



ZONING BOARD OF APPEALS

CITY CLERKS OFFICE
NEW BEDFORD, MA

CITY OF NEW BEDFORD
JONATHAN F. MITCHELL, MAYOR

2015 JAN 16

RECEIVED:
SUBMITTED:
Planning Department
133 William Street
Room 303
New Bedford, MA 0274

Appeal Nr. 4169

Petition for a VARIANCE

Date: 1/16/15

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: WS. S. SECOND ST.

Assessor's Map(s): 25 Lot(s) 85

Registry of Deeds Book: 9506 Page: 311

Zoning District: RC

Applicant's Name (printed): MADEIRA CONSTRUCTION, INC.

Mailing Address: 45 TANIA DR, E. TAUNTON, MA 02718
(Street) (City) (State) (Zip)

Contact Information: 508-509-7733
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:

SPECIAL PERMIT APPLICATION
 DEED
 AERIAL PHOTO
 PARCEL INFO
 DWELLING PLANS
 ADJUTER'S LIST
 PERMIT REJECTION
 SITE PLAN

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.

1-13-15
Date

Signature of Applicant

2. Dimensions of Lot(s) 80 54.79 Area 8,000
 Frontage Depth Sq. Ft.

3. Number of buildings on lot 0

4. Size of existing buildings N/A

5. Size of proposed buildings 24x48 w/ 2' O.H.

6. Present use of premises EMPTY LOT

7. Proposed use of Premises SINGLE FAMILY

8. Extent of proposed alterations NEW DWELLING

9. Existing number of dwelling units & bedrooms N/A Proposed 1 UNIT / 2 BDRMS

10. For commercial uses, please complete the following:

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

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:
3149 VEHICAL ACCESS

12. Have plans been submitted to the Department of Inspectional Services? YES

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:
DIMENSIONAL 2710 GENERAL, 2720 TABLE OF DIMENSIONAL REQUIREMENTS, 2750 YARDS IN RESIDENCE DISTRICTS, 2751 FRONT YARD, 2753 REAR YARD

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

EXISTING CONDITIONS & CHARACTER OF LOT

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

	Existing	Allowed/Required	Proposed
Lot Area (sq ft)	8,000	8,000	8,000
Lot Width (ft)	80'	75'	80'
Number of Dwelling Units	0	1	1
Total Gross Floor Area (sq ft)	0	10,000	2,592
Residential Gross Floor Area (sq ft)	0	10,000	2,592
Non-Residential Gross Floor Area (sq ft)	0		
Building Height (ft)	0	60'	20'
Front Setback (ft)	0	20'	7' 1/5'
Side Setback (ft)	0	10'	12.19'
Side Setback (ft)	0	10'	10.3'
Rear Setback (ft)	0	30'	21.7'
Lot Coverage by Buildings (% of Lot Area)	0	30/40	35%
Permeable Open Space (% of Lot Area)	0		
Green Space (% of Lot Area)	100%	35%	50%
Off-Street Parking Spaces	0		
Loading Bays	0		
Number of Ground Signs	0		
Height of Ground Sign	0		
Proximity of Ground Sign to Property Line	0		
Area of Wall Sign (sq ft)	0		
Number of Wall Signs	0		

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: MADEIRA CONSTRUCTION, INC.

at the following address: PLOT 25, LOT 85 W/S S. SECOND ST.

to apply for: VARIANCE

on premises located at: PLOT 25, LOT 85 W/S S. SECONDS

in current ownership since: SEPT. 22, 2009

whose address is: 45 TALLIA DR. E. TAUNTON, MA

for which the record title stands in the name of: MADEIRA CONSTRUCTION, INC.

whose address is: 45 TALLIA DR. E. TAUNTON, MA

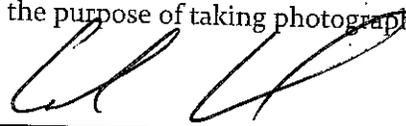
by a deed duly recorded in the:

Registry of Deeds of County: BRISTOL Book: 9506 Page: 311

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.

1-13-15



Date

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

APPENDIX

- (1) Owner's/Landlord's Name MADEIRA CONSTRUCTION, INC,
(2) Title Reference to Property WS. S. SECOND ST,

(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.

2015 JAN 16 P 1:06

REQUEST FOR CERTIFIED LIST OF ABUTTERS
CITY CLERK

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, Carlos Medeira, 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: 1/12/2015

SUBJECT PROPERTY:

MAP 25 LOT 85

LOCATION ~~W. 2nd Street~~ WS South Second Street

OWNER'S NAME MEDEIRA CONSTRUCTION, INC

MAILING ADDRESS 45 TANIA DR. E. TAUNTON, MA 02718

CONTACT PERSON CARLOS MEDEIRA

TELEPHONE NUMBER (508) 509-7733

EMAIL ADDRESS medeira@comcast.net

REASON FOR REQUEST: SPECIAL PERMIT/VARIANCE

PLANNING

JAN 09 2015

DEPARTMENT 6

January 9th, 2015

Dear Applicant,

Please find below the List of Abutters within 300 feet of the property known as WS S Second Street (25-85) 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
25-152	49 DIVISION ST	WELCH KEVIN, 1128 ACUSHNET AVENUE NEW BEDFORD, MA 02746
25-94	43 DIVISION ST	ARRUDA-CIDALIA ; <i>Gualter + Flomera DeSilva</i> 537 RUSSELLS MILLS ROAD PO BOX 20142 S. DARTMOUTH, MA 02748 -0142
25-84	70 DELANO ST	PIRES ALDINA F, 70 DELANO ST NEW BEDFORD, MA 02744 -1736
25-39	S SECOND ST	DOWNING MICHAEL A, 50 ST JOHN STREET SOUTH DARTMOUTH, MA 02748-2919
25-51	520-S SECOND ST <i>502</i>	DEMELLO JAMES R, 520 SO SECOND STREET NEW BEDFORD, MA 02744 -1848
25-52	55 DELANO ST	DASILVA DOMINGOS A, SILVA MARIA G 55 DELANO ST NEW BEDFORD, MA 02744 -1738
25-38	67 DELANO ST	ARSENAULT DONNA MARIE, BOURASSA CHRISTOPHER C 67 DELANO STREET NEW BEDFORD, MA 02744 -1736
25-93	701 S FIRST ST	CORREIA NEMESIA M, 701 SOUTH FIRST ST NEW BEDFORD, MA 02744 -1715
25-85	S SECOND ST	MADEIRA CONSTRUCTION INC., 45 TANIA DRIVE EAST TAUNTON, MA 02718 - 0113 5118
25-83	72 DELANO ST	URBINA ALVARO, 72 DELANO STREET NEW BEDFORD, MA 02744 -1735
25-130	539 S SECOND ST	MEDEIROS DOROTHY P, 539 SO. SECOND ST NEW BEDFORD, MA 02744 -1717
25-166	65 DELANO ST	DIAS ALVARO J, 65 DELANO STREET NEW BEDFORD, MA 02744 -1736
25-40	525-S SECOND ST <i>527</i>	CITY OF NEW BEDFORD, 133 WILLIAM STREET NEW BEDFORD, MA 02740 -6132

January 9th, 2015

Dear Applicant,

Please find below the List of Abutters within 300 feet of the property known as WS S Second Street (25-85) 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
25-87	NS DIVISION ST	COMMUNITY ACTION FOR BETTER HOUSING INC, 1600 BAY STREET FALL RIVER, MA 02724-1216
25-172	S SECOND ST Res Acushnet Ave.	LOURENCO GUILHERME, LOURENCO MARIANNE 537 SO SECOND ST NEW BEDFORD, MA 02744-1717
25-158	537 S SECOND ST	PORTO, MARYANNE, 537 SO SECOND STREET NEW BEDFORD, MA 02744 - 1717
25-88	56 DELANO ST	PORTUGUESE SPORTS CLUB IN, 56 DELANO ST NEW BEDFORD, MA 02744 -1737
25-90	46 DELANO ST	MANZANO VICTORIA, GALARAZA GILBERT 46 DELANO ST NEW BEDFORD, MA 02744-1737
25-91	5 DELANO ST	CITY OF NEW BEDFORD, 133 WILLIAM ST NEW BEDFORD, MA 02740-6132
25-53	43 DELANO ST NS	N B HOUSING AUTHORITY, BENJAMIN ROSE GARDEN 134 SO SECOND ST NEW BEDFORD, MA 02740-5852

Development Impact Statement (DIS).

As per New Bedford Code of Ordinances Section 5350.

Ref. Property:

Plot 25, Lot 85,

Located at: WS South Second Street and the corner of Delano St., New Bedford, MA

Existing Conditions:

The above listed parcel is located in a residential neighborhood, this parcel had multi-family units that were destroyed in a fire; the parcel has a total of 8,000 sf and has been vacant for quite a few years.

Proposed:

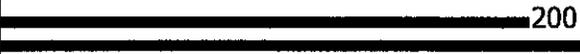
The proposal is to build a 3 bedroom single family Split Level Style dwelling with 1,248 sf on the lower level and 1,344 sf on the upper level.



Google earth

Google earth

feet
meters



80



Location: WS S SECOND ST

Parcel ID: 25 85

Zoning: RC

Fiscal Year: 2014

Current Sales Information:

Sale Date:

09/22/2009

Sale Price:

\$100.00

Card No. 1 of 1

Legal Reference:

9506-311

Grantor:

SCI TECH CONSTRUCTION COMPANY ,INC

Current Owner Information:
MADEIRA CONSTRUCTION INC

45 TANIA DRIVE

EAST TAUNTON , MA 02718

This Property contains 0.100 acres of land mainly classified for assessment purposes as Potential

Building Value:	Land Value:	Yard Items Value:	Total Value:
0	35700	0	35700

**No
Sketch
Available**

**NO
IMAGE
AVAILABLE**



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:	131	Property Code:	131	Property Code:	131
Total Bldg Value:	0	Total Bldg Value:	0	Total Bldg Value:	0
Total Yard Value:	0	Total Yard Value:	0	Total Yard Value:	0
Total Land Value:	35700	Total Land Value:	43400	Total Land Value:	44600
Total Value:	35700	Total Value:	43400	Total Value:	44600
Tax:	\$541.21	Tax:	\$621.92	Tax:	\$613.70

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.

QUITCLAIM DEED

SCI TECH CONSTRUCTION COMPANY, INC., a Massachusetts corporation with a principal place of business at 632 Reed Road, Dartmouth, Massachusetts 02747

for consideration paid, and in full consideration of One (\$1.00) Dollar

grant to MADEIRA CONSTRUCTION, INC., a Massachusetts corporation with a principal place of business at 45 Tania Drive, East Taunton, Massachusetts

with QUITCLAIM COVENANTS

all of its rights, title and interest in the land in New Bedford, Bristol County, Massachusetts, more particularly bounded and described as follows:

PARCEL ONE:

BEGINNING at the Northeast corner of the land herein described at a point in the westerly line of South Second Street, and at the southeast corner of Parcel "A" as shown on plan of land hereinafter mentioned;

thence SOUTHERLY in line of South Second Street, forty (40) feet to land now or formerly of Antone P. Medeiros;

thence WESTERLY in line of last-named land, fifty-four and 94/100 (54.94) feet to land now or formerly of Aldina E. Pires;

thence NORTHERLY in line of last-named land, (40) feet to said Lot "A"; and

thence EASTERLY in line of last-named lot, fifty-four and 87/100 (54.87) feet to said line of South Second Street and the point of beginning.

CONTAINING 2,185 square feet, more or less.

Being shown as Parcel "B" on Plan of Edward M. DeMelo, et al., dated December 10, 1977, and recorded at the Bristol County (S.D.) Registry of Deeds in Plan Book 99, Page 95.

PARCEL TWO:

BEGINNING at the northeast corner of the land to be conveyed at a point formed by the intersection of the south line of Delano Street with the west line of South Second Street;

thence SOUTHERLY forty (40) feet along South Second Street to the northeast corner of Parcel B on a plan hereinafter mentioned;

Plot / Lot 25-85
533 S. SECOND ST
NEW BEDFORD, MA 02744

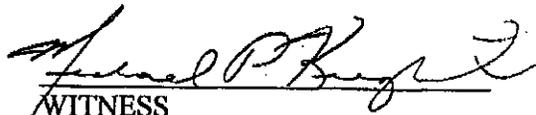
thence WESTERLY fifty-four and 87/100 (54.87) feet in north line of land now or formerly of Aldina E. Pires;
thence NORTHERLY forty (40) feet to Delano Street; and
thence EASTERLY fifty-four and 79/100 (54.79) feet along Delano Street to the point of beginning.

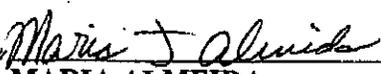
CONTAINING 2,182 square feet, more or less, and being Parcel "A" on Plan of Edward M. DeMelo, et al., dated December 10, 1977, and recorded at the Bristol County (S.D.) Registry of Deeds in Plan Book 99, Page 95.

Being the same premises conveyed to the Grantor herein by Deed of Pedro G. Goncalves and Izidora Goncalves dated August 6, 2004 and recorded at the Bristol County (S.D.) Registry of Deeds in Book 7108, Page 114.

The above sale does not constitute all or substantially all of the Grantor's assets.

Witness our hands and seals this 21st day of September, 2009.


WITNESS

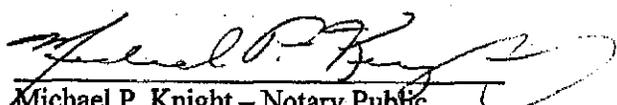

MARIA ALMEIDA,
PRESIDENT and TREASURER
SCI TECH CONSTRUCTION
COMPANY, INC.

THE COMMONWEALTH OF MASSACHUSETTS

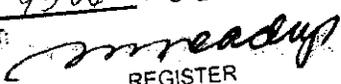
Bristol, ss

September 21, 2009

Then personally appeared the above-named MARIA ALMEIDA, President and Treasurer of Sci Tech Construction Company, Inc., who proved to me through satisfactory evidence of identification, which was a MA driver's license, to be the person whose name is signed on this document and acknowledged to me that they signed it voluntarily for its stated purpose before me.


Michael P. Knight - Notary Public
My Commission expires: 2/14/2014

A true copy of instrument as recorded in
Bristol County (S.D.) Registry of Deeds
in Book 9506 Page 311

ATTEST:

REGISTER