



DEPARTMENT OF INSPECTIONAL SERVICES
133 WILLIAM STREET - ROOM 308
NEW BEDFORD, MA 02740

CITY OF NEW BEDFORD
JONATHAN F. MITCHELL, MAYOR

March 23, 2015

PLANNING

MAR 24 2015

DEPARTMENT

Ian M. Comerford, Chairman
Zoning Board of Appeals
Room 303 City Hall
133 William Street
New Bedford, Ma. 02740

Re: Petition of Kenneth and Armindia Koroski
East Side of Dana Street Plot 125 A Lot 473

Acting Under Massachusetts General Law Chapter 40 A Section 7 a building permit was denied to construct a single family house that lacked frontage on the east side of Dana Street Plot 125A lot 473. Enclosed are pictures showing that this petition is in violation of Chapter 9 Comprehensive Zoning Section 1200 (Definitions) **Frontage of:** A lot line coinciding with the sideline of a street which provides both legal rights of vehicular access and actual physical access to the lot, said line to be measured continuously along a single street for the entire width of the lot . Vehicular access to a building site on the lot shall be exclusively through the legal frontage of the lot.

Chapter 9, Section 1200 of the New Bedford Code of Ordinances defines street as:

An accepted City way, or a way established by or maintained under county, state, or federal authority or a way established by a subdivision plan approved in accordance with the subdivision control law actually constructed to specification or for which adequate security exist to construct said way. [Emphasis added]

In the event a building permit application is received for construction on a lot that does not meet the dimensional requirements for frontage, contained in Chapter 9, Appendix B of the Code of Ordinances and does not comply with the definitions for lot frontage and street. contained in Chapter 9, Section 1200 of the Code or Ordinances, the applicant would not be entitled to a building permit because the issuance of said permit would be inconsistent with the provisions set forth in Chapter 9.

Chapter 9, Section 5100 of the New Bedford Code of Ordinances provides:

This ordinance shall be administered by the Inspector of Buildings. Pursuant to the State Building Code, the Inspector of Buildings may require such plans and specifications as may be necessary to determine compliance with all pertinent laws of the Commonwealth and may request advisory reviews by other municipal boards and officials. Buildings, structures or signs may not be erected, substantially altered, moved, or changed in use and land may not be substantially altered or changed with regard to size or shape or principal use except in compliance with then-applicable

zoning, and after all necessary permits have been received under federal, state, or local law. Issuance of a Building Permit or Certificate of Use and Occupancy, where required under the Commonwealth's State Building Code, may serve as such certification. (Ord. of 12~23-03, § 1)

At the present time there is no vehicular or actual physical access to the lot, if the board votes to grant this petition it is recommended that a condition be placed that no building permit can be issued until a **street is built.**

Respectfully yours,



Danny D. Romanowicz
Commissioner of Inspectional Services
and Buildings



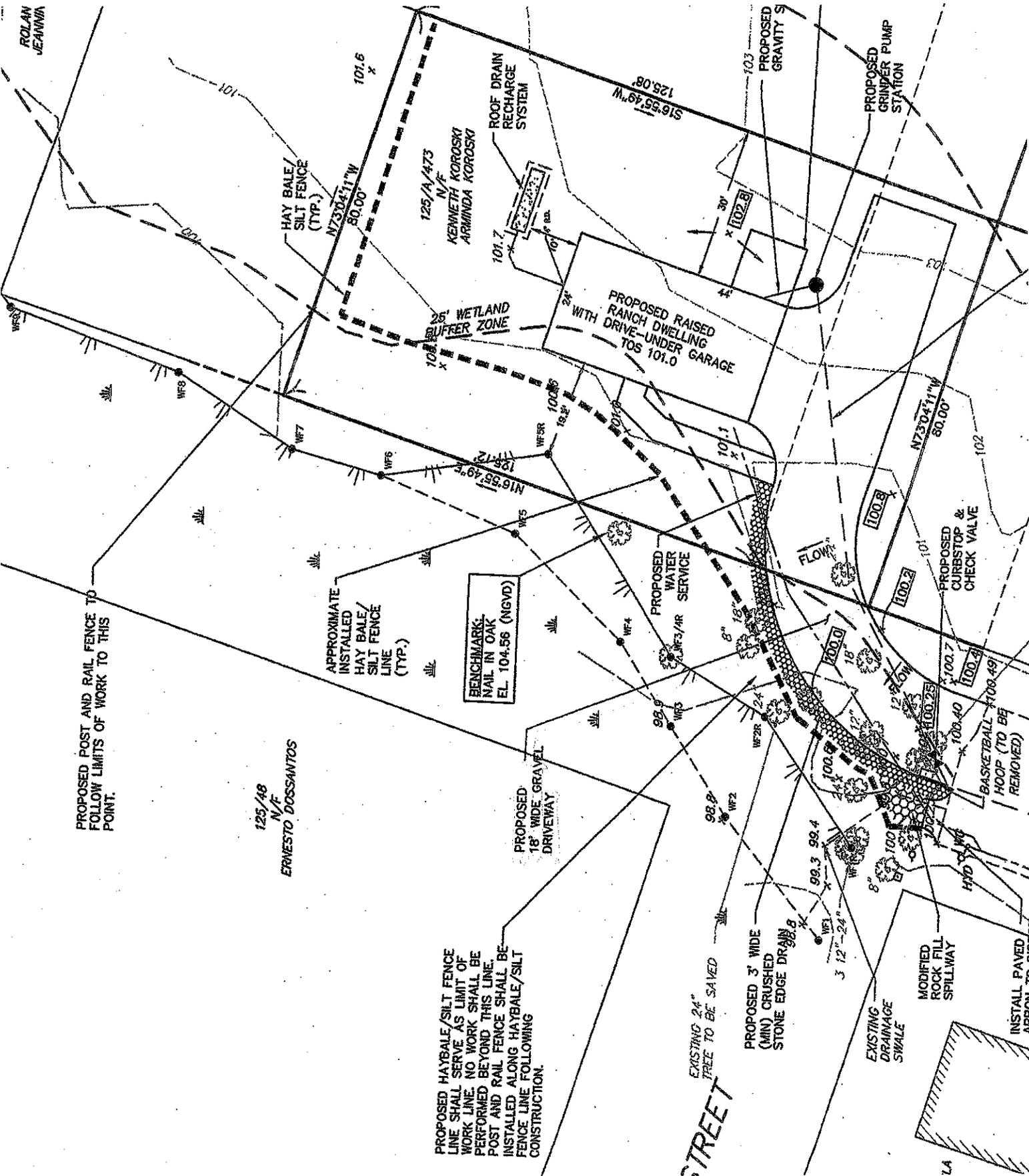
PART I ADMINISTRATION OF THE GOVERNMENT
TITLE VII CITIES, TOWNS AND DISTRICTS
CHAPTER 40A ZONING
Section 7 Enforcement of zoning regulations; violations; penalties; jurisdiction of superior court

Section 7. The inspector of buildings, building commissioner or local inspector, or if there are none, in a town, the board of selectmen, or person or board designated by local ordinance or by-law, shall be charged with the enforcement of the zoning ordinance or by-law and shall withhold a permit for the construction, alteration or moving of any building or structure if the building or structure as constructed, altered or moved would be in violation of any zoning ordinance or by-law; and no permit or license shall be granted for a new use of a building, structure or land which use would be in violation of any zoning ordinance or by-law. If the officer or board charged with enforcement of zoning ordinances or by-laws is requested in writing to enforce such ordinances or by-laws against any person allegedly in violation of the same and such officer or board declines to act, he shall notify, in writing, the party requesting such enforcement of any action or refusal to act, and the reasons therefor, within fourteen days of receipt of such request.

No local zoning law shall provide penalty of more than three hundred dollars per violation; provided, however, that nothing herein shall be construed to prohibit such laws from providing that each day such violation continues shall constitute a separate offense. No action, suit or proceeding shall be maintained in any court, nor any administrative or other action taken to recover a fine or damages or to compel the removal, alteration, or relocation of any structure or part of a structure or alteration of a structure by reason of any violation of any zoning by-law or ordinance except in accordance with the provisions of this section, section eight and section seventeen; provided, further, that if real property has been improved and used in accordance with the terms of the original building permit issued by a person duly authorized to issue such permits, no action, criminal or civil, the effect or purpose of which is to compel the abandonment, limitation or modification of the use allowed by said permit or the removal, alteration or relocation of any structure erected in reliance upon said permit by reason of any alleged violation of the provisions of this chapter, or of any ordinance or by-law adopted thereunder, shall be maintained, unless such action, suit or proceeding is commenced and notice thereof recorded in the registry of deeds for each county or district in which the land lies within six years next after the commencement of the alleged violation of law; and provided, further that no action, criminal or civil, the effect or purpose of which is to compel the removal, alteration, or relocation of any structure by reason of any alleged violation of the provisions of this chapter, or any ordinance or by-law adopted thereunder, or the conditions

of any variance or special permit, shall be maintained, unless such action, suit or proceeding is commenced and notice thereof recorded in the registry of deeds for each county or district in which the land lies within ten years next after the commencement of the alleged violation. Such notice shall include names of one or more of the owners of record, the name of the person initiating the action, and adequate identification of the structure and the alleged violation.

The superior court and the land court shall have the jurisdiction to enforce the provisions of this chapter, and any ordinances or by-laws adopted thereunder, and may restrain by injunction violations thereof.



ROLAN
JEANNA

PROPOSED POST AND RAIL FENCE TO FOLLOW LIMITS OF WORK TO THIS POINT.

125/48
N/F
ERNESTO DOSSANTOS

PROPOSED HAYBALE/SILT FENCE LINE SHALL SERVE AS LIMIT OF WORK LINE. NO WORK SHALL BE PERFORMED BEYOND THIS LINE. POST AND RAIL FENCE SHALL BE INSTALLED ALONG HAYBALE/SILT FENCE LINE FOLLOWING CONSTRUCTION.

BENCHMARK:
NAIL IN OAK
EL. 104.56 (NGVD)

PROPOSED 18' WIDE GRAVEL DRIVEWAY

EXISTING 24" TREE TO BE SAVED

STREET

PROPOSED 3' WIDE (MIN) CRUSHED STONE EDGE DRAIN

EXISTING DRAINAGE SWALE

MODIFIED ROCK FILL SPILLWAY

INSTALL PAVED APRON TO CURB

HAY BAILE/SILT FENCE (TYP.)

125/A/473
N/F
KENNETH KOLOSKI
ARMINDA KOLOSKI

ROOF DRAIN RECHARGE SYSTEM

PROPOSED RAISED RANCH DWELLING WITH DRIVE-UNDER GARAGE TOS 101.0

25' WETLAND BUFFER ZONE

125.08
S16°55'49"W

103
PROPOSED GRAVITY S

PROPOSED GRINDER PUMP STATION

APPROXIMATE INSTALLED HAY BAILE/SILT FENCE LINE (TYP.)

PROPOSED WATER SERVICE

FLOW

PROPOSED CURBSTOP & CHECK VALVE

BASKETBALL HOOP (TO BE REMOVED)

LA



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meters



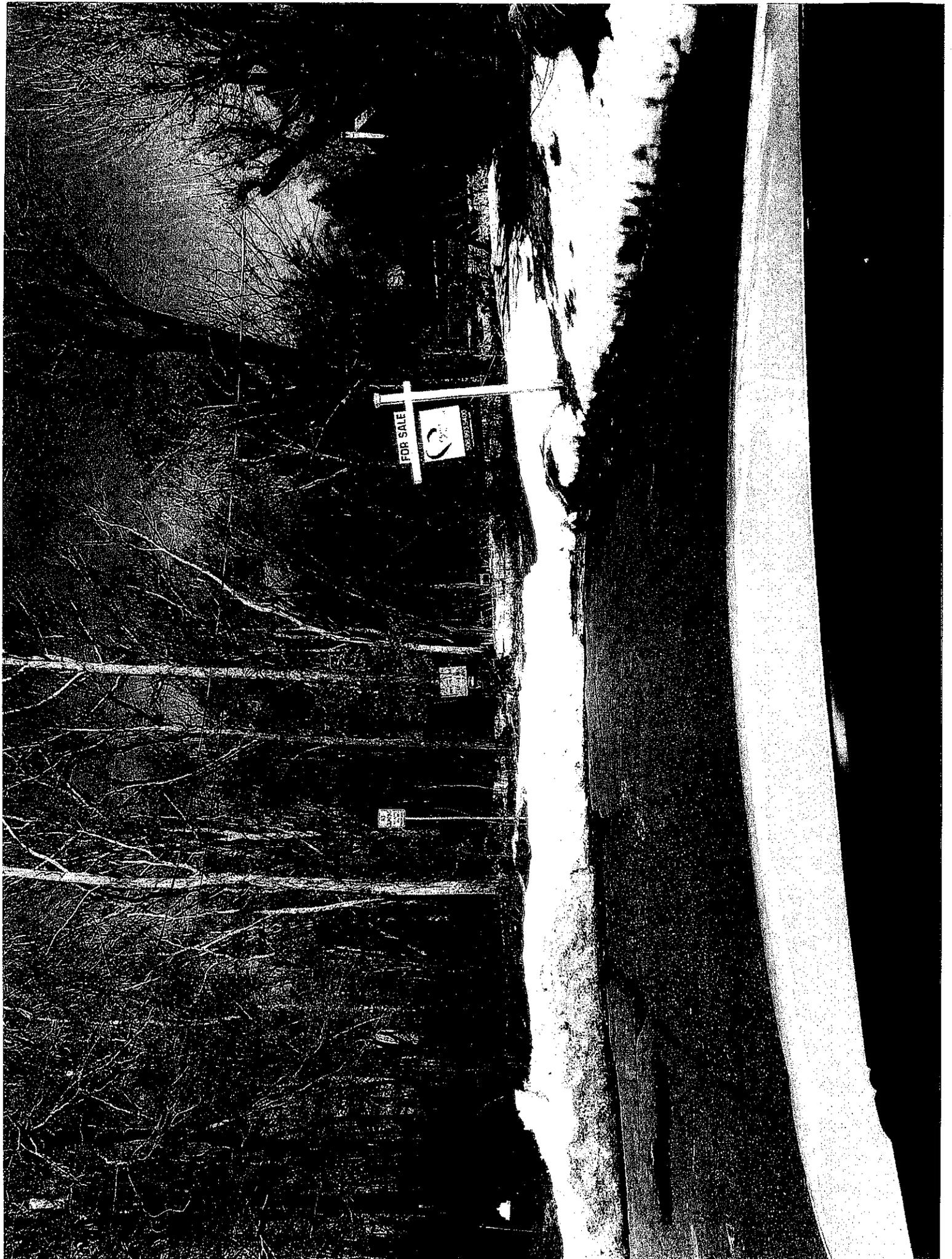


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feet
meters







- CODE OF ORDINANCES
Chapter 9 - COMPREHENSIVE ZONING

SECTION 1000. PURPOSE, AUTHORITY, AND DEFINITIONS.

Lot: Any lot or plot, in one ownership and not divided by a street and not within the limits of a public or private way upon which the lot abuts, occupied by one building and its accessory buildings and uses and including such open spaces as are required by this Ordinance.

Area: The horizontal area of the lot exclusive of any area in a street or recorded way open to public use. At least eighty (80) percent of the lot area required for zoning compliance shall be contiguous land other than that under any water body, bog, swamp, wet meadow, marsh, or other wetland, as defined in M.G.L.A. c. 131, § 40, as amended.

Corner: A lot with two (2) adjacent sides abutting upon streets or other public spaces.

Depth of: The mean distance from a street line of the lot to its opposite rear line, measured in the mean general direction of the side lines of the lot.

Frontage of: A lot line coinciding with the sideline of a street which provides both legal rights of vehicular access and actual physical vehicular access to the lot, said line to be measured continuously along a single street for the entire width of the lot. Vehicular access to a building site on the lot shall be exclusively through the legal frontage of the lot.

Line: The dividing line between lots. A rear lot line is the lot line opposite to the street line, or in the case of a corner lot, the lot line elected by the owner, provided that it be indicated on the plans filed with the Inspector of Buildings as provided hereafter. On a corner lot, only one line can be considered a street line; all other lines shall be considered side lines.

Width of: The horizontal distance between side lot lines, measured parallel to the lot frontage at the front yard setback line.

Low-level or radioactive waste facility: A facility the primary purpose or principal activity of which is the commercial collection, processing, reprocessing, storage, burial, incineration, disposal or brokerage of radioactive wastes, including but not limited to waste classified as low-level radioactive waste.

M.G.L.A.: The General Laws of the Commonwealth of Massachusetts, as amended from time to time.

Major recreational equipment: Campers, trailers, boats, vessels or other recreational vehicles or equipment.

Manufacturing: A use engaged in the basic processing and manufacturing of materials, or the manufacture from previously prepared materials, of finished products or parts, including processing, fabrication, assembly, treatment, packaging, incidental storage, sales and distribution of such products, but not including the following:

Garbage and refuse incineration or disposal otherwise of material not originating on the premises, except by the City of New Bedford; distillation of bones, rendering or fat or reduction of animal matter; manufacturing of glue; oil refining; bulk storage of petroleum products; foundries, manufacture of large machine parts, metal working; taberues; manufacture of cement products and cement mixing; processing, storage and distribution of asphalt products; slaughterhouses; sand gravel and stone processing plants; trailer parks and mobile homes; airports; piggeries.

Medical center or clinic: A building designed and used for the diagnosis and treatment of human patients that does not include overnight care facilities.

Mobile home: A dwelling built upon a chassis, containing complete electrical, plumbing and sanitary facilities, and designed without necessity of a permanent foundation for year-round living, irrespective of whether actually attached to a foundation or otherwise permanently located.

- CODE OF ORDINANCES
Chapter 9 - COMPREHENSIVE ZONING

SECTION 1000. PURPOSE, AUTHORITY, AND DEFINITIONS.

Sign, marquee: A sign on or attached to a permanent overhanging shelter that projects from the face of a building and is supported entirely by the building.

Sign, off-premises: A sign that advertises activities, goods, products, etc., that are available elsewhere than within the building or on the lot where the sign is located.

Sign, on-premises: A sign which advertises activities, goods, products, etc., that are available within the building or on the lot where the sign is located.

Storage shed: A covered structure, with no more than 200 square feet of floor space; is not attached or affixed to a foundation or slab that extends below the ground more than 10 inches; with no plumbing or installed heating facilities within the structure; a height no greater than 12 feet.

Story: That part of a building between the top of a finished floor and the top of the finished floor or roof next above.

A "ground story" or "first story" is the lowest story entirely above the mean grade of the adjoining ground.

An "upper story" is a story above the first story.

A "mezzanine story" is a full story wherever it occupies more than one-third (1/3) of the area of the story in which it is situated.

An "attic" is the space between the top story and a pitched roof.

Street: An accepted City way, or a way established by or maintained under county, state, or federal authority, or a way established by a subdivision plan approved in accordance with the subdivision control law actually constructed to specifications or for which adequate security exists to construct such way.

Street line: The dividing line between a street and a lot.

Structure: A combination of materials assembled at a fixed location to give support or shelter, such as a building, framework, retaining wall, tent, reviewing stand, platform, bin, fence, sign, flagpole, recreational tramway, mast for radio antenna or the like.

Tattooing: Any method of placing ink or other pigment into or under the skin or mucosa by the aid of needles or any other instrument used to puncture the skin, resulting in permanent coloration of the skin or mucosa. This includes all forms of cosmetic tattooing.

Tire recycling and re-treading: The process by which used tires are cut, torn, ripped or mutilated with the intention of being used in the manufacture of new tires or the process by which new tire treads are affixed to used tires.

Trailer: Any so-called automobile trailer, trailer coach, mobile home, including any portable structure, means of conveyance, or vehicle so designed, constructed, altered or converted in any manner as to permit occupancy thereof for dwelling or sleeping purposes, storage, or conducting business. The term "trailer" shall exclude construction site trailers.

Trailer camp or park: Any lot, parcel or tract of land, upon which two (2) or more trailers, occupied for dwelling or sleeping purposes, are located, regardless of whether or not a charge is made for such an accommodation.

Transport terminal: Terminal facilities for handling freight with or without maintenance facilities.

- CODE OF ORDINANCES
Chapter 9 - COMPREHENSIVE ZONING

SECTION 1000. PURPOSE, AUTHORITY, AND DEFINITIONS.

a radius of 1 mile from any property used as a pawnbroker establishment. No permit previously granted shall be revoked or subject to new conditions due solely to the location of any school, child care facility or Church within the circumscribed area subsequent to the special permit being granted.

(Ord. of 6-18-13, § 1)

4740A. Measurement of Radius. The radius distance shall be measured by following a straight line from the nearest point of the property parcel upon which the proposed pawnbroker establishment is to be located, to the nearest point of the parcel of property or the zoning district boundary line from which the proposed establishment is to be separated. In the case of the distance between pawnbrokers establishments such distances shall be measured between the closest points of the buildings in which such uses are located.

(Ord. of 6-18-13, § 1)

4750A. Reserved.

SECTION 5000. ADMINISTRATION AND PROCEDURES.

5100. ADMINISTRATION.

5200. ZONING BOARD OF APPEALS.

5300. SPECIAL PERMITS.

5400. SITE PLAN REVIEW.

5500. AMENDMENTS.

5600. APPLICABILITY.

5700. PLANNING MORATORIUM.

5800—8999. RESERVED.

9000. SEPARABILITY.

5100. ADMINISTRATION.

5110. Permits. This ordinance shall be administered by the Inspector of Buildings. Pursuant to the State Building Code, the Inspector of Buildings may require such plans and specifications as may be necessary to determine compliance with all pertinent laws of the Commonwealth and may request advisory reviews by other municipal boards and officials. Buildings, structures or signs may not be erected, substantially altered, moved, or changed in use and land may not be substantially altered or changed with regard to size or shape or principal use except in compliance with then-applicable zoning, and after all necessary permits have been received under federal, state, or local law. Issuance of a Building Permit or Certificate of Use and Occupancy, where required under the Commonwealth's State Building Code, may serve as such certification.

(Ord. of 12-23-03, § 1)