



City of New Bedford
ZBA SPECIAL PERMIT APPLICATION

CASE # 4237

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

Official Use Only:

Review of submittal compliance performed by JFS 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.

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.

2. SPECIAL PERMIT SPECIFICS

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)

SUBJECT PROPERTY			
ASSESSOR'S MAP PLOT#	123A	LOT(S)#	81
REGISTRY OF DEEDS BOOK #:	5417	PAGE #	306
PROPERTY ADDRESS: 811 Mt Pleasant St. New Bedford, MA 02745			
ZONING DISTRICT: Commercial/Industrial Mixed Use Business			
OWNER INFORMATION			
NAME: Arthur J. Hardy Jr. ARTHUR J. HARDY JR. TRUSTEE			
MAILING ADDRESS: Norman M. Hardy TRUSTEE 74 Apple Tree Lane New Bedford, MA 02740			
APPLICANT/CONTACT PERSON INFORMATION			
NAME (IF DIFFERENT): David Costa			
APPLICANT'S RELATIONSHIP TO THE PROPERTY: Check one:	OWNER <input type="checkbox"/>	CONTRACT VENDEE <input checked="" type="checkbox"/>	OTHER Describe <input type="checkbox"/>
MAILING ADDRESS (IF DIFFERENT): 811 Mt. Pleasant St. New Bedford, MA			
TELEPHONE #	(508) 291-6119		
EMAIL ADDRESS:	Dcost14@hotmail.com		

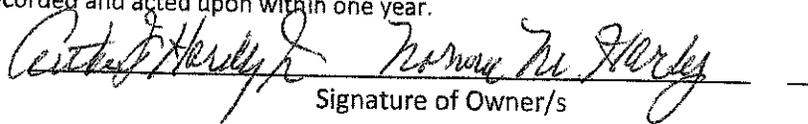
By signing below, I/we acknowledge that all information presented herein is true to the best of my/our knowledge. I/we further understand that any false information intentionally provided or omitted is grounds for the revocation of the approval(s). I/we also give planning division staff and ZBA members 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.


Signature of Applicant/s

6/1/16
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 special permit must be recorded and acted upon within one year.


Signature of Owner/s

6-9-16
Date

APPLICATION SPECIFICS

DIMENSIONS OF LOT/S:	FRONTAGE 42.45'	DEPTH 80'	AREA in SQ FT 3,397		
EXISTING BUILDING/S	# OF BLDGS 1	EXISTING SIZE 34' X 29'	TOTAL SQ FT BY FLOOR 972	NUMBER OF FLOORS 1	TOTAL SQ. FT ENTIRE STRUCTURE 972
	# OF DWELLING UNITS 0		# OF BEDROOMS 0		
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:	Insurance office				
PROPOSED USE OF PREMISES:	Chiropractic Office				
EXPLAIN WHAT MODIFICATIONS YOU ARE PROPOSING THAT NECESSITATE THE REQUESTED SPECIAL PERMIT:	No physical or structural changes. Just changing use of office to a chiropractic office.				

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

	EXISTING	PROPOSED
NUMBER OF CUSTOMERS PER DAY	10	same
NUMBER OF EMPLOYEES	1-2	
HOURS OF OPERATION	10-3 pm, 1pm-6pm, 9am-12pm	↓
DAYS OF OPERATION	Tuesday, Thursday, Saturday mornings	
HOURS OF DELIVERIES	N/A	
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:

3. PARCEL LEGAL DOCUMENTATION

Title Reference to Property

Deed

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

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:

As a chiropractic office, we would provide services to the surrounding area as there are no other chiropractic offices in the area.

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

Traffic flow and safety will not be affected because there is off street parking (5 spaces), which is more than enough for our satellite office location. Our main office is no more than 2 patients scheduled simultaneously. In Wareham.

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

The property is serviced by all required utilities both private and public including water and sewer.

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

Mt Pleasant Street is lined with numerous small and larger businesses and I believe our office and its services will fit right in while also addressing a need there.

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

There will be no impact on the natural environments as there will be no changes to the exterior or its surroundings.

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

There will be no negative impact on city services and such as I am just re-locating a chiropractic business that not had any of those issues in prior years at other location.

***** 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:

N/A



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		
TOTAL COPIES	12		

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.

May 26, 2016

City of New Bedford
Building Department
133 William Street
New Bedford, Massachusetts 02740

RE: Application for chiropractic office
811 Mount Pleasant Street
New Bedford, Massachusetts 02745

Dear Building Department:

This letter shall serve as notice of permission to allow David Costa to file an application with the City of New Bedford for a License to operate a chiropractic business at the property located at 811 Mount Pleasant Street, New Bedford, MA 02745, owned by Hardy Family Nominee Trust, Arthur J. Hardy, Jr., Trustee and Norma M. Hardy, Trustee

WITNESS my hand and seal this 26th day of May 2016.

Ana Alves
Witness
Ana Alves
Witness

Hardy Family Nominee Trust
Arthur J. Hardy Jr.
Arthur J. Hardy, Jr., Trustee
Norma M. Hardy
Norma M. Hardy, Trustee

COMMONWEALTH OF MASSACHUSETTS

Bristol, ss.

May 26, 2016

Then personally appeared the above-named Arthur J. Hardy, Jr. and Norma M. Hardy, proved to me through satisfactory evidence of identification, which was a PERSONALLY KNOWN, to be the persons whose names are signed on the within document, and acknowledged the foregoing Instrument to be his and her free act and deed, as Trustees of the Hardy Family Nominee Trust, before me

Caecilia Rodriguez
Notary Public

My Commission Expires: 01-19-2018

MASSACHUSETTS QUITCLAIM DEED

WE, ARTHUR J. HARDY, JR. and NORMA M. HARDY

of New Bedford

Bristol County, Massachusetts

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

grant to ARTHUR J. HARDY, JR. and NORMA M. HARDY, Trustees of the Hardy Family Nominee Trust u/d/t dated of 1503 Old Plainville Road, New Bedford, MA 02745

with quitclaim covenants

the land on the Westerly side of Mt. Pleasant Street in said New Bedford, bounded and described as follows:

Beginning at the Northeasterly corner thereof at the point of the intersection of the Westerly line of Mt. Pleasant Street and the Southerly line of Haskell Street;

thence Southerly in the Westerly line of Mt. Pleasant Street, Forty-two and 45/100 (42.45) feet to Lot 57 on plan hereinafter mentioned;

thence Westerly in line of last named lot, Eighty and 00/100 (80) feet to Lot 139 on said Plan;

thence Northerly in line of last named lot, Forty-two and 45/100 (42.45) feet to the southerly line of Haskell Street; and

thence Easterly in the Southerly line of Haskell Street, Eighty and 00/100 (80) feet to the point of beginning.

Containing Three thousand three hundred ninety-six (3,396) square feet, more or less and being Lot 56 on Plan entitled, "Plan of Nash Villa", recorded in the Bristol County (S.D.) Registry of Deeds, Plan Book 11, Page 42.

This transfer is not subject to the inspection requirements for on-site sewage treatment and disposal systems found in 310 C.M.R. Section 15.301 (1), which states that the inspection requirements shall not apply to "a change in the form of ownership among the same owners, such as placing the facility within a family trust of which the owners are the beneficiaries".

For our title, see deed from Charles Economos, dated March 8, 1978 and recorded in the Bristol County (S.D.) Registry of Deeds in Book 1757, Page 663.

Title Not Examined.

Witness our hands and seals this 8th day of February, 2002

Arthur J. Hardy, Jr.
Arthur J. Hardy, Jr.

Norma M. Hardy
Norma M. Hardy

Property Address: 811 Mt. Pleasant Street, New Bedford, MA

The Commonwealth of Massachusetts

Bristol ss.

Date: FEB 8 2002

Then personally appeared the above named Arthur J. Hardy, Jr. and Norma M. Hardy and acknowledged the foregoing instrument to be their free act and deed, before me



Notary Public

My commission expires

CAROL A. FAMALETTE, NOTARY PUBLIC
MY COMMISSION EXPIRES APRIL 21, 2006



100

The following information was obtained from the records of the
 Department of the Interior, Bureau of Land Management, on
 the subject of the above-captioned matter.
 The land described in the above-captioned matter is
 situated in the County of _____, State of _____,
 and is owned by _____, who is the
 owner of record of the same.

In testimony whereof, I have hereunto set my hand and
 the seal of the said Department of the Interior, at
 Washington, D. C., this _____ day of _____, 19____.



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 #	123A	LOT(S)#	81
ADDRESS:	811 Mt Pleasant St. New Bedford, MA 02745		
OWNER INFORMATION			
NAME:	Arthur J. Hardy, Arthur J. Hardy Jr. Trustee		
MAILING ADDRESS:			
APPLICANT/CONTACT PERSON INFORMATION			
NAME (IF DIFFERENT):	David Costa		
MAILING ADDRESS (IF DIFFERENT):	157 Gammons Rd. Acushnet, MA 02743		
TELEPHONE #	(508) 951-7101		
EMAIL ADDRESS:	Dcosta14@hotmail.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):		

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

6/8/2016

Printed Name

Signature

Date

PLANNING DEPARTMENT
JUN 07 2016

CITY ASSESSOR'S OFFICE
2016 JUN 16 P 12:57

City of New Bedford
ZBA APPLICATION FEES



RESIDENTIAL	
Dimensional variance	\$350.00
Variance for allowed uses	\$350.00
Special permit	\$350.00
Determination of finding	\$350.00
Signage and flag poles (residential)	\$350.00
Special permit for residential driveway	\$300.00*
Administrative appeal under MGL c.40A §8	\$350.00
COMMERCIAL OR COMMERCIAL RESIDENCE	
Variance or special permit	\$750.00 up to 10,000 sq.ft. plus \$200 for every additional 10,000 sq.ft.
Signage and flag poles (commercial)	\$750.00
Administrative Appeal under MGL C 40A §8	\$750.00
WIRELESS COMMUNICATIONS	
Wireless consultancy fee	\$2,500.00**

*Advertising only
 ** Reduced fee may be applicable with multiple applications

Under MGL CHAPTER 40 the ZBA is mandated by law to advertise your request for an appeal two times prior to the scheduled hearing date. The application fees cover the costs of advertising in the Standard Times and also all copying and postage expenses the city incurs in the processing of your application. Upon consideration of any and all requests (meaning, if your application is withdrawn, extended, there's been a change in plans/reviews, etc.) you will still be required to pay a \$100.00 fee if there has been no advertising and a \$350.00 fee if any portion of advertising has occurred.

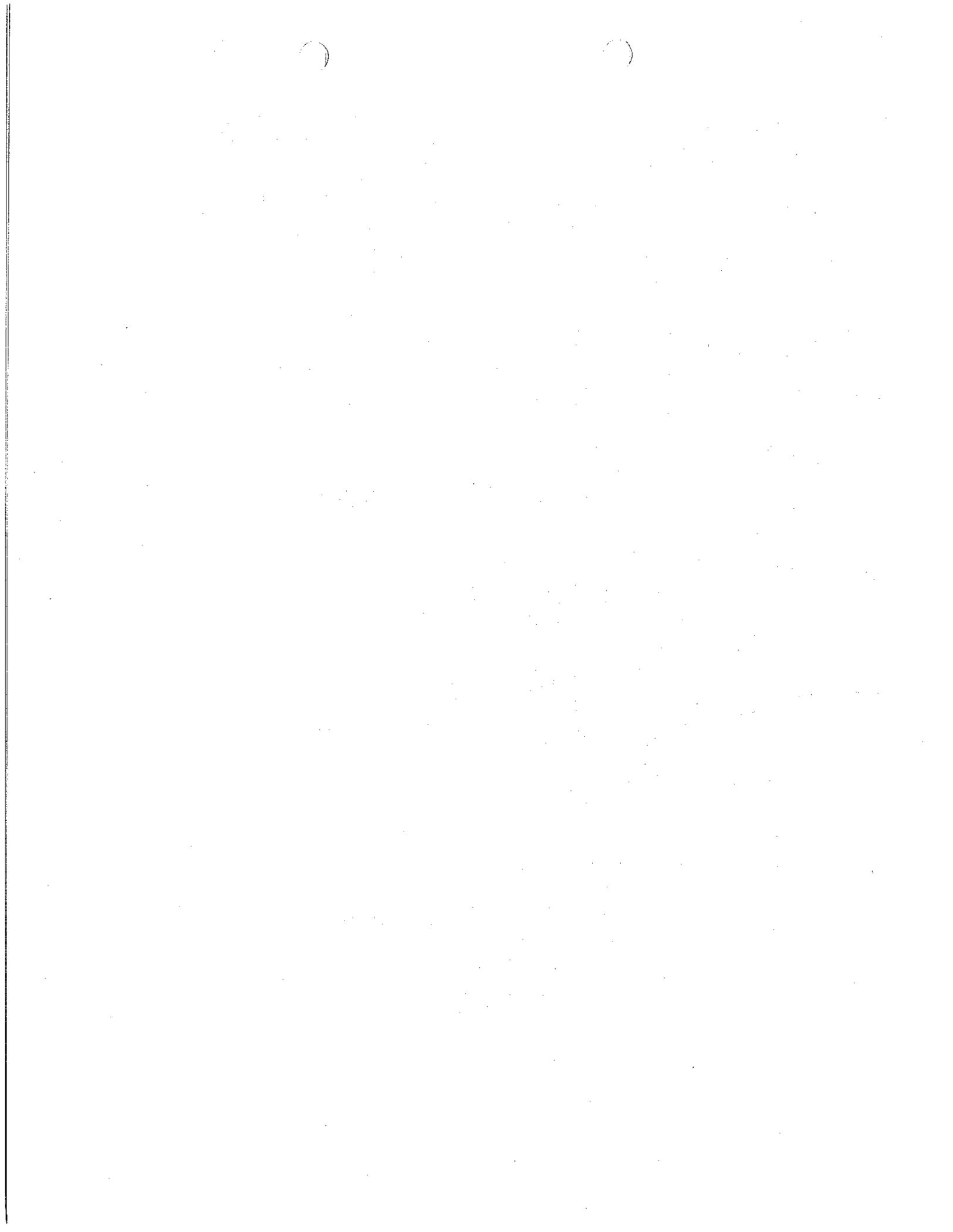
June 7, 2016

Dear Applicant,

Please find below the List of Abutters within 300 feet of the property known as 881 Mt. Pleasant Street (123A-81). 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.

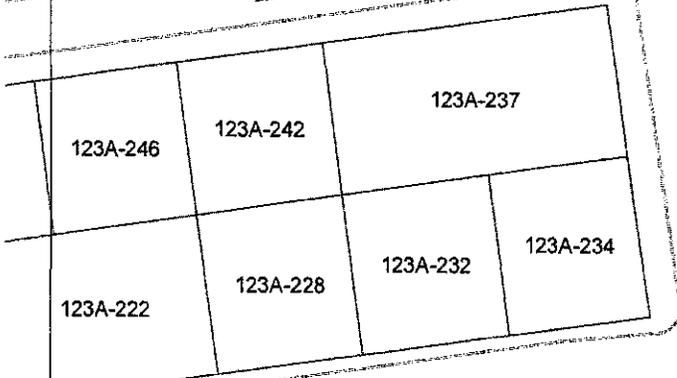
Please note that multiple listed properties with identical owner name and mailing address shall be considered duplicates, and shall require only 1 mailing. Additionally, City of New Bedford-Owned properties shall not require mailed notice.

Parcel	Location	Owner and Mailing Address
123A-80 <i>WS</i>	MT PLEASANT ST	SEPPALA JOSEPHINE, C/O JEANNE FABIAN + <i>John F. Fabian</i> 70 NESTLE'S LANE ACUSHNET, MA 02743
123A-81	811 MT PLEASANT ST	HARDY ARTHUR J JR "TRUSTEE", HARDY NORMA M "TRUSTEE" 811 MOUNT PLEASANT STREET NEW BEDFORD, MA 02745
123A-72	217 DOWNEY ST	LAPOINTE MELANIE D, 217 DOWNEY ST NEW BEDFORD, MA 02745
123-81 <i>ES</i>	MT PLEASANT ST	CITY OF NEW BEDFORD, AIRPORT COMMISSION 131 WILLIAM ST NEW BEDFORD, MA 02740
123A-79	801 MT PLEASANT ST	SEPPALA JOSEPHINE, C/O JEANNE FABIAN + <i>John F. Fabian</i> 90 NESTLE'S LANE ACUSHNET, MA 02743
123A-159	831 MT PLEASANT ST <i>- 833</i>	DAVID ANTHONY J, 1172 OLD PLAINVILLE ROAD NEW BEDFORD, MA 02745
123-79	822 MT PLEASANT ST	822 MT PLEASANT STREET LLC, 12 BLUE HERON LANE EASTON, MA 02334
123-87	796 MT PLEASANT ST	BABBITT STEAM, SPECIALTY CO P O BOX 51208 NEW BEDFORD, MA 02745
123A-155	19 HASKELL ST	VALENTINE MARY C, 19 HASKELL STREET NEW BEDFORD, MA 02745
123A-78	797 MT PLEASANT ST	RODRIGUES JOHN P, 1042 BEVERLY STREET NEW BEDFORD, MA 02745
123A-82	220 HASKELL ST	ANDRADE ROBERT, 220 HASKELL NEW BEDFORD, MA 02745
123A-88	224 HASKELL ST	ALMEIDA GABRIEL P, ALMEIDA CARMASITA 224 HASKELL STREET NEW BEDFORD, MA 02745

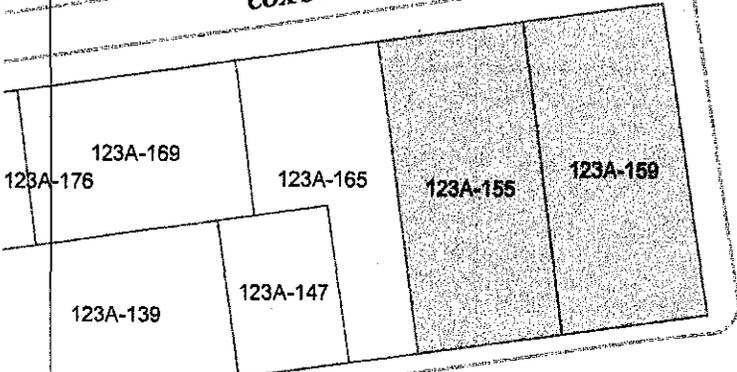


123A-300 123A-304 123A-305 123A-308 123A-312

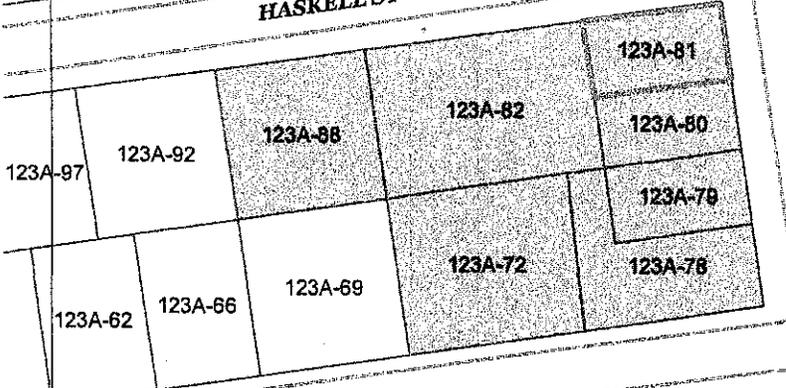
HAMMOND ST



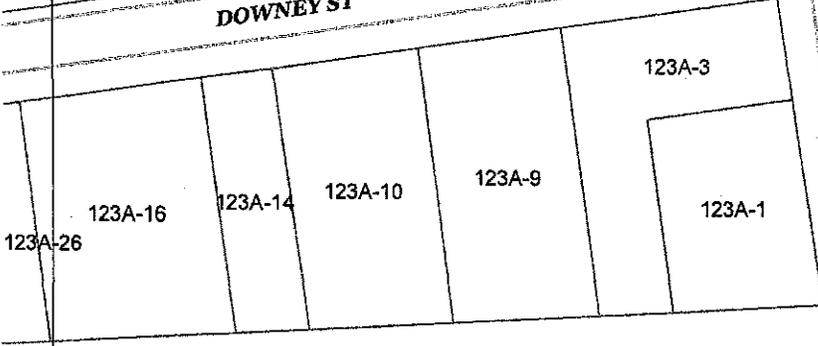
COX ST



HASKELL ST



DOWNEY ST



ALFRED M BESSETTE MEMORIAL HWY

123-93

123-79

123-95

123-81

123A-81

123A-80

123A-79

123A-78

123-87

123-88

123-86

123-14



Legend

 123A-81

 City Border

