



City of New Bedford
ZBA SPECIAL PERMIT APPLICATION

CASE # *4234*

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 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"/>
<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 type="checkbox"/>	<input checked="" type="checkbox"/>

Official Use Only:

Review of submittal compliance performed by *[Signature]* 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.

Please remove the instruction pages when submitting your completed application packet but keep this as your first page.



2. SPECIAL PERMIT SPECIFICS

CITY CLERK'S OFFICE
NEW BEDFORD, MA
2016 MAY 23 12:14

The 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)

CITY CLERK

SUBJECT PROPERTY			
ASSESSOR'S MAP PLOT#	44	LOT(S)#	292
REGISTRY OF DEEDS BOOK #:	10398	PAGE #	54
PROPERTY ADDRESS: 361 Arnold Street			
ZONING DISTRICT: Residence B			
OWNER INFORMATION			
NAME: Bouley Property Management LLC			
MAILING ADDRESS: 374 Smith Neck Road, South Dartmouth, MA 02748			
APPLICANT/CONTACT PERSON INFORMATION			
NAME (IF DIFFERENT): Thomas Swift			
APPLICANT'S RELATIONSHIP TO THE PROPERTY: Check one:	OWNER <input checked="" type="checkbox"/>	CONTRACT VENDEE <input type="checkbox"/>	OTHER Describe <input type="checkbox"/> _____
MAILING ADDRESS (IF DIFFERENT):			
TELEPHONE #	508-889-6560		
EMAIL ADDRESS:	swiftlaw@gmail.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.

Bouley Prop. Mgmt. by [Signature] 5-4-2016
 Signature of Applicant/s 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.

 Signature of Owner/s Date



APPLICATION SPECIFICS

DIMENSIONS OF LOT/S:	FRONTAGE 42.33'	DEPTH 82.56'	AREA in SQ FT 3,495 +/-		
EXISTING BUILDING/S	# OF BLDGS 1	EXISTING SIZE 1,298 +/-	TOTAL SQ FT BY FLOOR 1,298 +/-	NUMBER OF FLOORS 2	TOTAL SQ. FT ENTIRE STRUCTURE 2,596 +/-
	# OF DWELLING UNITS 2		# OF BEDROOMS 6		
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:	Two - Family Dwelling				
PROPOSED USE OF PREMISES:	no change				
EXPLAIN WHAT MODIFICATIONS YOU ARE PROPOSING THAT NECESSITATE THE REQUESTED SPECIAL PERMIT:	<u>The applicant is seeking permission to construct a driveway on Armour Street.</u> <u>However, the definition Lot Frontage states that vehicular access to a building site</u> <u>on the lot shall be exclusively through the legal frontage of the lot which is Arnold</u> <u>Street.</u>				

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				
DAYS OF OPERATION				
HOURS OF DELIVERIES				
FREQUENCY OF DELIVERIES (Check frequency)	<input type="checkbox"/> DAILY	<input type="checkbox"/> WEEKLY	<input type="checkbox"/> DAILY	<input type="checkbox"/> WEEKLY
	<input type="checkbox"/> MONTHLY	<input type="checkbox"/> OTHER	<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:

3. PARCEL LEGAL DOCUMENTATION

Title Reference to Property

Deed Book 10398 Page 54

(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:

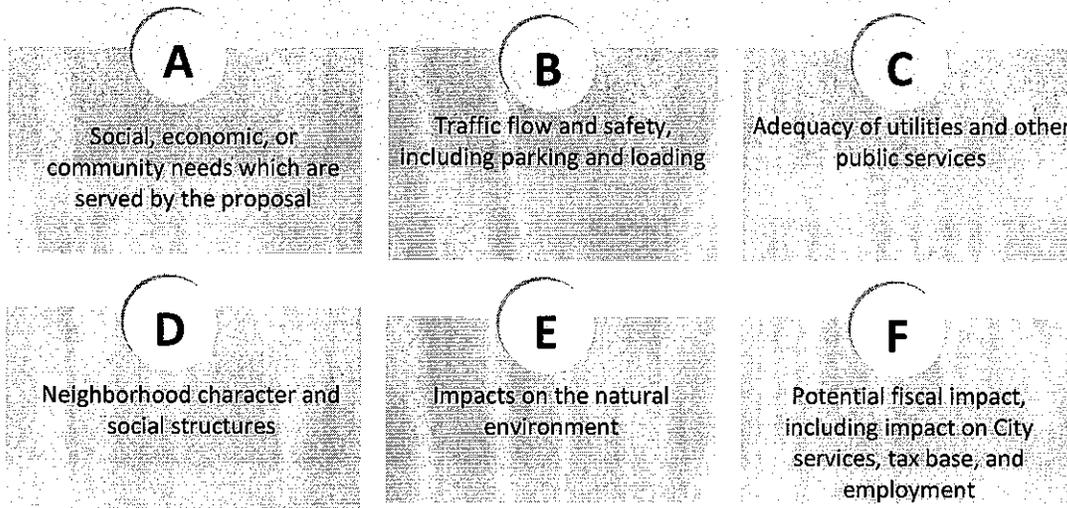
A copy of the Purchase & Sale Agreement or lease, where applicable.

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:



The full text of New Bedford Code of Ordinances can be accessed from: 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:

The proposed driveway and curb cut will not affect any social or community needs. Economically, it will make the property more desirable because of its off-street parking which will raise the value of the property.

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

With the addition of the driveway and curb cut, it eliminates 1 to 2 vehicles using street parking. This will be beneficial during snow emergencies when parking is limited due to plowing done by the city.

C

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

There will be no utilities or public services used for proposed driveway and curb cut.

D

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

The neighborhood is located within a residential district of the city. The majority of the structures in the area are two-family dwellings. Some of which have driveways similar to what is being proposed.

E

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

The proposed work requires the conversion of a small grassed area to an impervious surface.

F

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

Off street parking for the existing structure may increase the property value and therefore increase the property tax base.

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:



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 #	44
LOT(S)#	292
ADDRESS: 361 Arnold Street	
OWNER INFORMATION	
NAME: Bouley Property Management, LLC	
MAILING ADDRESS: 374 Smith Neck Road, South Dartmouth, MA 02748	
APPLICANT/CONTACT PERSON INFORMATION	
NAME (IF DIFFERENT): Thomas Swift	
MAILING ADDRESS (IF DIFFERENT):	
TELEPHONE #	508-889-6560
EMAIL ADDRESS:	swiftlaw@gmail.com
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 (Please explain):

2016 MAY 03 PM 1:11
 PLANNING DEPARTMENT
 MAY 03 2016

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

5/5/2016

Printed Name

Signature

Date

May 3, 2016

Dear Applicant,

Please find below the List of Abutters within 300 feet of the property known as 361 Arnold Street (44-292). 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
44-82	360 ARNOLD ST	RAMOS RICHARD G, RAMOS TRACEY L ROSS 360 ARNOLD ST NEW BEDFORD, MA 02740
44-34	353 ARNOLD ST 355	ANGELO HELDER M, PACHECO MARIA A 4 UTLEY ST S. DARTMOUTH, MA 02748
44-136	192 BROWNELL ST	FITTS CHARLENE S, 192 BROWNELL ST NEW BEDFORD, MA 02740
44-95	366 ARNOLD ST	DEARDEN BRIAN, 366 ARNOLD STREET NEW BEDFORD, MA 02740
44-146	354 ARNOLD ST -358	CESOLINI CAROL D "TRUSTEE", CAROL D CESOLINI LIVING TRUST 912 ASHLEY BOULEVARD NEW BEDFORD, MA 02745
44-137	365 ARNOLD ST	SHERMAN CAROL JEAN, 365 ARNOLD ST NEW BEDFORD, MA 02740
44-292	361 ARNOLD ST	BOULEY PROPERTY MANAGEMENT LLC, 374 SMITH NECK ROAD SO DARTMOUTH, MA 02748
44-135	196 BROWNELL ST	FERNANDES JESSICA, 196 BROWNELL STREET NEW BEDFORD, MA 02740
44-300	81 ARMOUR ST	MAURICIO MARIO G, MAURICIO MICHELLE L 14 DOWER DRIVE N DARTMOUTH, MA 02747
44-27	200 BROWNELL ST	KOTEFF MELISSA D, DUMONT RICHARD 200 BROWNELL STREET NEW BEDFORD, MA 02740
44-299	85 ARMOUR ST -87	ESTEVEZ STEVEN C, CURRIN MICHAEL J 85 ARMOUR STREET NEW BEDFORD, MA 02740
44-33	82 ARMOUR ST	SYLVIA NOREEN R, 82 ARMOUR ST NEW BEDFORD, MA 02740



Legend

 Abutters

5500	AMENDMENTS
5510	AMENDMENT ADVERTISING
5600	APPLICABILITY
5610	Other Laws
5620	Conformance
5700	PLANNING MORATORIUM
5710	MORATORIUM ON USED CAR SALES PERMITS
5800-8999	RESERVED
6000	SEPARABILITY
APPENDICES	
A	TABLE OF PRINCIPAL USE REGULATIONS
B	TABLE OF DIMENSIONAL REGULATIONS
C	TABLE OF PARKING AND LOADING REQUIREMENTS

- SECTION 1000. - PURPOSE, AUTHORITY, AND DEFINITIONS.
- SECTION 2000. - USE AND DIMENSIONAL REGULATIONS.
- SECTION 3000. - GENERAL REGULATIONS.
- SECTION 4000. - SPECIAL REGULATIONS.
- SECTION 5000. - ADMINISTRATION AND PROCEDURES.
- APPENDIX A - TABLE OF PRINCIPAL USE REGULATIONS
- APPENDIX B -- TABLE OF DIMENSIONAL REGULATIONS
- APPENDIX C -- TABLE OF PARKING AND LOADING REQUIREMENTS

FOOTNOTE(S):

--- (1) ---

State Law reference— Zoning, M.G.L.A. c. 40A, § 1 et seq. (Back)

New Bedford, Massachusetts, Code of Ordinances >> - CODE OF ORDINANCES >> Chapter 9 - COMPREHENSIVE ZONING >> SECTION 1000. - PURPOSE, AUTHORITY, AND DEFINITIONS. >>

SECTION 1000. - PURPOSE, AUTHORITY, AND DEFINITIONS.

1100. - PURPOSE AND AUTHORITY.

These regulations are enacted to promote the general welfare of the City of New Bedford, to protect the health and safety of its inhabitants, to encourage the most appropriate use of land throughout the City, to preserve the cultural, historical heritage of the community, to increase the amenities of the City, and to reduce the hazard from fire by regulating the location and use of buildings and the area of open space around them, all as authorized by, but not limited to, the provisions of the Zoning Act, M.G.L.A c. 40A, as amended, Section 2A of 1975 Mass. Acts 808, and by Article 89 of the Amendments to the Constitution of the Commonwealth of Massachusetts.

(Ord. of 12-23-03, § 1)

1200. - DEFINITIONS.

In this Ordinance, the following terms and constructions shall apply unless a contrary meaning is required by the context or is specifically prescribed in the text of the ordinance. Words used in the present tense include the future. The singular includes the plural and the plural includes the singular. The word "shall" is mandatory and "may" is permissive or discretionary. The word "and" includes "or" unless the contrary is evident from the text. The word "includes" or "including" shall not limit a term to specified examples, but is intended to extend its meaning to all other instances, circumstances, or items of like character or kind. The word "lot" includes "plot"; the word "used" or "occupied" shall be considered as though followed by the words "or intended, arranged, or designed to be used or occupied". The words "building," "structure," "lot," or "parcel," shall be construed as being followed by the words "or

QUITCLAIM DEED

I, SARAH LATIMER, of 374 Smith Neck Road, Dartmouth, Massachusetts 02748

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

grant to BOULEY PROPERTY MANAGEMENT LLC, a Massachusetts limited liability company, with its principal office located at 374 Smith Neck Road, Dartmouth, Massachusetts 02748

with QUITCLAIM COVENANTS

the land, with any building(s) thereon, located in New Bedford, Bristol County, Massachusetts, more particularly bounded and described as follows:

PARCEL ONE: (361 Arnold Street, New Bedford, Massachusetts)

BEGINNING at the southeast corner of the land herein conveyed at a point formed by the intersection of the northerly line of Arnold Street with the westerly line of Armour Street; thence NORTHERLY in the said westerly line of Armour Street, eighty-two and 56/100 (82.56) feet to land now or formerly of Albert B. Kinyon; thence WESTERLY in the line of last-named land, forty-two and 33/100 (42.33) feet to land of parties unknown; thence SOUTHERLY in the line of last-named land, eighty-two and 32/100 (82.32) feet to the said northerly line of Arnold Street; and thence EASTERLY in the said northerly line of Arnold Street, forty-two and 33/100 (42.33) feet to the said westerly line of Armour Street to the point of beginning.

CONTAINING twelve and 82/100 (12.82) square rods, more or less.

Being the same premises conveyed to the Grantor herein by deed of Neal F. Anderson and Tracy Anderson dated September 17, 2004, and recorded at the Bristol County (S.D.) Registry of Deeds in Book 7177, Page 108.

PARCEL TWO: (175 Cottage Street, New Bedford, Massachusetts)

BEGINNING at the southeast corner of the land herein described at a point in the westerly line of Cottage Street, distant northerly therein seventy-eight and 95/100 (78.95) feet from its intersection with the northerly line of Union Street; thence WESTERLY by land of parties unknown, sixty-one and 89/100 (61.89) feet to land of parties unknown; thence NORTHERLY in line of last-named land, thirty-six and 70/100 (36.70) feet to land of parties unknown; thence EASTERLY in line of last-named land, sixty-one and 84/100 (61.84) feet to the said line of Cottage Street; and thence SOUTHERLY in line of said Cottage Street, thirty-seven (37) feet to the point of beginning.

CONTAINING 2,280 square feet, more or less.

Being the same premises conveyed to the Grantor herein by deed of Miranda S. Latimer Swift dated July 21, 2011, and recorded at the Bristol County (S.D.) Registry of Deeds in Book 10109, Page 238.

WITNESS my hand and seal this 21st day of May, 2012.

Sara B O'Leary
Witness

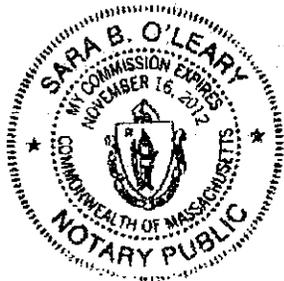
Sarah Latimer
SARAH LATIMER

COMMONWEALTH OF MASSACHUSETTS

BRISTOL, ss.

May 21, 2012

Then personally appeared the above-named SARAH LATIMER, who proved to me through satisfactory evidence of identification which was a Drivers License to be the person whose name is signed on this document, and acknowledged to me that she signed it voluntarily for its stated purpose before me,



Sara B O'Leary
Sara B. O'Leary, Notary Public
My commission expires: 11/16/2012

WELL ST

RES. A	RES. A	RES. A	RES. A
14 5080	126 2540	127 2540	16 2540
63.5	63.5	63.5	63.5
29 2540	539 2540	17 2540	134 3447
63.5	63.5	63.5	63.5
131 2540	132 3428	133 3439	134 3447
63.5	63.5	63.5	63.5
42.33	42.34	42.33	42.33

RES. B	RES. B	RES. B	RES. B
24 2540	296 3490	298 4127	299 2540
63.5	63.5	63.5	63.5
26 2540	116 2540	27 2540	300 2540
63.5	63.5	63.5	63.5
135 2540	136 3469	137 3479	292 3490
63.5	63.5	63.5	63.5
42.33	42.34	42.33	42.33

RES. B	RES. B	RES. B	RES. B
542 3896	414 3048	411 2657	114 3415
63.5	63.5	63.5	63.5
33 2540	34 5276	35 3340	108 4560
63.5	63.5	63.5	63.5
149 3800	148 3800	153 3572	157 4354
63.5	63.5	63.5	63.5
87.20	87.20	87.20	87.20

ARNOLD ST

RES. A	RES. A	RES. A	RES. A
146 3800	148 3800	149 3800	150 4301
50.16	50.16	50.16	50.16
82 3599	95 3056	152 3590	153 3572
50.16	50.16	50.16	50.16
155 3572	156 3667	157 4354	158 4059
50.16	50.16	50.16	50.16
82.18	82.18	82.18	82.18

WEST CLINTON ST

RES. A	RES. A	RES. A	RES. A
160 3192	161 3040	162 3420	163 3286
42	42	42	42
469 3192	470 3040	471 3420	472 3286
42	42	42	42
164 3218	165 3218	166 3218	167 3218
42	42	42	42
38.04	38.04	38.04	38.04

RES. A	RES. A	RES. A
446 3730	80 3155	427 3681
50.09	50.09	50.09
466 3321	428 3474	429 3681
50.09	50.09	50.09
46.38	46.38	46.38

RES. B	RES. B	RES. B	RES. B
525 5120	269 5120	48 5354	556 4886
40	40	40	40
171 2815	172 3392	173 3392	174 304
40	40	40	40
272 7010	273 7010	274 7010	275 7010
40	40	40	40
4451	4427	4427	4427

RES. A	RES. A	RES. A	RES. A
84 3658	172 3392	173 3392	174 304
42	42	42	42
176 3744	177 3631	178 3392	179 3192
42	42	42	42
72.46	72.46	72.46	72.46

RES. A	RES. A	RES. A	RES. A
182 3133	183 3189	184 3040	185 3040
40	40	40	40
188 3189	189 3189	190 3189	191 3189
40	40	40	40
40	40	40	40

