

4227



# City of New Bedford ZBA SPECIAL PERMIT APPLICATION

CASE #4227

## 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 checked="" type="checkbox"/>	<u>Sub-Division Plans</u> if Applicable.	<input checked="" type="checkbox"/>	<input 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"/>
<input type="checkbox"/>	<input checked="" type="checkbox"/>	<u>Development Impact Statement (DIS)</u> , if required (per Chapter 9 section 5350 of the City of New Bedford Zoning Code)	<input checked="" type="checkbox"/>	<input type="checkbox"/>

### Official Use Only:

Review of submittal compliance performed by ANNE COOPER of the city's Division of Planning. Staff review found the application packet to be  complete  incomplete on this date 4-8-16

This is page 1 of your ZBA Application.

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 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.

# SPECIAL PERMIT SPECIFICS

undersigned petitions the New Bedford Zoning Board of Appeals [ZBA] to grant a SPECIAL PERMIT 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#	56	LOT(S)#	134
REGISTRY OF DEEDS BOOK #:	8318	PAGE #	290
PROPERTY ADDRESS:	45 Summit st - New Bedford - 02740		
ZONING DISTRICT:			

### OWNER INFORMATION

NAME: ARLDO FILVES JR

MAILING ADDRESS: 87 ALPHA ST - DARTMOUTH - 02747

### APPLICANT/CONTACT PERSON INFORMATION

NAME (IF DIFFERENT):

APPLICANT'S RELATIONSHIP TO THE PROPERTY:  
 Check one: OWNER  CONTRACT VENDEE  OTHER Describe

MAILING ADDRESS (IF DIFFERENT):

TELEPHONE # 508-685-3782

EMAIL ADDRESS: JUNIOR@STONETEKINC.COM

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.

Arldo Filves Junior Signature of Applicant/s 04-07-2016 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 special permit must be recorded and acted upon within one year.

Arldo Filves Junior Signature of Owner/s 04-07-2016 Date

**APPLICATION SPECIFICS**

DIMENSIONS OF LOT/S:	FRONTAGE 74.48	DEPTH 66'	AREA in SQ FT 4,913		
EXISTING BUILDING/S	# OF BLDGS 1	EXISTING SIZE 1048'	TOTAL SQ FT BY FLOOR	NUMBER OF FLOORS 2	TOTAL SQ. FT ENTIRE STRUCTURE
	# OF DWELLING UNITS 1		# OF BEDROOMS 2		
PROPOSED BUILDING/S	# OF BLDGS NA	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:	RESIDENCE				
PROPOSED USE OF PREMISES:					
EXPLAIN WHAT MODIFICATIONS YOU ARE PROPOSING THAT NECESSITATE THE REQUESTED SPECIAL PERMIT:	ADDITION OF DRIVEWAY TO REAR OF LOT DUE TO TOPOGRAPHY.				

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

	EXISTING	PROPOSED
NUMBER OF CUSTOMERS PER DAY		
NUMBER OF EMPLOYEES	NA	
HOURS OF OPERATION		
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:

NA

### 3. PARCEL LEGAL DOCUMENTATION

Title Reference to Property 45 Summit St.  
(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 SPECIAL PERMIT

City of New Bedford Code of Ordinances Chapter 9 Section 5320 requires the ZBA to find the benefit to the City and the neighborhood outweighs the adverse effects of the proposed use, taking into account the characteristics of the site and of the proposal in relation to that site.

This determination includes consideration of each of the following:

<p><b>A</b></p> <p>Social, economic, or community needs which are served by the proposal</p>	<p><b>B</b></p> <p>Traffic flow and safety, including parking and loading</p>	<p><b>C</b></p> <p>Adequacy of utilities and other public services</p>
<p><b>D</b></p> <p>Neighborhood character and social structures</p>	<p><b>E</b></p> <p>Impacts on the natural environment</p>	<p><b>F</b></p> <p>Potential fiscal impact, including impact on City services, tax base, and employment</p>

The full text of New Bedford Code of Ordinances can be accessed from: [www.newbedford-ma.gov](http://www.newbedford-ma.gov)

Because the ZBA must be able to articulate their findings on each of the items listed above in order to grant a special permit, you must make your case as to HOW your application affects each of the criteria for consideration. *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 social, economic, or community needs which are served by your proposal:

*more space for people walk and parking their cars*

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**B** Describe how traffic flow and safety, including parking and loading, are addressed in your proposal:

*will more space for neighbors parking their cars  
Specially on the winter time ...*

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**C** Describe the utilities and other public services necessary for your proposal, and explain how these are adequately available for your proposal:

N/A.

**D** Describe the neighborhood character and social structures surrounding your proposed location, and how your proposal will fit in this area:

Residential neighborhood with a combination of on + off street parking. An asphalt driveway will not negatively impact the location.

**E** Describe any impacts on the natural environments your proposal may have:

The driveway will be located in rear of yard, allowing greenspace to remain on side yard along Summit St.

**F** Describe any potential fiscal impact, including impact on City services, tax base, and employment your proposal may have:

None.

**\*** Please review the section(s) of the zoning ordinance under which your Special Permit request is made, there may be additional criteria required for your request.

Describe how your proposal meets any additional criteria required under zoning ordinance:

Due to the topography and grade, a driveway is not possible to be placed on the Summit St. side of the property.



*City of New Bedford*  
**DEPARTMENT SIGN OFF SHEET**

DEPARTMENT	COPIES	SIGNATURE	DATE
ZBA BOARD MEMBERS City Hall #303	5		
CITY PLANNING City Hall #303	1		
CITY CLERK City Hall #118	1 (Original)		
CONSERVATION COMMISSION City Hall #304	1		
INSPECTIONAL SERVICES City Hall #308	1		
CITY SOLICITOR City Hall #203	1		
DEPT OF PUBLIC INFRASTRUCTURE 1105 Shawmut Avenue	1		
FIRE PREVENTION 1204 Purchase Street	1		
<b>TOTAL COPIES</b>	<b>12</b>		

This sheet is NOT part of your ZBA application but you will need to deliver your applications to the appropriate departments once you have been given the go-ahead by planning staff and have the respective departments sign/date this sheet for you. Once this sheet is completed you will need to turn this into the city's planning division at city hall.



# *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).

**PLANNING**  
**APR 04 2016**  
**DEPARTMENT**

SUBJECT PROPERTY	
MAP #	56
LOT(S)#	134
ADDRESS:	45 SUMMIT ST
OWNER INFORMATION	
NAME:	ALDO ALVES JUNIOR
MAILING ADDRESS:	87 ALPHA ST DARTMOUTH
APPLICANT/CONTACT PERSON INFORMATION	
NAME (IF DIFFERENT):	
MAILING ADDRESS (IF DIFFERENT):	
TELEPHONE #	508-6853782
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> ):

CITY CLERK  
APR 04 2016 12:07 PM  
CITY OF NEW BEDFORD, MA

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

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:**

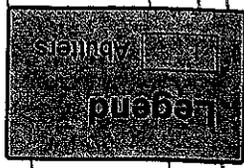
As Administrative Assistant to the City of New Bedford's Board of Assessors, I do hereby certify that the names and addresses as identified on the attached abutters list are duly recorded and appear on the most recent tax

Carlos Amado  
Printed Name

*Carlos Amado*  
Signature

4/4/2016  
Date





56-146

MILL ST

56-82 56-162

56-83

56-77 56-170

56-53

NORTH ST

56-54

56-55

56-46

56-48 56-49

56-45

56-158 56-48

56-131

56-148

56-144

56-132

56-123

56-13

56-12

56-1

MAXFIELD ST

63-94

63-87

63-18

63-24

63-49 63-9

63-95

63-28

63-30

63-13

63-14

63-16

56-138

56-75

56-215

56-74

56-233

56-76

56-216

56-44

56-43

56-42

56-41

HILLMAN ST

56-11

56-129

56-9

56-7

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56-6

56-223

56-197

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63-41

63-45

63-44

63-43

63-37

63-42

63-85

63-13

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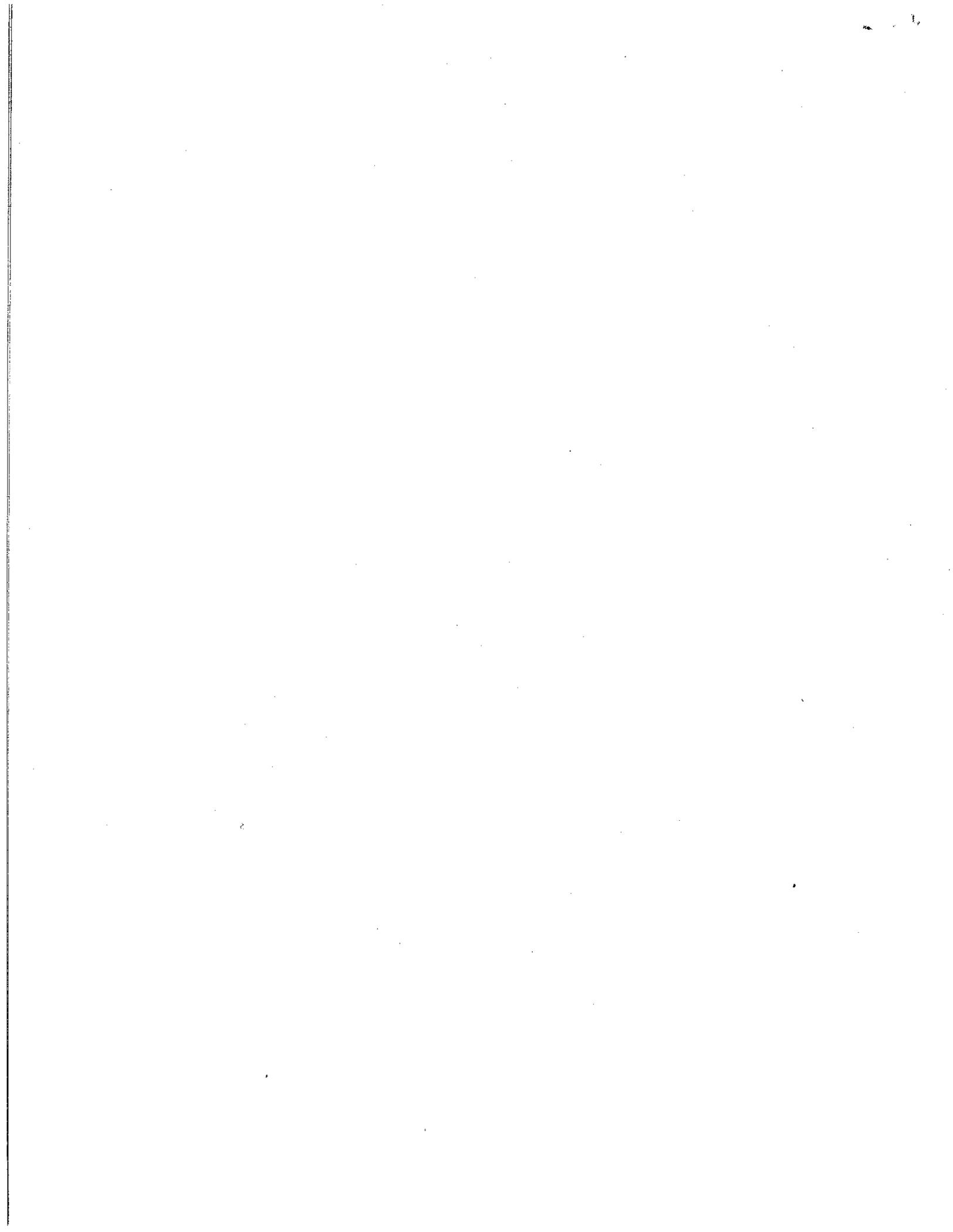
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REG OF DEEDS  
Aft REG #07  
BRISTOL S  
—  
02/29/16 12:02PM 01  
00000000000000000000  
— FEE \$264.48  
CASH \$264.48

BK 11618 PG 329  
02/29/16 10:59 DOC. 4451  
Bristol Co. S.D.

**QUIT CLAIM DEED**

PID# 1028111

THIS INDENTURE, Made on the 25 day of Feb 2016 by and between Mortgage Equity Conversion Asset Trust 2011-1, Mortgage-Backed Securities, Series 2011-1 by U.S. Bank National Association as Co-Trustee (hereinafter referred to as "Grantor") for valuable consideration of Fifty Eight Thousand and 00/100 Dollars (\$58,000.00), received to its full satisfaction from Aldo Alves Junior, (hereinafter referred to as "Grantee") does give, grant, bargain, sell and confirm unto said Grantee and their heirs and assigns, the real property described on Schedule "A" attached hereto and made a part hereof.

AND BEING same property conveyed to the Grantor herein by virtue of a Deed recorded 7/6/2015 in Book 11415 Page 289 in the Town of New Bedford Land Records .

TO HAVE AND TO HOLD the premises to Grantee and unto Grantee, their heirs and assigns forever, to its and their own proper use and behoof.

AND ALSO, Grantor does, for itself its successors and assigns, covenant with Grantee, their heirs and assigns forever, that the premises are free from all encumbrances made or suffered by Grantor.

AND FURTHERMORE, Grantor does by these presents, bind itself, its successors and assigns forever, to warrant and defend the Premises to Grantee, their heirs and assigns forever, against claims and demands made or suffered by Grantor, except as aforesaid, but against none other.

Commonly known as: 45 Summit Street New Bedford MA 02740

For signatory's authority see Limited Power of Attorney dated April 17, 2015, recorded at North Worcester Registry of Deeds in Book 8318 Page 290.

grantee's address: 87 alpha st, Dartmouth MA 02748



This Deed is signed and attested to by the Grantor's proper corporate officers as of the date at the top of the first page. Its corporate seal is affixed.

Mortgage Equity Conversion Asset Trust  
2011-1, Mortgage-Backed Securities, Series  
2011-1 by U.S. Bank National Association as  
Co-Trustee by Reverse Mortgage Solutions,  
Inc. as Attorney In Fact

Kathy Schepfer  
WITNESS Kathy Schepfer

By: Xochitl Martinez  
Xochitl Martinez, Assistant Vice President

Alcubilla De la  
WITNESS

Its: \_\_\_\_\_

STATE OF TEXAS }  
COUNTY OF Harris

Before me, the undersigned authority, on this day appeared Xochitl Martinez  
Asst of Reverse Mortgage Solutions, Inc. as Attorney In Fact for Mortgage  
Equity Conversion Asset Trust 2011-1, Mortgage-Backed Securities, Series 2011-1 by U.S. Bank  
National Association as Co-Trustee, a corporation organized and existing under the laws of the United  
States of America, known to me to be the person whose name is subscribed to the foregoing instrument,  
and acknowledged to me that he/she is the same for the purpose and consideration therein expressed, in  
the capacity therein stated, and as the act of said corporation.

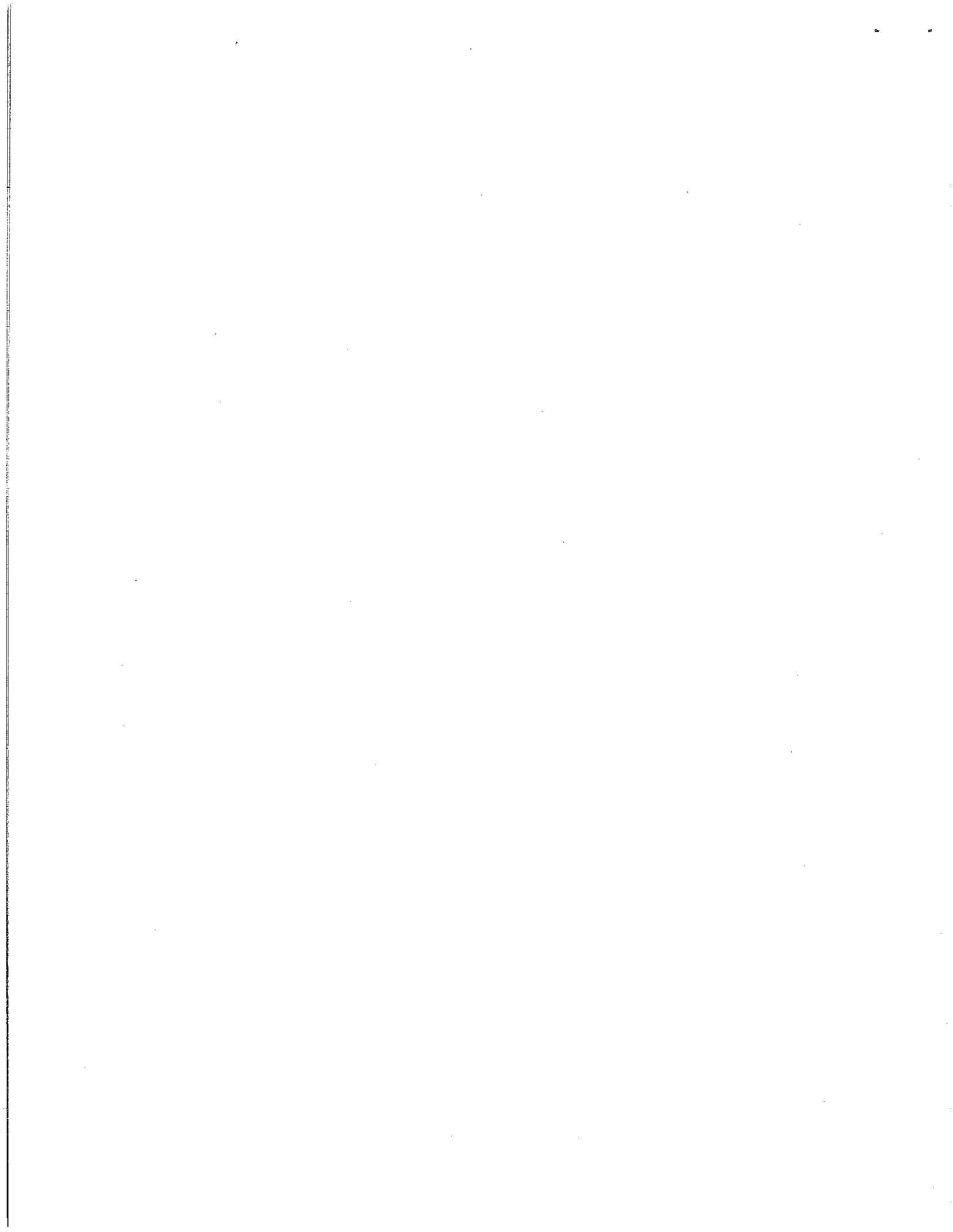
Given under my hand and seal of office on this 25 day of Feb, 2016

Karen Maples  
Notary Public Signature

Karen Maples  
Notary Public Printed Name

My commission expires: \_\_\_\_\_





**SCHEDULE A**

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

**BEGINNING** at the southeast corner of the said piece of parcel, the same being the point of intersection of the west line of Summit Street with the north line of Hillman Street as laid out and accepted 50 feet wide; thence

**WESTERLY** in the north line of said Hillman Street 66 feet to land now or formerly of Benjamin Churchill; thence

**NORTHERLY** in line of said Churchill land 74.41 feet to a corner; thence

**EASTERLY** in line of land now or formerly of one Furber 66 feet to the west line of said Summit Street; and thence

**SOUTHERLY** in said west line of Summit Street 74.48 feet to the point of beginning,

**CONTAINING** 18.46 rods, more or less,

