



City of New Bedford
ZBA VARIANCE APPLICATION

CASE # 4219

1. SUBMITTAL CHECKLIST

The following documentation must be submitted, in duplicate (1 Original and 11 Copies):

Have you included...			Planning staff review finds...	
Yes	No		Yes	No
<input checked="" type="checkbox"/>	<input type="checkbox"/>	A <u>Completed and Signed Application</u>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
<input checked="" type="checkbox"/>	<input type="checkbox"/>	An <u>Existing Conditions Site Plan</u> , drawn to a scale not less than 1 inch: 40 feet, identifying positioning of existing structures must be provided. Your site plan must show footprint and dimensions of rear, front and side distances between structure(s) and boundary lines.	<input checked="" type="checkbox"/>	<input type="checkbox"/>
<input checked="" type="checkbox"/>	<input type="checkbox"/>	A <u>Proposed Site Plan</u> showing all proposed alterations or additions with side, front and rear set property lines identified.	<input checked="" type="checkbox"/>	<input type="checkbox"/>
<input type="checkbox"/>	<input type="checkbox"/>	<u>Sub-Division Plans</u> if Applicable.	<input type="checkbox"/>	<input checked="" type="checkbox"/>
<input checked="" type="checkbox"/>	<input type="checkbox"/>	A <u>Certified Abutter's List</u> prepared by planning staff and certified by the Assessor's Office.	<input checked="" type="checkbox"/>	<input type="checkbox"/>
<input checked="" type="checkbox"/>	<input type="checkbox"/>	<u>Plot Plan</u> as provided through Department of Inspectional Services or through the Assessor's Office (in person or online through parcel lookup).	<input checked="" type="checkbox"/>	<input type="checkbox"/>
<input checked="" type="checkbox"/>	<input type="checkbox"/>	<u>Filing Fee</u> in check form made payable to the City of New Bedford.	<input checked="" type="checkbox"/>	<input type="checkbox"/>
<input checked="" type="checkbox"/>	<input type="checkbox"/>	Copy of <u>Building Permit Rejection Packet</u> (Containing Rejected Building Permit and all information submitted with Building Permit Application)	<input checked="" type="checkbox"/>	<input type="checkbox"/>
<input checked="" type="checkbox"/>	<input type="checkbox"/>	<u>Owner's Verification</u> including owner's signature and parcel deed for all involved parcels.	<input checked="" type="checkbox"/>	<input type="checkbox"/>

CITY CLERK
 CITY OF NEW BEDFORD
 JAN 21 9 23 AM
 CITY CLERK'S OFFICE
 NEW BEDFORD, MA

Official Use Only:

Review of submittal compliance performed by _____ of the city's Division of Planning.
 Staff review found the application packet to be complete incomplete on this date _____

This is page 1 of your ZBA Application BUT YOU DO NOT NEED 11 COPIES OF IT; just the original is enough.
 Please remove the instruction pages when submitting your completed application packet but keep this as your first page.

If your petition is denied, after the official decision is recorded with the City Clerk, there is a twenty (20) day period you may appeal to the Massachusetts Superior Court. (*The 20 day appeal period begins from the date of the decision's filing with the City Clerk, not the date of the decision.*) The procedures for appeal are set forth in Massachusetts General Laws Chapter 40A Section 17.

WHAT IF I NEED TO REQUEST A POSTPONMENT?

All requests for postponement will be considered on the scheduled hearing date. The petitioner must appear before the Board. If that is not possible an appointed representative of the petitioner must appear with a signed letter of authorization to act on their behalf. The appointed representative must be authorized to sign an extension of time limits of approximately 30-90 days. If the Board grants the postponement, an agreed upon hearing date will be set and announced at that time, to accommodate the petitioner and the abutters. The Board will not re-advertise or re-notify abutters of the newly scheduled hearing. The Notice of Hearing will be posted at the City Clerk's Office at City Hall for informational purposes.

CAN I WITHDRAW MY APPLICATION?

You may withdraw your application without prejudice prior to the publication of the notice of a public hearing. If you withdraw prior to the publication of the notice, your filing fee is refundable.

If the public hearing notice has been published, the ZBA must approve your request to withdraw without prejudice at the scheduled hearing date. Once the notice has been published—even if it is only once—no part of the filing fee is refundable.

2. VARIANCE SPECIFICS

The undersigned petitions the New Bedford Zoning Board of Appeals [ZBA] to grant a VARIANCE in the manner and for the reasons set forth here under the provisions of the city's zoning ordinance to the following described premises:

APPLICATION SUMMARY (PLEASE PRINT)

SUBJECT PROPERTY			
ASSESSOR'S MAP PLOT#	74	LOT(S)#	10
REGISTRY OF DEEDS BOOK:	6750	PAGE #	91
PROPERTY ADDRESS: 7 Eastland Terrace, New Bedford, MA			
ZONING DISTRICT:	Res. A		
OWNER INFORMATION			
NAME: Marcel Vieira			
MAILING ADDRESS: 7 Eastland Terrace, New Bedford, MA 02740			
APPLICANT/CONTACT PERSON INFORMATION			
NAME (IF DIFFERENT): Richard J. Manning Jr., Esq.			
APPLICANT'S RELATIONSHIP TO THE PROPERTY: Check one:	OWNER <input type="checkbox"/>	CONTRACT VENDEE <input type="checkbox"/>	OTHER Describe <input checked="" type="checkbox"/> Attorney
MAILING ADDRESS (IF DIFFERENT): 167 William Street, New Bedford, MA 02740			
TELEPHONE #	508-999-0039		
EMAIL ADDRESS:	jrm@manninglawoffice.org		

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 ZBA 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.

Marcel Vieira

Signature of Applicant/s

01-15-16

Date

If the applicant differs from the owner, this section must be completed/signed by the property owner/s:

I hereby authorize the applicant represented above and throughout this application to apply and to represent my/our interests on my/our behalf for the relief requested herein for the premises I/we own noted as "property address" above and presented throughout this application. Furthermore, by signing this application I/we acknowledge having read and understood this application and the accompanying instructions and information. If petition is granted, I/we understand the approvals are specific to the plans submitted, unless the Board states otherwise and that if granted, that the variance must be recorded and acted upon within one year.

Signature of Owner/s

Date

APPLICATION SPECIFICS

DIMENSIONS OF LOT/S:	FRONTAGE 111.77	DEPTH 55.72	AREA in SQ FT 6,493		
EXISTING BUILDING/S	# OF BLDGS 1	EXISTING SIZE 23'x33'	TOTAL SQ FT BY FLOOR 759	NUMBER OF FLOORS 3	TOTAL SQ. FT ENTIRE STRUCTURE 2,277
	# OF DWELLING UNITS 1		# OF BEDROOMS 3		
PROPOSED BUILDING/S	# OF BLDGS	PROPOSED SIZE	TOTAL SQ. FT BY FLOOR	NUMBER OF FLOORS	TOTAL SQ. FT ENTIRE STRUCTURE
	# OF DWELLING UNITS		# OF BEDROOMS		EXTENT OF PROPOSED ALTERATIONS
EXISTING USE OF PREMISES:	Single Family Residence				
PROPOSED USE OF PREMISES:	Single Family Residence				
EXPLAIN WHAT MODIFICATIONS YOU ARE PROPOSING THAT NECESSITATE THE REQUESTED VARIANCE:	<p>Applicant hired a contractor to finish the basement in 2008. Unbeknownst to owner the contractor completed this work without obtaining permits. Applicant needs a variance to retain these renovations since the house would have three stories of habitable space.</p>				

If there's a commercial use existing and/or proposed, please complete the following:

	EXISTING	PROPOSED
NUMBER OF CUSTOMERS PER DAY		
NUMBER OF EMPLOYEES		
HOURS OF OPERATION	N/A	
DAYS OF OPERATION		
HOURS OF DELIVERIES		
FREQUENCY OF DELIVERIES (Check frequency)	<input type="checkbox"/> DAILY <input type="checkbox"/> WEEKLY <input type="checkbox"/> MONTHLY <input type="checkbox"/> OTHER	<input type="checkbox"/> DAILY <input type="checkbox"/> WEEKLY <input type="checkbox"/> MONTHLY <input type="checkbox"/> OTHER

If you are also requesting site plan review and special permit/s from the planning board, please specify here:

N/A

Complete each item that is relevant to your variance request:

	Existing	Allowed/ Required	Proposed
Lot Area (sq ft)	6,493 +/-		Same
Lot Width (ft)	111.77 +/-		"
Number of Dwelling Units	1		"
Total Gross Floor Area (sq ft)	759 +/-		"
Residential Gross Floor Area (sq ft)	759 +/-		"
Non-Residential Gross Floor Area (sq ft)	N/A		"
Building Height (ft)	30'		"
Front Setback (ft)	17'		"
Side Setback (ft)	19.2'		"
Side Setback (ft)	19.2'		"
Rear Setback (ft)	16'		"
Lot Coverage by Buildings (% of Lot Area)	20%		"
Permeable Open Space (% of Lot Area)	60%		"
Green Space (% of Lot Area)	60%		"
Off-Street Parking Spaces	1 (20x40)		"
Loading Bays	N/A		"
Number of Ground Signs	N/A		"
Height of Ground Sign	N/A		"
Proximity of Ground Sign to Property Line	N/A		"
Area of Wall Sign (sq ft)	N/A		"
Number of Wall Signs	N/A		"

3. PARCEL LEGAL DOCUMENTATION

Title Reference to Property Book 6750 Page 91
 (Attach copy of Deed, Certificate of Title & most recent Recorded Plans showing affected lot or lots)

Is the applicant also the owner? Yes No

If no, please attach the following three items to your application and indicate they are attached:

- A notarized authorization letter on letterhead from the owner to tenant/buyer for application of this permit.

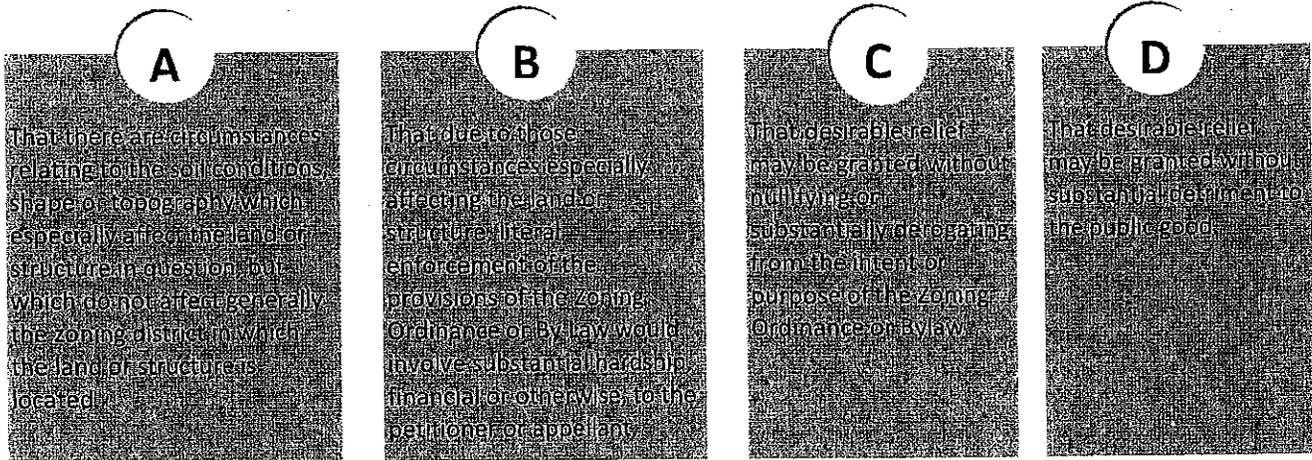
If the Applicant is Not the Owner, Provide:

- A copy of the Purchase & Sale Agreement or lease, where applicable.

- A 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.

4. REQUIRED FINDINGS FOR GRANTING A VARIANCE

Massachusetts General Law Chapter 40A Section 10 requires the "permit granting authority" (which, in this instance is the Zoning Board of Appeals) to make ALL the following findings before a variance can be granted:



The full text of M.G.L. Chapter 40A, Section 10 can be viewed at: <http://www.mass.gov/legis/laws/mgl/>

Because the ZBA must be able to articulate each of these four findings in order to grant a variance, you must make your case as to WHY your application meets each of these four points. **This is an extremely important question and it is recommended that you answer this VERY carefully.** You may use an additional sheet if needed.

A Describe any circumstances relating to soil conditions, shape or topography which especially affect the land or structure in question but that doesn't generally affect the zoning district in which your premises is located:

Due to the shape of the subject lot, any addition to the existing
structure to increase the living space is not possible.

B Describe how circumstances unique to your land or structure would mean a substantial hardship to you if the city were to literally enforce the zoning ordinance:

The owner would lose the benefit/cost of the prior construction and be
unable to duplicate the same.

C Describe how granting you relief would not take away from the purpose of the city's zoning ordinance:

The house would retain all of its external appearance, being that of a
single family home in a Res. A District

D Describe why nobody else would be hurt if the city granted your requested zoning relief:

It would have no bearing on any neighbors since there would be no expansion
or alteration of the exterior of the structure.



City of New Bedford
REQUEST for a CERTIFIED ABUTTERS LIST

This information is needed so that an official abutters list as required by MA General Law may be created and used in notifying abutters. You, as applicant, are responsible for picking up and paying for the certified abutters list from the assessor's office (city hall, room #109).

SUBJECT PROPERTY	
MAP #	LOT(S)#
ADDRESS: 7 EASTLAND TERRACE	
OWNER INFORMATION	
NAME: MARCEL VIEIRA	
MAILING ADDRESS: 7 Eastland Terrace, NB	
APPLICANT/CONTACT PERSON INFORMATION	
NAME (IF DIFFERENT):	
MAILING ADDRESS (IF DIFFERENT):	
TELEPHONE #	
EMAIL ADDRESS:	
REASON FOR THIS REQUEST: <i>Check appropriate</i>	
<input checked="" type="checkbox"/>	ZONING BOARD OF APPEALS APPLICATION
<input type="checkbox"/>	PLANNING BOARD APPLICATION
<input type="checkbox"/>	CONSERVATION COMMISSION APPLICATION
<input type="checkbox"/>	LICENSING BOARD APPLICATION
<input type="checkbox"/>	OTHER (<i>Please explain</i>):

Once obtained, the Certified List of Abutters must be attached to this Certification Letter.

This sheet is NOT part of your ZBA application but you will need to submit this form to the Planning Division Room 303 in City Hall, 133 William Street. You, as applicant, are responsible for picking up and paying for the certified abutters list from the assessor's office (city hall, room #109).

Official Use Only:

As Administrative Assistant to the City of New Bedford's Board of Assessors, I 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

Carlos Amado

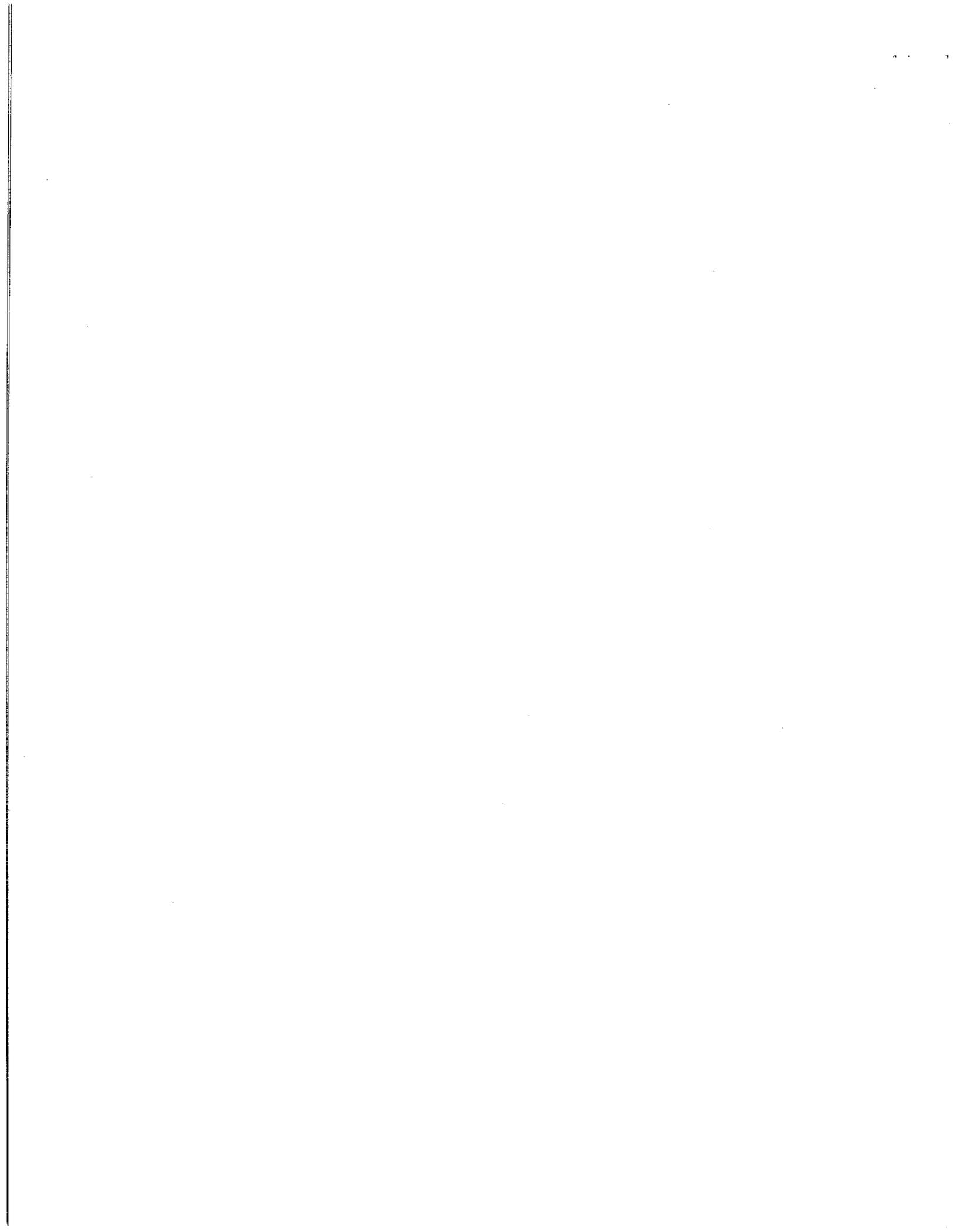
Printed Name

Carlos Amado

Signature

1/19/2016

Date



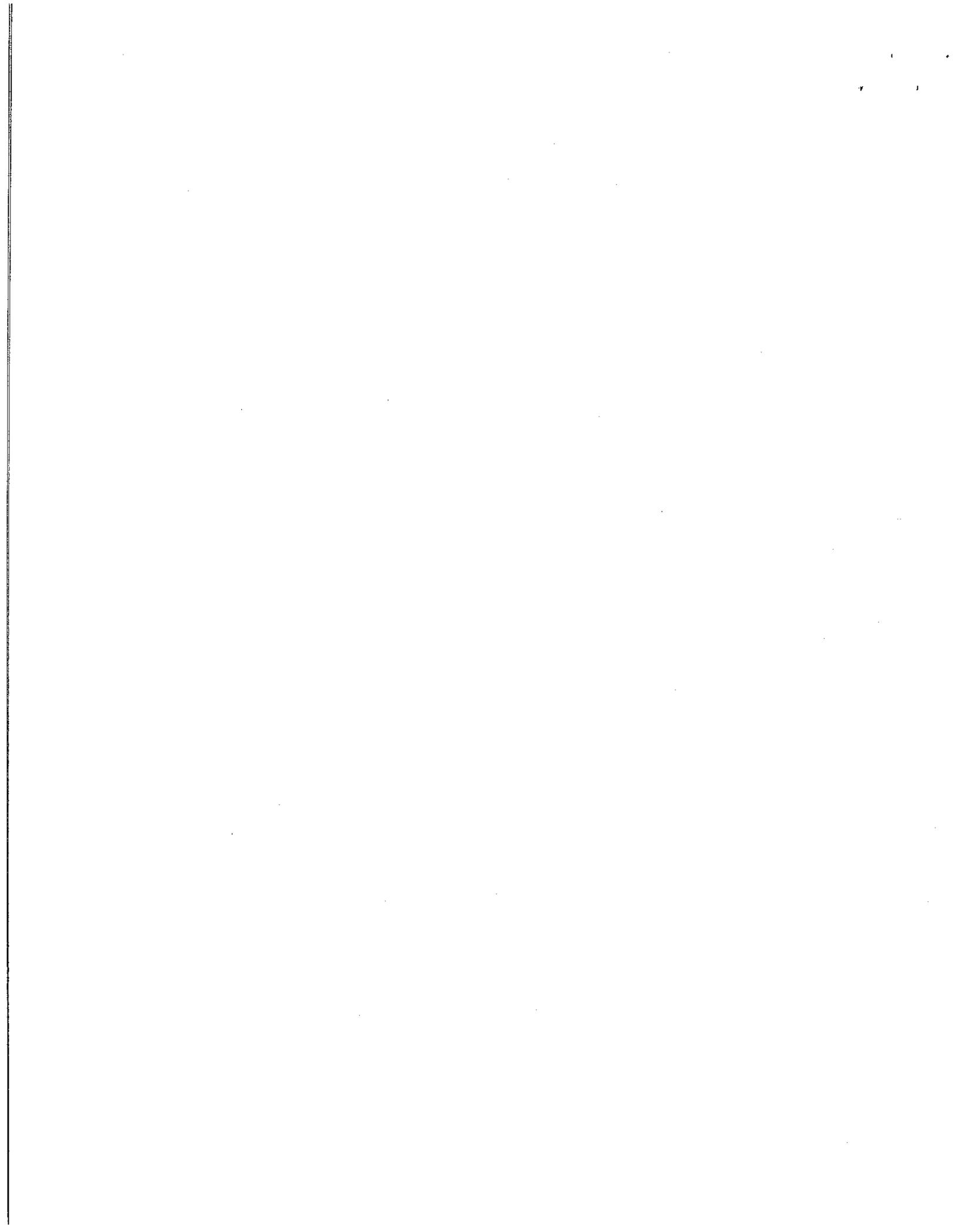
August 26, 2015

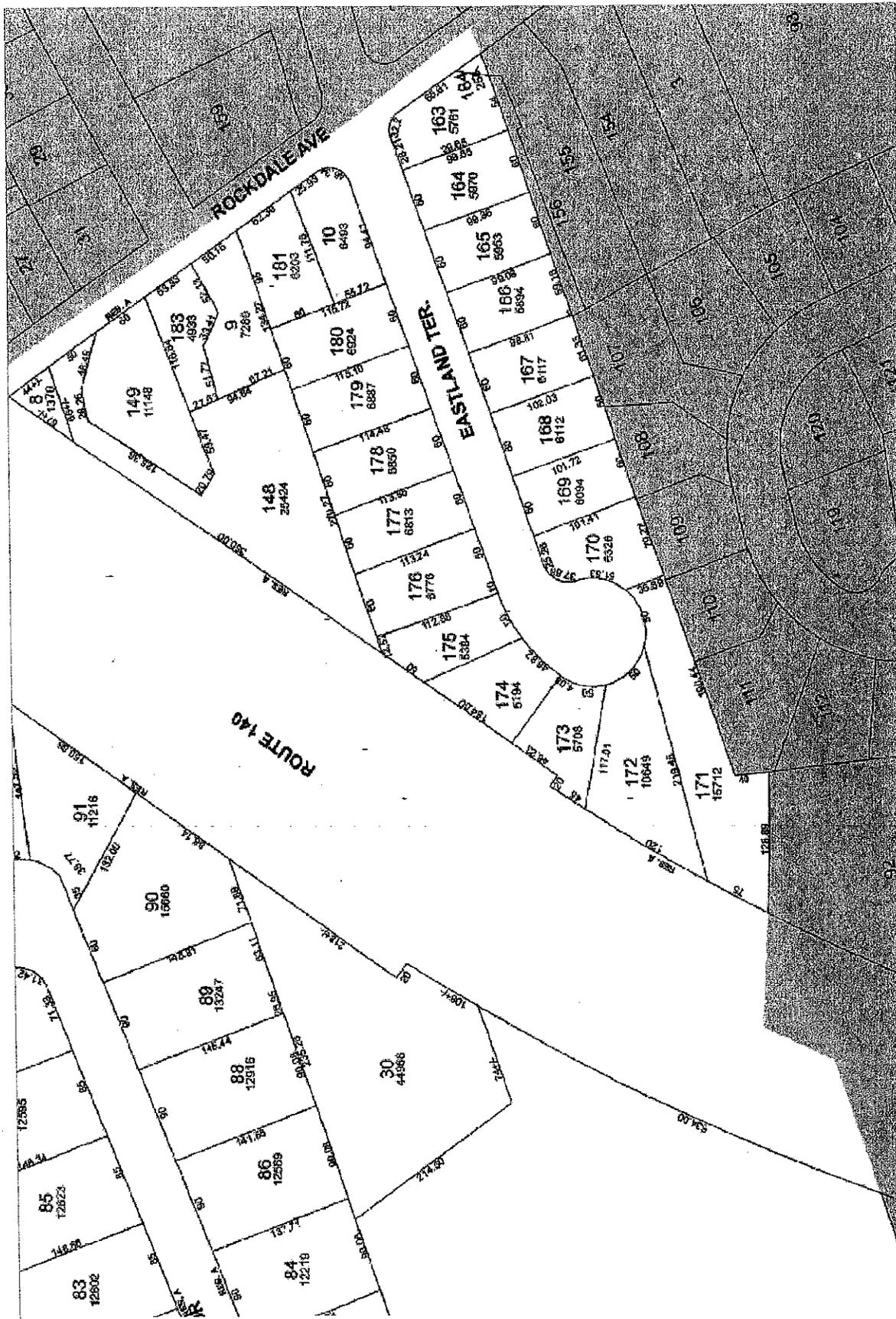
Dear Applicant,

Please find below the List of Abutters within 300 feet of the property known as 7 Eastland Terrace (74-10) 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.

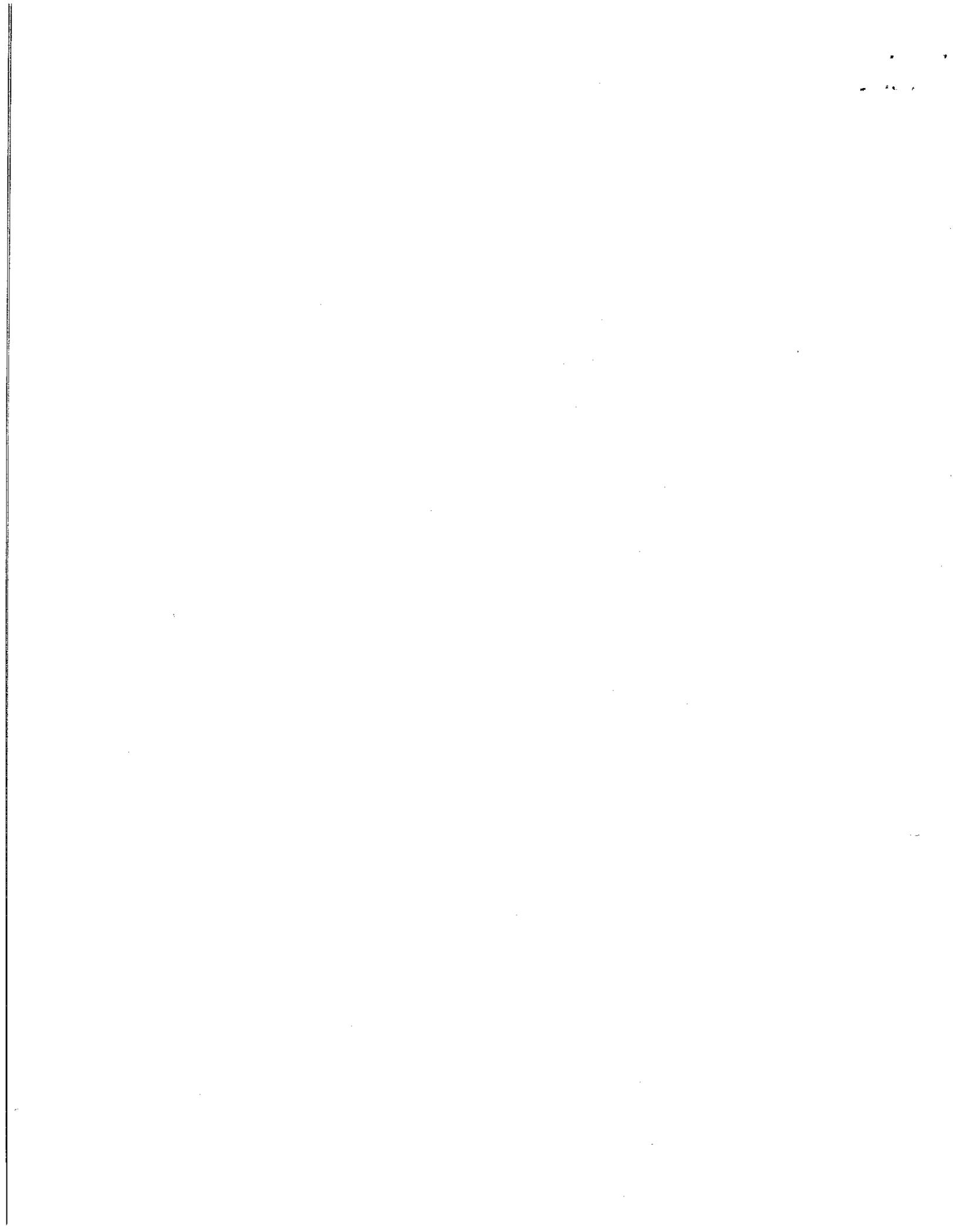
Please note that multiple listed properties with identical owner name and mailing address shall be considered duplicates, and shall require only 1 mailing. Additionally, City of New Bedford-Owned properties shall not require mailed notice.

Parcel	Location	Owner and Mailing Address
74-163 SS	EASTLAND TER	VASCONCELLOS PEARL, TRUSTEE, EASTLAND FARMS NOMINEE REALTY TRUST 759 CJC HIGHWAY #375 COHASSET, MA 02025
74-165	14 EASTLAND TER	ALMEIDA ANTONIO D, ALMEIDA PAULINE Y 14 EASTLAND TERRACE NEW BEDFORD, MA 02740
74-10	7 EASTLAND TER	VIEIRA MARCEL, 7 EASTLAND TERRACE NEW BEDFORD, MA 02740
74-179 NS	EASTLAND TER	VASCONCELLOS PEARL, TRUSTEE, EASTLAND FARMS NOMINEE REALTY TRUST 759 CJC HIGHWAY #375 COHASSET, MA 02025
81-159	1162 ROCKDALE AVE	SIMMONS CHRISTOPHER "TRUSTEE", 1160 ROCKDALE AVENUE REALTY TRUST 1160 ROCKDALE AVENUE NEW BEDFORD, MA 02740
74-164	8 EASTLAND TER	VITAL NANCY P, 8 EASTLAND TERRACE NEW BEDFORD, MA 02740
75-242	1148 ROCKDALE AVE	CZABAN JANE O, 1148 ROCKDALE AVE NEW BEDFORD, MA 02740
74-180 NS	EASTLAND TER	VASCONCELLOS PEARL, TRUSTEE, EASTLAND FARMS NOMINEE REALTY TRUST 759 CJC HIGHWAY #375 COHASSET, MA 02025
74-181	1163 ROCKDALE AVE	SILVA SANDRA F, 1163 ROCKDALE AVENUE NEW BEDFORD, MA 02740
74-9 WS	ROCKDALE AVE	SMITH MARK A "TRUSTEE", C/O PEARL DONNENFELD 759 CHIEF JUSTICE CUSHINGHIGHWAY #375 COHASSET, MA 02025
81-45	1160 ROCKDALE AVE	SIMMONS CHRISTOPHER "TRUSTEE", 1160 ROCKDALE AVENUE REALTY TRUST 1160 ROCKDALE AVENUE NEW BEDFORD, MA 02740
74-148	1169 ROCKDALE AVE	MAFFEI JOHN "TRUSTEE", C/O PEARL DONNENFELD 759 CJC HIGHWAY #375 COHASSET, MA 02025





Plot Plan



I, Pearl Vasconcellos, Trustee of Eastland Farms Nominee Realty Trust, under Declaration of Trust dated November 13, 1996, and recorded in the Bristol County (S.D.) Registry of Deeds in Book 3768, Page 251, of Stoughton, Norfolk County, Massachusetts, for consideration paid, and in full consideration of Two Hundred Eighty Four Thousand and no/100 (\$ 284,500.00) Dollars
five hundred

grant to Marcel Vieira

of 7 Eastland Terrace New Bedford, MA

with QUITCLAIM COVENANTS

(Description and encumbrances, if any)

The land in said New Bedford, bounded and described as follows:

Being shown as Lot #21 on a plan entitled "Definitive Plan of Eastland Farms in New Bedford, MA prepared for John Maffei, Scale: 1" = 40' dated June 22, 1996, prepared by SITEC", and recorded in the Bristol County (S.D.) Registry of Deeds at Plan Book 136, Page 76.

Being a portion of the premises conveyed to this grantor by deed of Carolyn Maguire, a/k/a Carolyn McGuire, dated October 31, 1996, and recorded in said registry at Book 3768, Page 255.

EXECUTED under seal this 16th day of JANUARY, 2004

Eastland Farms Nominee Realty TRUST

By:

[Signature]

Pearl Vasconcellos, Trustee

REG OF DEEDS
REG #07
BRISTOL S

01/20/04 2:18PM 01
00000 8835

COMMONWEALTH OF MASSACHUSETTS

FEE \$42.64
FEE \$42.64

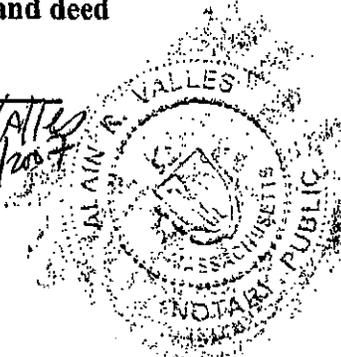
Pymont, ss:

JANUARY 16, 2004

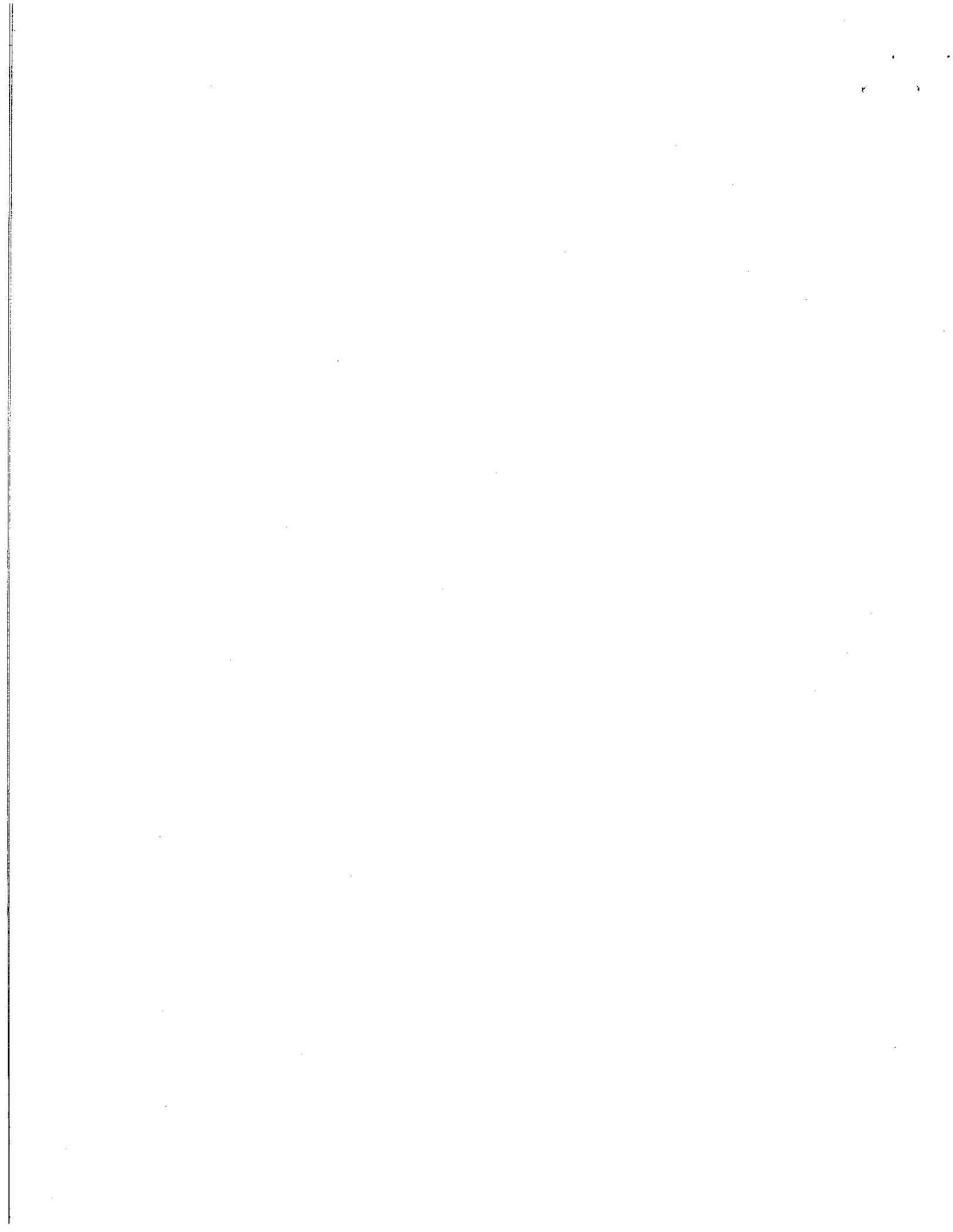
CASH \$1085.28

Then personally appeared the above-named Pearl Vasconcellos, Trustee as aforesaid and acknowledged the foregoing instrument to be her free act and deed before me,

[Signature]
Notary Public: ALAN R. VALLES
My Commission Expires: 5/10/2007



REG OF DEEDS
REG #07
BRISTOL S
01
01/20/04 2:53PM
00000 88538
FEE \$212.04
CASH \$212.04



TRUSTEE'S CERTIFICATE

I, Pearl Vasconcellos, being all of the present Trustees of Eastland Farms Nominee Realty Trust, u/d/t dated November 13, 1996, and recorded in the Bristol County (S.D.) Registry of Deeds at Book 3768, Page 251, hereby certify as follows:

1. That I have been authorized by the beneficiaries of said trust to sell Lot #21 as shown on a plan entitled "Definitive Plan of Eastland Farms in New Bedford, MA prepared for John Maffei, Scale: 1" = 40' dated June 22, 1996, prepared by SITEC", and recorded in the Bristol County (S.D.) Registry of Deeds at Plan Book 136, Page 76.

2. That the Eastland Farms Nominee Realty Trust is presently in existence.

3. That there are no unrecorded amendments in connection with said Trust.

4. That the Trustee(s) and the beneficiary(ies) of the Trust are not the same person(s).

5. The beneficiary is not a corporation.

WITNESS my hand and seal this 16th day of January, 2004.

By: [Signature]
Pearl Vasconcellos, Trustee

COMMONWEALTH OF MASSACHUSETTS

Plymouth, SS.

January 16, 2004

Then personally appeared the above-named Pearl Vasconcellos, Trustee as aforesaid, and acknowledged the foregoing instrument to be her free act and deed, before me.

[Signature]
Notary Public Alain Valles
My Commission Expires: 5/16/2007

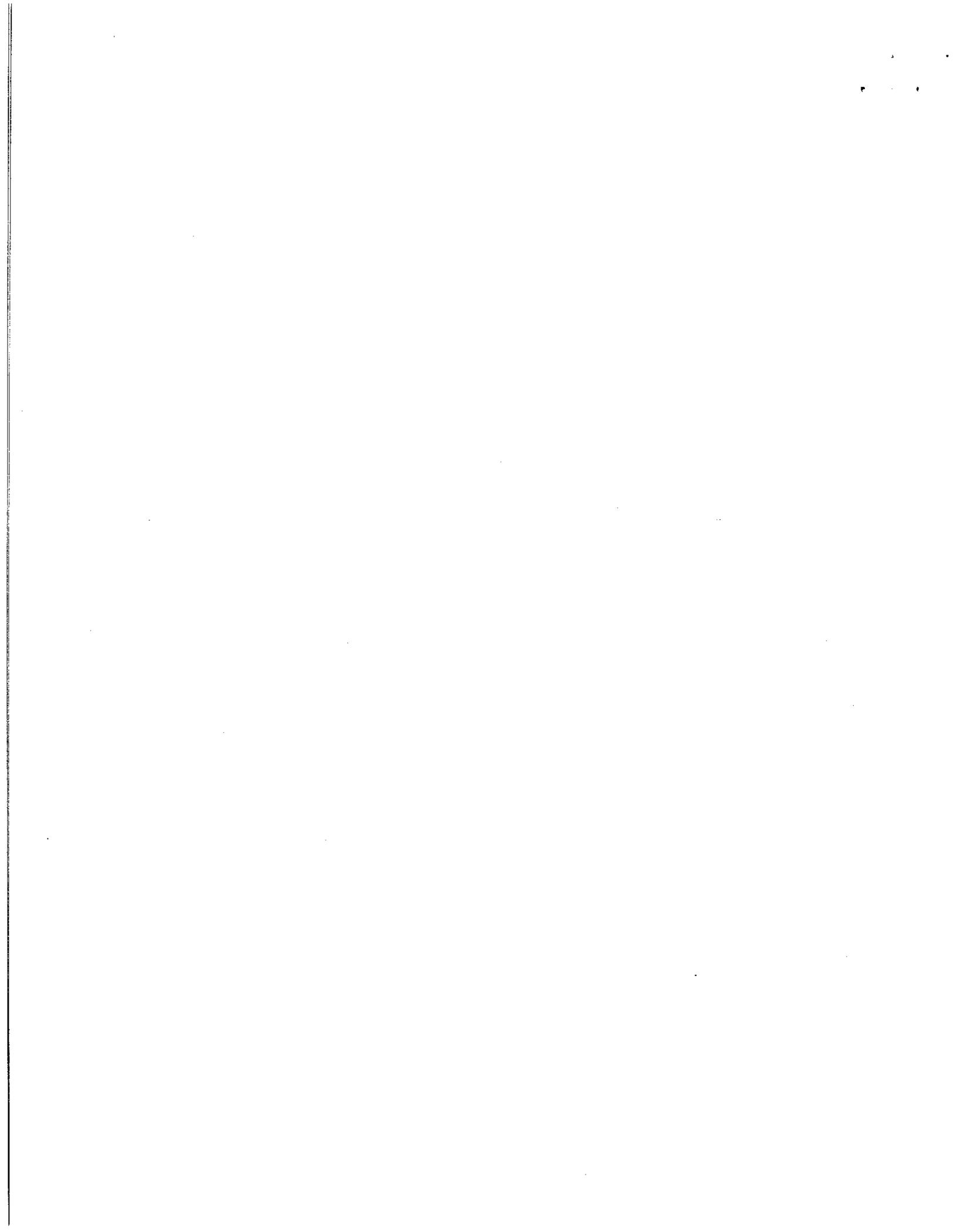


A true copy of instrument as recorded in
Bristol County (S.D.) Registry of Deeds
in Book 6750 Page 91

ATTEST:

[Signature]
REGISTER





Certificate of Occupancy

0882



CITY OF NEW BEDFORD MASSACHUSETTS BUILDING DEPARTMENT

Building Permit No. 1479-03 Date of Completion 1/12/04

To John Maffii

Name of Owner

P.O.Box 79416

Address of Owner

Dartmouth, MA
City State

Permission is hereby granted to use or permit the use of the building and premises located at:

7 Eastland Terrace

PLOT 74 LOT 10

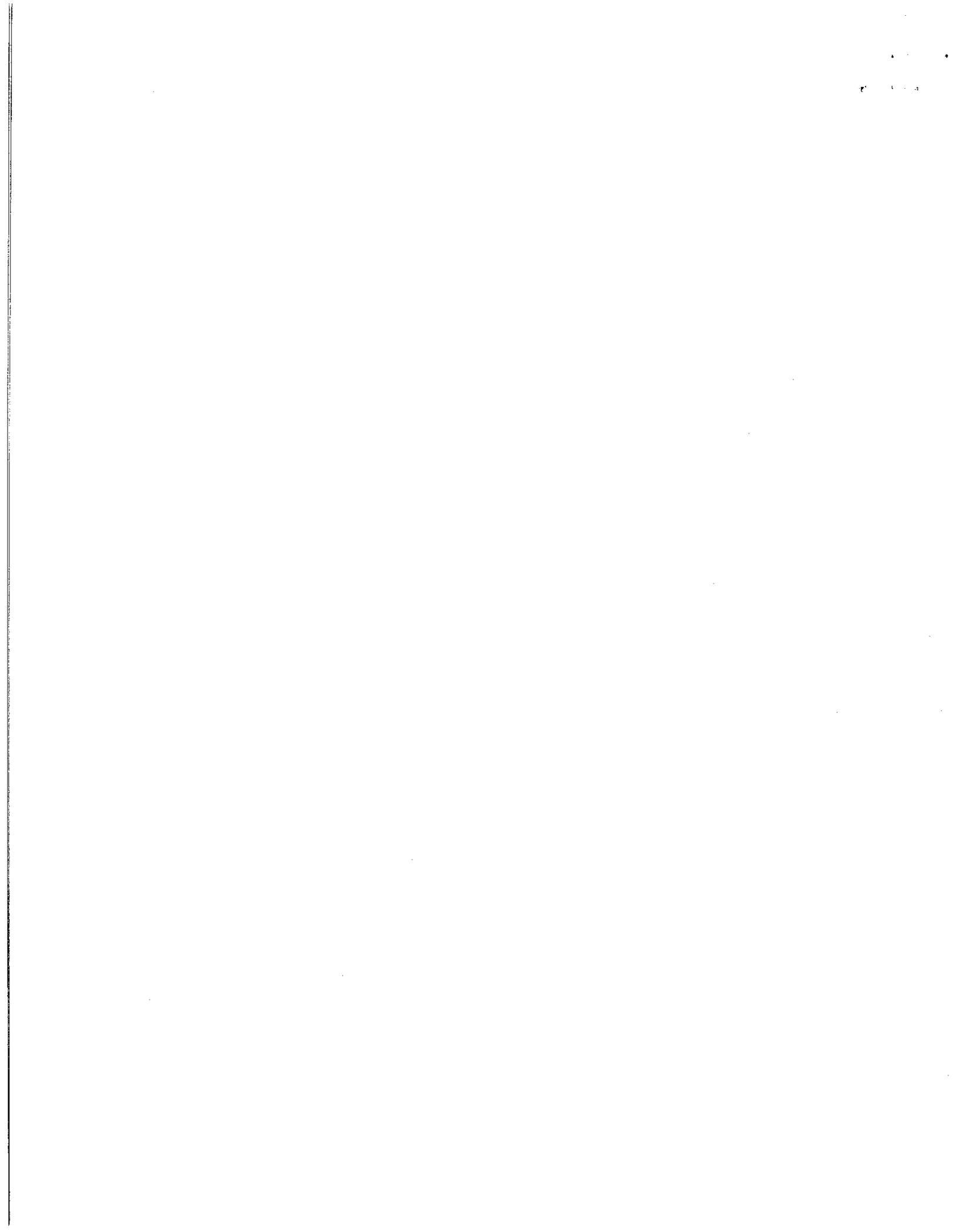
Description of Building and Premises

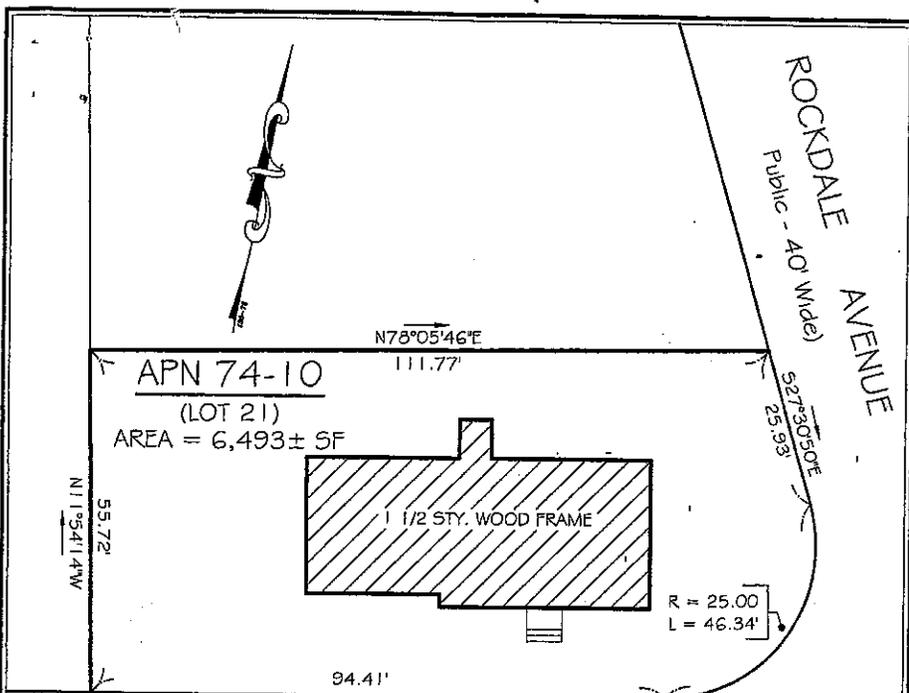
Building Use S/F Dwelling Type of Construction Wood Frame

The above building or structure is approved for occupancy having been completed in accordance with the provisions of the approved Permits, M.S.B.C. and New Bedford Zoning Ordinance including paved street and all street parking with curb cut.

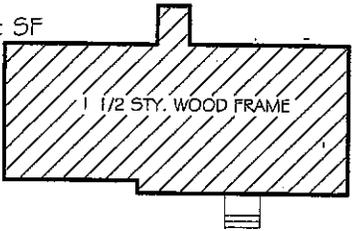
NO FURTHER ALTERATIONS SHALL BE MADE WITHOUT A PERMIT FROM THIS DEPARTMENT

<u>Ronald H. Sabella</u> Water Department Date <u>1-16-04</u>	<u>Danny J. Romano</u> Local Building Inspector Date <u>1/15/04</u>
<u>[Signature]</u> Commissioner of Dept. of Public Works Date <u>1-16-04</u>	<u>[Signature]</u> Superintendent Wire Dept Date <u>1/15/04</u>
<u>[Signature]</u> Chief Fire Department Date <u>1/16/04</u>	<u>[Signature]</u> Chief Plumbing & Gas Inspector Date <u>1/15/04</u>
<u>[Signature]</u> Health Department Date <u>1-14-04</u>	<u>[Signature]</u> Conservation Commission Date <u>1/16/04</u>
<u>Robert Hatcher</u> Commissioner & Inspector of Bldgs Date <u>1/16/04</u> DDR	





APN 74-10
(LOT 21)
AREA = 6,493 ± SF



R = 25.00
L = 46.34'

EASTLAND TERRACE
(50' Wide)

CURRENT OWNER: EASTLAND FARMS NOMINEE TRUST

LOCUS: LOT 21,
EASTLAND TERRACE,
NEW BEDFORD, MA

LEGAL REF: BOOK 3768, PAGE 255
PLAN BOOK 136, PAGE 76 (B.C.R.D. - SOUTH)

I hereby certify to Garcia & Phillips, LLP, that, to the best of my knowledge and in my professional opinion, the structures, if any, as shown hereon were in conformance with local horizontal set-back requirements when constructed, or are now exempt from set-back requirements per MGL Title VII, Ch. 40A, Section 7; that the structure is not located in a Special Flood Hazard Zone as shown on F.E.M.A. Community Panel number 255216-0009-B, dated January 5, 1984.

This plan is NOT the result of an on-the-ground instrument survey; is NOT to be used to determine property line locations; is NOT valid without an original signature; is NOT to be used for construction of any kind.

MORTGAGE LOAN INSPECTION
IN
NEW BEDFORD, MASSACHUSETTS
PREPARED FOR
PHILLIPS & GARCIA, LLP

JOB No.: 03121
DATE: 09JAN04
SCALE: 1" = 20'

HSG HOOD SURVEY GROUP, LLC
LAND SURVEYORS - MAPPERS - CONSULTANTS
18 Old King's Highway, (Rte. 6A) - Sandwich, MA 02563
Ph: (508) 888-1090 Fax: (508) 888-7890

Richard J. Hood
REGISTERED PROFESSIONAL SURVEYOR

