



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

CITY OF NEW BEDFORD  
JONATHAN F. MITCHELL, MAYOR

## ***New Bedford Comprehensive Zoning Code Review Code of Ordinances – Chapter-9***

2883 Acushnet Ave. – PLOT: 130 B – LOT: 244 – ZONED DISTRICT: MUB

*Change of Use –Existing beauty salon expanding into adding permanent makeup  
and body art services*

***Zoning Code Review as follows:***

***Special Permit – Zoning Board of Appeals***

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### **❖ SECTIONS**

- ***BODY ART 4200-4267***
- ***SPECIAL PERMITS 5300-5326 , 5360-5390***

**IX. HOMEOWNER LICENSE EXEMPTION**

Supplement #1

The current exemption for "homeowner" was extended to include owner-occupied dwellings of two units or less and to allow such homeowners to engage an individual for hire who does not possess a license, provided that the owner acts as supervisor. (State Building Code Section 110.5)

**DEFINITION OF HOMEOWNER:**

Person(s) who own a parcel of land on which he/she resides or intends to reside, on which there is, or is intended to be, a one to two family dwelling, attached or detached structures accessory to such use and /or farm structures. A person who constructs more than one home in a two-year period shall not be considered a homeowner. Such "homeowner shall submit to the Building Official, on a form acceptable to the Building Official, that he/she shall be responsible for all such work performed under the building permit. (Section 110.5)

The undersigned "homeowner assumes responsibility for compliance with the State Building Code and other applicable codes, ordinance, rules and regulations, and will comply with the City of New Bedford Building Department minimum inspection procedures and requirements.

HOMEOWNERS SIGNATURE \_\_\_\_\_

**X. CONSTRUCTION DEBRIS DISPOSAL**

Supplement #2

In accordance with provisions of Massachusetts General Law C40, S54, debris resulting from this work shall be disposed of in a properly licensed solid waste disposal facility as defined by Massachusetts General Law C111, S150A

The debris will be disposed of in: \_\_\_\_\_  
(Location of Facility)

Signature of Permit Applicant \_\_\_\_\_ Date \_\_\_\_\_

**XI. HOME IMPROVEMENT CONTRACTOR LAW AFFIDAVIT**

(Residential Use Only) Supplement to Permit Application  
Supplement #3

MGLC. 142 A requires that the "reconstruction, alteration, renovation, repair, modernization, conversion, improvement, removal, demolition, or construction of an addition to any pre-existing owner-occupied building containing at least one but not more than four dwelling units... or to structures which are adjacent to such residence of building" be conducted by registered contractors, with certain exceptions, along with other requirements.

Type of Work: \_\_\_\_\_ Est. Cost \_\_\_\_\_

Address of Work \_\_\_\_\_

Owner Name: \_\_\_\_\_ Date of Permit Application: \_\_\_\_\_

I hereby certify that: Registration is not required for the following reason(s):

\_\_\_\_\_ Work excluded by law \_\_\_\_\_ Job under \$ 1,000 \_\_\_\_\_ Building not owner-occupied \_\_\_\_\_ Owner obtaining own permit

Other (specify) \_\_\_\_\_

Notice is hereby given that:  
**OWNERS OBTAINING THEIR OWN PERMIT OR EMPLOYING UNREGISTERED CONTRACTORS FOR APPLICABLE HOME IMPROVEMENT WORK DO NOT HAVE ACCESS TO THE ARBITRATION PROGRAM OF GUARANTY FUND UNDER MGLC. 142A.**

signed under penalties of perjury:  
I hereby apply for a permit as the agent of the owner:

Date \_\_\_\_\_ Contractor Signature \_\_\_\_\_ Registration No. \_\_\_\_\_

OR:  
Notwithstanding the above notice, I hereby apply for a permit as the owner of the above property:

Date \_\_\_\_\_ Owner Signature \_\_\_\_\_

**XII. BUILDING COMMISSIONERS REVIEW COMMENTS AND CONDITIONS**

C. Building Permit Rejected  Special Permit ZBA Rejection Date May 16, 2016

Reason For Rejection: "See Attachments" Fee \_\_\_\_\_ Permit # B-16-972

Comments and Conditions: \_\_\_\_\_

Signed Danny D. Romanowski Date: \_\_\_\_\_ 20 \_\_\_\_\_

Title Building Commissioner

Not valid unless signed (not stamped) by Building Commissioner

**K. FLOODPLAIN**

Is location within flood hazard area? yes (no)

If yes, zone : \_\_\_\_\_ and base elevation \_\_\_\_\_

**L. WETLANDS PROTECTION**

Is location subject to flooding? NO

Is location part of a known wetland? NO

Has local conservation commission reviewed this site? \_\_\_\_\_

**IV. IDENTIFICATION - ALL APPLICANTS - PLEASE PRINT**

| OWNER OR LESSEE NAME   | MAILING ADDRESS  | ZIP CODE  | TELEPHONE NO. |
|--|--|-----------|---------------|
| CANDICE REGO   | 2883 ACUSHNET AVE NB   | 02745     | 508-928-3332  |
| E-mail Address: _____  |  |           |               |
| CONTRACTOR NAME  | MAILING ADDRESS  | ZIP CODE  | TELEPHONE NO. |
|  |  | LICENSE # |               |
| E-mail Address: _____  |  |           |               |
| ARCHITECT NAME   | MAILING ADDRESS  | ZIP CODE  | TELEPHONE NO. |
|  |  | LICENSE # |               |
| E-mail Address: _____  |  |           |               |
| SIGNATURE OF OWNER   | APPLICANT SIGNATURE  | DATE      |               |
|  |  |           |               |

Omission of reference to any provision shall not nullify any requirement of this code nor exempt any structure from such requirement.

The applicants understands and warrant that they will comply with all pertinent federal and state statutes, local ordinances and all federal, state, and local regulations, including those of the Architectural Barriers board, Department of Environmental Protection Agency and may be forwarded for review to all pertinent local city agencies which may express specific concerns. It is understood that the issuance of a permit shall not serve as an acceptance or acknowledgment of compliance nor exempt any structure from such requirement. The permit shall be a license to proceed with the work and shall not be construed as authority to violate, cancel, or set aside any of the provisions of the State Building Code or local code of ordinances, except as specifically stipulated by modification or legally granted variation in accordance with Section 122.0 of State Building Code or local code of ordinances.

I have read the above and sign under pain and penalty of perjury as to the truth of all of the information and statements contained in sections I through IV of this application.

 2883 ACUSHNET AVE. NEW BEDFORD, MA.  
 Applicant's Signature                      Address                      City

4161. All building openings, entries and windows shall be screened in such a manner as to prevent visual access to the interior of the establishment by the public.

(Ord. of 12-23-03, § 1)

4170. Application. The application for a special permit for an adult entertainment establishment must include the following information:

4171. Name and address of the legal owner of the establishment;

4172. Name and address of all persons having lawful equity or security interest in the establishment;

4173. Name and address of the manager;

4174. Number of employees;

4175. Proposed provisions for security within and without the establishment;

4176. The physical layout of the interior of the establishment.

(Ord. of 12-23-03, § 1)

4180. Prohibition. No special permit shall be issued to any person convicted of violating the provisions of M.G.L.A. c. 119, § 63, or M.G.L.A. c. 272, § 28.

(Ord. of 12-23-03, § 1)

#### **4200. BODY ART.**

4210. General. No building or buildings shall be used as a body art establishment within a Business, Mixed Use, Business Planned, Industrial "A", Industrial "B", Industrial "C", or Waterfront Industrial District, unless a special permit for such use is granted by the Zoning Board of Appeals in accordance with the following provisions. No special permit for a body art establishment shall be granted for a building or buildings located within any residential district.

No body art establishment shall operate between the hours of 10:00 p.m. to 10:00 a.m. No special permit granted for the operation of a body art establishment shall be transferable to any other owner, establishment or location.

(Ord. of 12-23-03, § 1; Ord. of 1-25-07, §§ 1, 2)

4212. *Zoning Board Authority.* The Zoning Board of Appeals shall have the authority to issue special permits in accordance with sections 4200--4267 and shall have the authority to impose any reasonable conditions for maintaining and ensuring the health, safety and welfare of the general public.

4212.1. The Zoning Board of Appeals shall provide written notice to the City's Board of Health and Police Department within five (5) days after granting a special permit which shall include name of owner, address, conditions imposed and any other information the Board of Appeals deems necessary.

4212.2. The Zoning Board of Appeals shall hold a duly advertised public hearing prior to granting a special permit.

(Ord. of 1-25-07, § 3)

4220. Separation Distances. Body art establishments or uses may be permitted only when located outside an area circumscribed by a circle which has a radius of two hundred (200) feet from any property being used as a school, child care facility or church or when located outside an area circumscribed by a circle which has a radius of one thousand (1,000) feet from any property used as a body art establishment. No permit previously granted shall be revoked or subject to new conditions due to the location of any school, child care facility or church within the circumscribed area.

subsequent to the special permit being granted.

(Ord. of 12-23-03, § 1; Ord. of 1-25-07, § 4 )

4230. Determining the Radius. The radius distance shall be measured by following a straight line from the nearest point of the property parcel upon which the proposed body art 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 body art establishments and between a body art establishment and an establishment licensed under M.G.L.A. c. 138, § 12 such distances shall be measured between the closest points of the buildings in which such uses are located.

(Ord. of 12-23-03, § 1)

4240. Reserved.

(Ord. of 12-23-03, § 1; Ord. of 1-25-07, § 5)

4250. Screening. The following screening requirements shall apply:

4251. Reserved.

4252. All building openings, entries and windows shall be screened in such a manner as to prevent visual access to the interior of the establishment by the public.

(Ord. of 12-23-03, § 1; Ord. of 1-25-07, § 6)

4260. Application. The application for a special permit for a body art must include the following information:

4261. Name and address of the legal owner of the establishment;

4262. Name and address of all persons having lawful equity or security interest in the establishment;

4263. Name and address of the manager;

4264. Number of employees;

4265. Proposed provisions for security within and without the establishment;

4266. The physical layout of the interior of the establishment;

4267. A site plan depicting the building, parking areas and screening.

(Ord. of 12-23-03, § 1)

#### **4300. ASPHALT PLANTS.**

4310. Special Permit. No land located within an industrial "B" or industrial "C" zone shall be used for the operation of an asphalt or bituminous concrete processing plant, batching plant or a liquid asphalt storage facility unless a special permit for such use is granted by the City Council in accordance with the provisions of this Section.

(a) *Standard.* In granting a special permit under this Section, the City Council shall consider the effects upon the neighborhood and the city at large.

(b) *Procedure.* Before granting a special permit the City Council shall hold a public hearing thereon, within sixty-five (65) days from the date of filing of the application for special permit; notice of time and place of such hearing and the subject thereof, sufficient for identification shall be published in a newspaper of general circulation in the City of New Bedford once in each of two (2) successive weeks, the first publication to be not less than fourteen (14) days before the day of the hearing and also shall be sent by

fiscal year.

(Ord. of 12-23-03, § 1)

5220. Powers. The Board of Appeals shall have and exercise all the powers granted to it by M.G.L.A. c. 40A, c. 40B, and c. 41 and by this Ordinance. The Board's powers are as follows:

5221. To hear and decide applications for special permits. Where specified herein, the Board of Appeals shall serve as the special permit granting authority, to act in all matters in accordance with the provisions of Section 5300, or as otherwise specified.

5222. To hear and decide appeals or petitions for variances from the terms of this Ordinance, with respect to particular land or structures, as set forth in M.G.L.A. c. 40A, § 10. The Board of Appeals may not grant use variances.

5223. To hear and decide appeals taken by any person aggrieved by reason of his inability to obtain a permit or enforcement action from any administrative officer under the provisions of M.G.L.A. c. 40A, §§ 7, 8 and 15.

5224. To hear and decide comprehensive permits for construction of low or moderate income housing by a public agency or limited dividend or nonprofit corporation, as set forth in M.G.L.A. c. 40B, §§ 20--23.

(Ord. of 12-23-03, § 1)

5230. Regulations. The Board of Appeals may adopt rules and regulations for the administration of its powers.

(Ord. of 12-23-03, § 1)

5240. Fees. The Board of Appeals may adopt reasonable administrative fees and technical review fees for petitions for variances, administrative appeals, and applications for comprehensive permits.

(Ord. of 12-23-03, § 1)

**State law references:** Zoning board of appeals, M.G.L.A. c. 40A, § 14 et seq.

### **5300. SPECIAL PERMITS.**

5310. Special Permit Granting Authority. The Zoning Board of Appeals, the Planning Board or the City Council shall act as the Special Permit Granting Authority under this Chapter as specifically designated in a particular Section or in accordance with the Specific Designations in the Table of Principal Use Regulations under Appendix A of this Chapter.

(Ord. of 12-23-03, § 1; Ord. of 12-8-05, § 1)

5320. Criteria. Special permits shall be granted by the special permit granting authority, unless otherwise specified herein, only upon its written determination that the benefit to the City and the neighborhood outweigh the adverse effects of the proposed use, taking into account the characteristics of the site and of the proposal in relation to that site. In addition to any specific factors that may be set forth in this Ordinance, the determination shall include consideration of each of the following:

5321. Social, economic, or community needs which are served by the proposal;

5322. Traffic flow and safety, including parking and loading;

5323. Adequacy of utilities and other public services;

5324. Neighborhood character and social structures;

5325. Impacts on the natural environment; and

5326. Potential fiscal impact, including impact on City services, tax base, and employment.

impact of disposal methods on surface and groundwater.

(c) Refuse Disposal: Discuss the location and type of facilities, the impact on existing City refuse disposal capacity, hazardous materials requiring special precautions.

(d) Fire Protection: Discuss the type, location, and capacity of fuel storage facilities or other flammables, distance to fire station, and adequacy of existing firefighting equipment to confront potential fires on the proposed site.

(e) Recreation: Discuss the distance to and type of public facilities to be used by residents of the proposed site, and the type of private recreation facilities to be provided on the site.

(f) Schools: Project the increase to the student population for nursery, elementary, junior high school, and high school levels, also indicating present enrollment in the nearest public schools serving these categories of students.

5355. Phasing. Where development of the site will be phased over more than one year, indicate the following:

(a) Describe the methods to be used during construction to control erosion and sedimentation through use of sediment basins, mulching, matting, temporary vegetation, or covering of soil stockpiles. Describe the approximate size and location of portion of the parcel to be cleared at any given time and length of time of exposure.

(b) Describe the phased construction, if any, of any required public improvements, and how such improvements are to be integrated into site development.

(Ord. of 12-23-03, § 1)

5360. Conditions. Special permits may be granted with such reasonable conditions, safeguards, or limitations on time or use, including performance guarantees, as the special permit granting authority may deem necessary to serve the purposes of this Ordinance.

(Ord. of 12-23-03, § 1)

5370. Lapse. Special permits shall lapse if a substantial use thereof or construction thereunder has not begun, except for good cause, within twelve (12) months following the filing of the special permit approval (plus such time required to pursue or await the determination of an appeal referred to in M.G.L.A. c. 40A, § 17, from the grant thereof) with the City Clerk.

(Ord. of 12-23-03, § 1)

5380. Regulations. The special permit granting authority may adopt rules and regulations for the administration of this Section.

(Ord. of 12-23-03, § 1)

5390. Fees. The special permit granting authority may adopt reasonable administrative fees and technical review fees for applications for special permits.

(Ord. of 12-23-03, § 1)

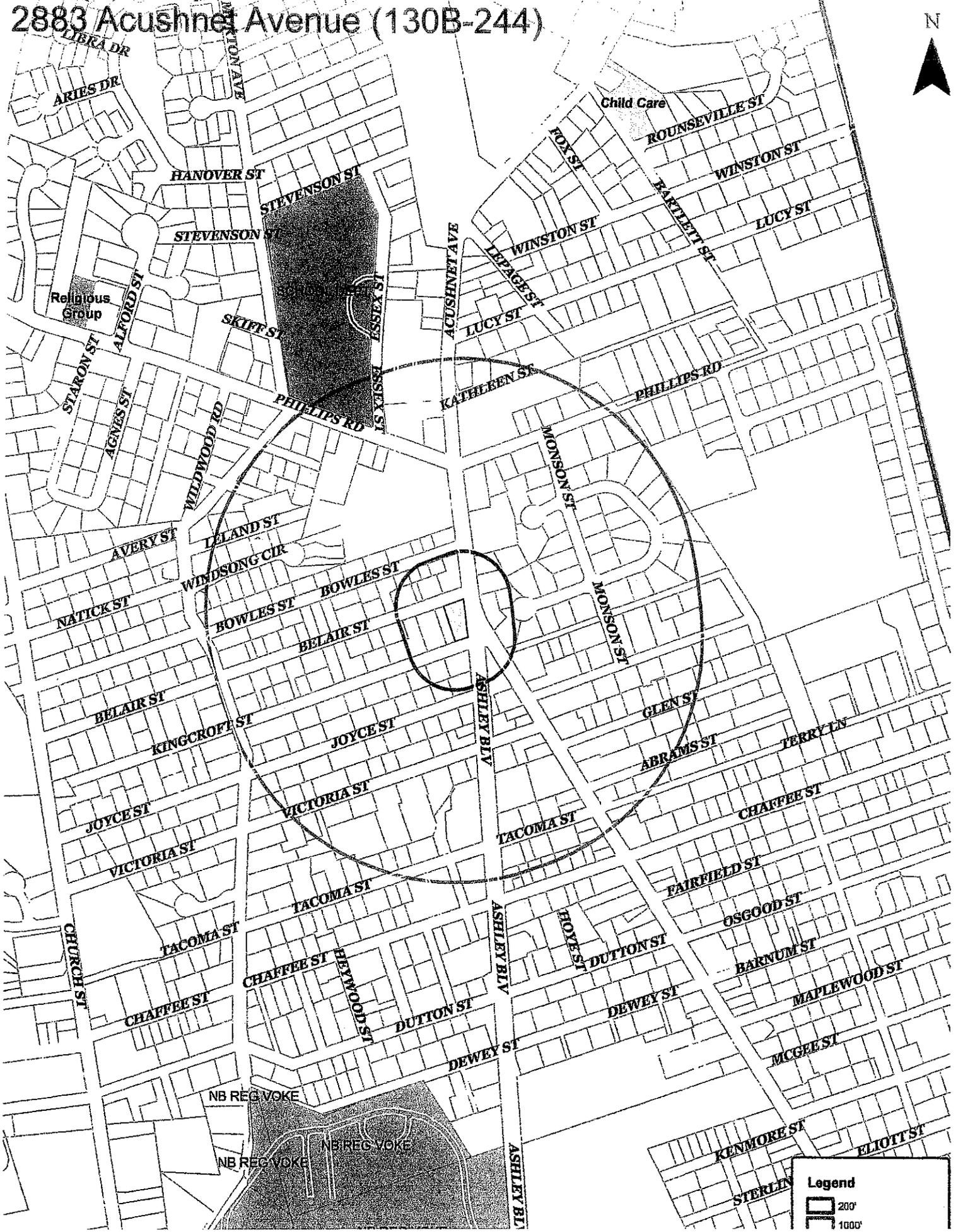
**State law references:** Special permits, M.G.L.A. c. 40A, § 9.

#### **5400. SITE PLAN REVIEW.**

5410. Purpose. The purpose of this Section is to provide for individual detailed review of development

# 2883 Acushnet Avenue (130B-244)

N



This Parcel contains 0.275 acres of land mainly classified for assessment purposes as RETAIL with a(n) GENERAL RETAIL style building, built about 1968, having Conc Blk exterior, Rubber Sheathing roof cover and 6842 Square Feet, with 2 unit(s), total room(s), total bedroom(s) 0 total bath(s), 0 3/4 baths, and 6 total half bath(s).

**Building Value:**

223900

**Land Value:**

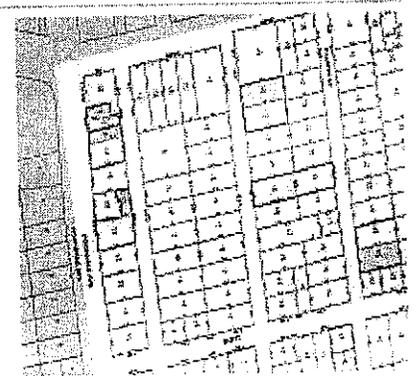
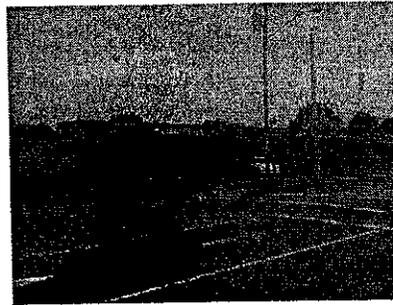
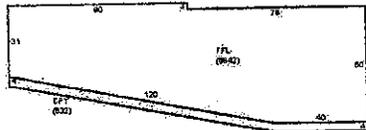
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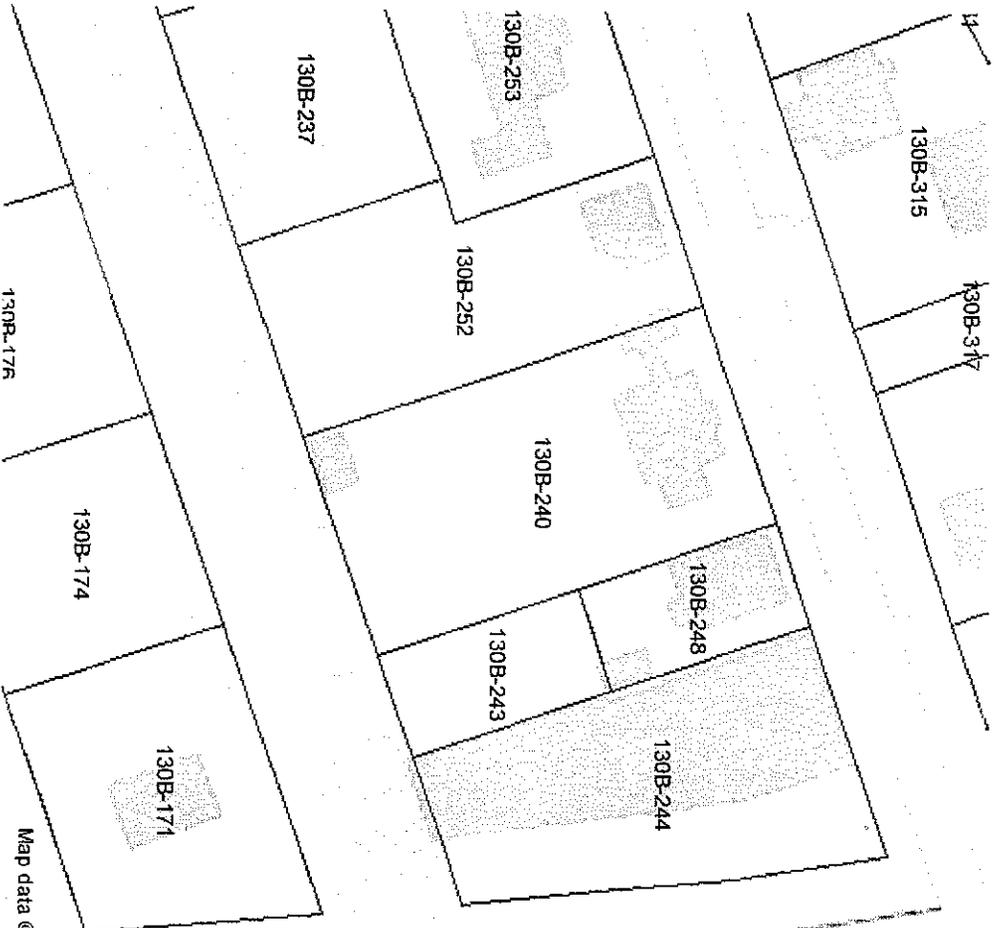
**Yard Items Value:**

3400

**Total Value:**

418400





Ashley Boulevard

Map data © OpenStreetMap contributors, CC-BY-SA

~~Ashley Boulevard~~

130D-117

130C

1: