that there are no additional facts which constitute conditions precedent to acts by the Trustee(s) or which are in any other manner germane to the affairs of the Trust in connection with the actions taken by the Trustee.

Executed under the penalties of perjury this 10th day of June, 2009.

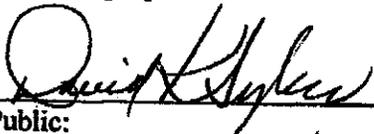
  
Witness

  
Gail Monahan, Trustee

**COMMONWEALTH OF MASSACHUSETTS**

Bristol County, ss:

On this 10th day of June, 2009, before me, the undersigned notary public, personally appeared Gail Monahan, proved to me through satisfactory evidence of identification, which was a driver's license, to be the person whose name is signed on the preceding or attached document, and acknowledged to me that he signed it voluntarily for its stated purpose.

  
Notary Public:  
My Commission Expires: 10/13/2011

A true copy of instrument as recorded in  
Bristol County (S.D.) Registry of Deeds  
in Book 9402 Page 219

ATTEST:  
  
REGISTER



**DAVID K. SYKES**  
Notary Public  
Commonwealth of Massachusetts  
My Commission Expires Oct. 13, 2011

[Back to Search](#)

[Print Page](#)

Location: 621 SUMMER ST

Parcel ID: 90 161

Zoning: MUB

Fiscal Year: 2014

Current Owner Information:  
J MONIZ REALTY LLC

Current Sales Information:

Card No. 1 of 1

100 ADAMS STREET

Sale Date: 06/10/2009

Sale Price: \$255,000.00

Legal Reference: 9402-219

Grantor: MONAHAN,GAIL "TRUSTEE"

NEW BEDFORD, MA 02746

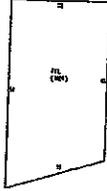
This Parcel contains 0.097 acres of land mainly classified for assessment purposes as RETAIL with a(n) GENERAL RETAIL style building, built about 1910, having Conc Blk exterior, Rolled Composition roof cover and 1504 Square Feet, with 1 unit(s), total room(s), total bedroom(s) 0 total bath(s), 0 3/4 baths, and 2 total half bath(s).

Building Value: 38000

Land Value: 61900

Yard Items Value: 0

Total Value: 99900



Fiscal Year 2014		Fiscal Year 2013		Fiscal Year 2012	
Tax Rate Res.:	15.16	Tax Rate Res.:	14.33	Tax Rate Res.:	13.76
Tax Rate Com.:	31.08	Tax Rate Com.:	29.54	Tax Rate Com.:	28.44
Property Code:	325	Property Code:	325	Property Code:	325
Total Bldg Value:	38000	Total Bldg Value:	39300	Total Bldg Value:	43900
Total Yard Value:	0	Total Yard Value:	0	Total Yard Value:	0
Total Land Value:	61900	Total Land Value:	61900	Total Land Value:	65700
Total Value:	99900	Total Value:	101200	Total Value:	109600
Tax:	\$3,104.89	Tax:	\$2,989.45	Tax:	\$3,117.03

89

**STRAIGHT**

89.94	86.98	40
156	86.98	157
155	86.98	1453
42.23	86.98	3956
78.41		
155		10719
1310		154
3566		1579
67.19		4299
		97.57
		15
		14
		3896
		87.95
		59
		1283
		3493
		78.39
		BUSINESS

**STRAIGHT**

RES. B	RES. C	BUS.
108	42	78.62
172	4	160
48.48		1420
97.5		3866
		89.09
173		161
1512		1558
4116		4242
42		99.35
31.62		162
170		1456
20.53		3964
55.89		77.52
122.32		163
108.4		13.66
166.00		3719
15.2		87.78
99.2		164
103.2		1535
158		4179
42.93		98.03
94		BUSINESS

**STRAIGHT**

RES. B	RES. C	BUS.
10705	42	85.61
	42	5
	42	1622

4/6/6

**DEPARTMENT SIGN-OFF SHEET**

**ZONING BOARD OF APPEALS SPECIAL PERMIT REVIEW**

<b><u>DEPARTMENT</u></b>	<b><u>COPIES</u></b>	<b><u>SIGNATURE</u></b>	<b><u>DATE</u></b>
<b>BOARD MEMBERS</b> CITY HALL, ROOM 303	5	<i>[Signature]</i>	12/8/14
<b>CITY PLANNING</b> CITY HALL, ROOM 303	1	<i>[Signature]</i>	12/8/14
<b>CITY CLERK (Original)</b> CITY HALL, ROOM 118	1	<i>[Signature]</i>	12/8/14
<b>CITY SOLICITOR</b> CITY HALL, ROOM 303	1	<i>[Signature]</i>	12/8/14
<b>INSPECTIONAL SERVICES</b> CITY HALL, ROOM 308	1	<i>[Signature]</i>	12/8/14
<b>PUBLIC INFRASTRUCTURE</b> 1105 SHAWMUT AVENUE	1	<i>[Signature]</i>	12/8/14
<b>CONSERVATION COMMISSION</b> CITY HALL, ROOM 304	1	<i>[Signature]</i>	12/8/14
<b>FIRE DEPARTMENT</b> 1204 PURCHASE STREET	1	<i>[Signature]</i>	12/8/14

PLANNING  
DEC 08 2014  
DEPARTMENT

CITY CLERK  
**REQUEST FOR CERTIFIED LIST OF ABUTTERS**

**Attach the Certified List of Abutters to this Certification Letter and Submit all.**

The applicant shall complete the request form below, and submit to Planning Department, City Hall, 133 William Street, Room 303, so that a list may be created for use by the applicant.

I, *Carol Shields*, Administrative Assistant to the Board of Assessors of the City of New Bedford, 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.

Date: *10/24/2014*

SUBJECT PROPERTY:

MAP *90* LOT *161*

LOCATION *619-621 Summer St.*

OWNER'S NAME *Joseph F. Moniz (J Moniz Realty LLC)*

MAILING ADDRESS *100 Adams St. New Bedford MA 02746*

CONTACT PERSON *Joseph F. Moniz*

TELEPHONE NUMBER *508-989-2712*

EMAIL ADDRESS *jmcasimiro@yahoo.com*

REASON FOR REQUEST: *variance for building.*

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

October 24, 2014

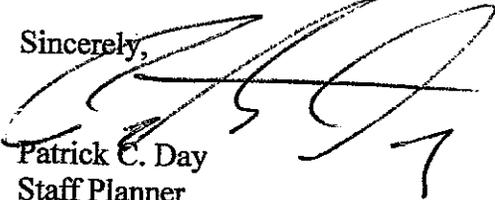
Dear Applicant,

Please find below the List of Abutters within 300 feet of the property known as 621 Summer Street (90-161). 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
90-166	595-COGGESHALL ST 597	FERREIRA FERNANDO J, 595 COGGESHALL ST NEW BEDFORD, MA 02746
90-163	613 SUMMER ST	RUSSELL LOUISE M "TRUSTEE", SLIM REALTY TRUST BOX 79455 NORTH DARTMOUTH, MA 02747
90-162	617 SUMMER ST	COMMUNITY ACTION FOR BETTER HOUSING INC, 1600 BAY STREET FALL RIVER, MA 02724
90-160	100-ADAMS ST 104	J MONIZ REALTY LLC, 100 ADAMS STREET NEW BEDFORD, MA 02746
90-161	621 SUMMER ST	J MONIZ REALTY LLC, 100 ADAMS STREET NEW BEDFORD, MA 02746
90-155	622 SUMMER ST	DESOUSA LUIS S, DESOUSA JOAO A 622 SUMMER STREET NEW BEDFORD, MA <del>02740</del> 02746
90-174	114 ADAMS ST	FERREIRA JOSHUA, 114 ADAMS STREET NEW BEDFORD, MA 02746
90-4	110 ADAMS ST	FREITAS JOSE SOUSA, FREITAS MARIA E 110 ADAMS ST NEW BEDFORD, MA 02746
90-156	628 SUMMER ST	SANTOS OSCAR, 628 SUMMER STREET NEW BEDFORD, MA 02746

Sincerely,

  
Patrick C. Day  
Staff Planner

