



CITY OF NEW BEDFORD
MASSACHUSETTS
ENGINEERING - 508-979-1550

APPLICATION FOR
CONSTRUCTION OF
PAVED
SIDEWALK/DRIVEWAY

Application No. 11257

Expires: 6/24/17

Date: 6/24/16

Property Owner: Junior Alves Tel: _____

Address: 45 Summit St New Bedford MA
street city state zip code

The above hereby requests permission to construct a paved: ☒ driveway / _____ sidewalk located at
45 Summit St, plot 50, lot 134 in accordance with the
terms and conditions set forth herein, and the Ordinances of the City of New Bedford.

Sidewalk	Dimensions	Driveway	Width (ft)
☐ Bituminous Concrete	☐ _____	☒ Residential	_____
☐ Concrete Full Width	☐ _____	☐ Commercial	_____
☐ Concrete Ribbon	☐ _____	☐ Relocation/Widening	_____
☐ Curb Needed	☐ _____	☒ Curb Removal	<u>18 ft removed</u>
		☒ Concrete	<u>Install 18' x 0'</u>
		☐ Bituminous Concrete	_____

Bonded Contractor: Abe Asphats in Tel: _____

Traffic Commission: _____ Approved _____ Rejected _____ Date _____

WLA _____ Signature _____

Building Dept. _____ Approved (New Building) _____

☒ Approved - Bldg. Permit# B-16-1380
_____ Rejected _____

Danny Romowicz (MR)
Signature _____

RECEIVED
Engineering Department
7/18/16
OK
_____ Approved _____ Rejected _____ Date 6/20/16

Manuel Lda (MR)
Signature _____

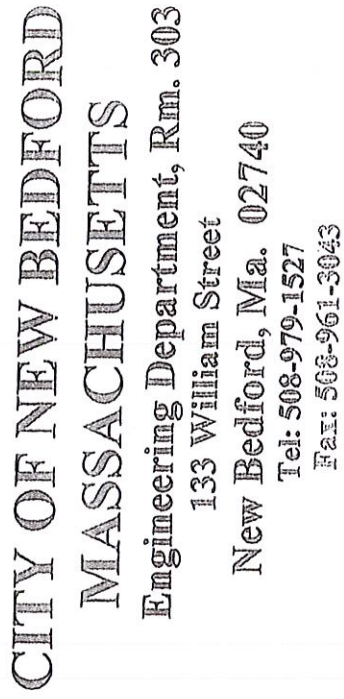
Permit/Inspection fee of \$150.00 must accompany this application.

SPECIAL REQUIREMENTS: Contractor to call 24 hrs. in advance for pre-inspection (prior to pouring)
If curbing is removed, it must be returned within 24 hrs to the D.P.I. Yard
1105 Shawmut Ave., New Bedford

PAID: 150.00

Manuel Lda _____
Supervising Civil Engineer Property Owner

BY: Manuel Lda _____



To Whom It May Concern:

signature in securing for

I further agree to inform to, and advise, All City sales and associations regarding the program(s) being submitted for:

Name J. Paul Miller
Signature J. Paul Miller
Address 87 Alpha St Spaitmouth
Date 10/24/61
Telephone number 508 685-3782



Commonwealth of Massachusetts

CITY OF NEW BEDFORD

City Hall, Room 308, 133 William Street New Bedford, MA 02740 (508) 979-1540



copy

No. **B-16-1380**

6/20/2016

MSBC Sect. 110.14 - Any permit issued shall be deemed abandoned and invalid unless the work authorized by it shall have been commenced within six (6) months after its issuance.

FEE PAID: **\$30.00**

This certifies that **JUNIOR ALDO ALVES**

Contractor Lic. # _____

ParcelID **56-134**

owner/contractor has permission to: **Driveways - 30.00**

on: **45 SUMMIT ST**

Providing that the person accepting this permit shall in every respect conform to the terms of application therefore on file in this office; to the provisions of the statute of the Commonwealth and to the by-laws of the City of New Bedford relating to the inspection, erection, enlarging, altering, raising, moving, repairing, or tearing down of a building.

Permit is issued subject to the following special requirements: (Restrictions)

CITY DEPARTMENT/COMMISSION COMMENTS

The following department/commission has expressed concern about the issuance of this permit. You are advised to contact that agency and resolve this matter.

Department/Commission: _____

BUILDING DEPARTMENT COMMENTS

: Affidavit - Homeowners who submit an affidavit indicating they are doing all work and then hire outside contractors must submit a new affidavit indicating such.

: Install a 12'X40' driveway on Hillman Street (rear yard) 4' sideyard buffer is required
ZBA Special Permit # 4227

Jose Fontes is doing the job

YOUR AREA INSPECTOR IS: **Robert Carreiro**

Tel. (508) 979-1540 Between 8:00am - 9:00am

**NOTICE: NOTIFY INSPECTOR 48 HOURS IN
ADVANCE OF APPLYING SHEATHING OR LATHING**

OCCUPANCY PERMIT REQUIRED BEFORE OCCUPANCY

No Building or Structure shall be used or occupied until the Certificate of Use and Occupancy shall have been issued by the Building Commissioner - MSBC, Sect. 120.1

This Card Must Be Displayed in a Conspicuous Place on the Premises and Not Torn Down or Removed Until Completion of Work

SUBJECT TO MASSACHUSETTS
STATE BUILDING CODE

Danny D. Romanowicz

Building Commissioner

Plan Review Comments: : Manuel H. Silva : Remove 18' Granite curb (Hillman Street side); Install 18'x10' Cement Concrete brow.

Manuel Silva

From: Maria Sequeira
Sent: Friday, June 17, 2016 10:42 AM
To: Manuel Silva; Ana S. Rosa; Donna M. Amado
Cc: Danny Romanowicz
Subject: Permit/Application: TB-16-1380 at 45 SUMMIT ST for Driveways - 30.00

Good morning Mr. Silva, please approve this asap per DDR, have a good day

Please review the permit in the subject line above in the View Permit System. The paper work you need is attached to the application.

Thank you for your attention in this matter.

Maria Sequeira
Department of Inspectional Services

*install 12' x 40' drive
on Hillman St. #4221
2 BA special permit*

*45 Summit St.
Junior Aves
P56
L134*

** Remove 18' Granite Curb (Hillman St. Side)
Install 18' x 10' Cement Concrete brow*

MRS

6/20/2016

DPJ-EDG



The Commonwealth of Massachusetts
Department of Industrial Accidents
Office of Investigations
600 Washington Street
Boston, MA 02111
www.mass.gov/dia

Workers' Compensation Insurance Affidavit: Builders/Contractors/Electricians/Plumbers
Applicant Information Please Print Legibly

Name (Business/Organization/Individual):

Aldo Alvarez junior

Address: 45 Summit St

City/State/Zip: MA 02140

Phone #: 508-6853782

Are you an employer? Check the appropriate box:

1. ☐ I am an employer with employees (full and/or part-time).*

2. ☐ I am a sole proprietor or partnership and have no employees working for me in any capacity. [No workers' comp. insurance required.]

3. ☐ I am a homeowner doing all work myself. [No workers' comp. insurance required.] †

4. ☐ I am a general contractor and I have hired the sub-contractors listed on the attached sheet. These sub-contractors have employees and have workers' comp. insurance. ‡

5. ☐ We are a corporation and its officers have exercised their right of exemption per MGL c. 152, §1(4), and we have no employees. [No workers' comp. insurance required.]

Type of project (required):

6. ☐ New construction
7. ☐ Remodeling
8. ☐ Demolition
9. ☐ Building addition
10. ☐ Electrical repairs or additions
11. ☐ Plumbing repairs or additions
12. ☐ Roof repairs
13. ☒ Other Plumbing

*Any applicant that checks box #1 must also fill out the section below showing their workers' compensation policy information.

†Homeowners who submit this affidavit indicating they are doing all work and then hire outside contractors must submit a new affidavit indicating such. ‡Contractors that check this box must attach an additional sheet showing the name of the sub-contractors and state whether or not those entities have employees. If the sub-contractors have employees, they must provide their workers' comp. policy number.

I am an employer that is providing workers' compensation insurance for my employees. Below is the policy and job site information.

Insurance Company Name: _____

Policy # or Self-ins. Lic. #: _____

Expiration Date: _____

Job Site Address: _____

City/State/Zip: _____

Attach a copy of the workers' compensation policy declaration page (showing the policy number and expiration date). Failure to secure coverage as required under Section 25A of MGL c. 152 can lead to the imposition of criminal penalties of a fine up to \$1,500.00 and/or one-year imprisonment, as well as civil penalties in the form of a STOP WORK ORDER and a fine of up to \$250.00 a day against the violator. Be advised that a copy of this statement may be forwarded to the Office of Investigations of the DIA for insurance coverage verification.

I do hereby certify under the pains and penalties of perjury that the information provided above is true and correct.

Signature: Aldo Alvarez Junior

Date: 3-22-16

Phone #: 508-6853782

Official use only. Do not write in this area, to be completed by city or town official.

City or Town: _____

Permit/License # _____

Issuing Authority (circle one):

1. Board of Health 2. Building Department 3. City/Town Clerk 4. Electrical Inspector 5. Plumbing Inspector

6. Other _____

Contact Person: _____

Phone #: _____



City of New Bedford

ZONING BOARD OF APPEALS

133 William Street, New Bedford
Massachusetts 02740
Telephone: (508) 979.1488
Facsimile: (508) 979.1576

JONATHAN F. MITCHELL
MAYOR



2016 00013785
Bk: 11723 Pg: 98 Pg: 1 of 4 BS
Doc: ZV 06/17/2016 09:34 AM

2016 MAY 27 P 12:11
CITY CLERK

NOTICE OF DECISION

Case Number:	#4227			
Request Type:	Special Permit			
Address:	45 Summit Street			
Zoning:	Residential A Zoning District			
Recorded Owner:	Aldo Alves Junior			
Owner's Address:	87 Alpha Street Dartmouth, MA 02747			
Applicant:	Aldo Alves Junior			
Applicant's Address:	87 Alpha Street Dartmouth, MA 02747			
Application Submittal Date	Public Hearing Date(s)	Decision Date		
April 8 th , 2016	May 19 th , 2016	May 19 th , 2016		
Assessor's Plot Number	Lot Number(s)	Book Number	Page Number	Certificate Number
56	134	11618	329	

Special Permit under provisions of Chapter 9, comprehensive zoning sections 3100 (parking and loading), 3110 (applicability), 3149 (Special Permit-Vehicular access to a building accessed from a public way that does not constitute frontage of a lot), and 5300-5330 & 5360-5390 (Special Permit); relative to property located at 45 Summit Street, assessor's map 56 lot 134 in a residential A zoned district. To allow the petitioner to install a driveway in a rear yard as plans filed.

Action: **GRANTED, WITH CONDITIONS**, for the reasons set forth in the attached decision with the conditions as described in the attached decision. (See Attachment)

A copy of this Decision was filed with the City Clerk of the City of New Bedford on May 27th, 2016. Any person aggrieved by this decision has twenty (20) days to appeal the decision in accordance with the procedures set forth in Section 17 of Chapter 40A of the General Laws of Massachusetts.

May 27, 2016
Date

[Signature]
Acting Clerk, Zoning Board of Appeals

JUN 17 2016

JUN 17 2016

Date Issued
A TRUE COPY ATTEST

[Signature]
CITY CLERK, NEW BEDFORD, MA
[Signature]
ASST CITY CLERK

This is to certify that notice of this grant of this appeal was filed with City Clerk on May 27, 2016, and no appeal from the decision of the Board has been filed within the 21 day appeal period.

[Signature]
CITY CLERK

1.) APPLICATION SUMMARY

The petitioner proposes to install a driveway in a rear yard as plans filed, which requires a Special Permit under provisions of Chapter 9, comprehensive zoning sections 3100 (parking and loading), 3110 (applicability), 3149 (Special Permit-Vehicular access to a building accessed from a public way that does not constitute frontage of a lot), and 5300-5330 & 5360-5390 (Special Permit). This petition is relative to property located at 45 Summit Street, assessor's map 56 lot 134 in a residential A zoned district.

2.) MATERIALS REVIEWED BY THE BOARD

Plans Considered to be Part of the Application

- Site Plan, drawn by unknown, not dated

Other Documents & Supporting Material

- Completed Petition for a Special Permit Form, stamped received by City Clerk's Office April 8th, 2016
- Photos of properties in the neighborhood, submitted by the applicant, with the petition
- Letter to ZBA from the Commissioner of Buildings & Inspectional Services, Danny D. Romanowicz, dated May 2nd, 2016.
- Staff Comments to ZBA from City Planning Division dated May 5th, 2016.

3.) DISCUSSION

On the evening of the May 19th, 2016 meeting, board members: Deb Trahan, Sherry McTigue, Leo Schick, John Walsh, and Robert Schilling were present for the public hearing. City of New Bedford staff: Danny D. Romanowicz (Commissioner of Buildings & Inspectional Services) and Jennifer Gonet (Assistant Project Manager, Planning Division) were present during proceedings for the subject case review.

Mr. Walsh made a motion, seconded by Ms. McTigue, to receive and place on file the communications from the Commissioner of Buildings & Inspectional Services, Danny D. Romanowicz, dated May 2nd, 2016; Staff Comments from the Department of Planning, Housing & Community Development, dated May 5th, 2016; the appeal packet; the plan as submitted; and, that the owners of the lots as indicated are the ones deemed by the Board to be affected; and that the action of the Clerk in giving notice of the hearing as stated be and is hereby ratified. With all in favor, the motion carried.

Chair Trahan then declared the hearing open.

Representative of the petitioner: Mr. Jose Fontes (178 Grinnell Street New Bedford, MA), stated general contractor for the project, presented the petition. He explained Mr. Aldo Alves Junior was unable to attend due to undergoing surgery earlier in the day. Mr. Fontes explained the petition is to have a driveway located in the rear of the property, similar to other driveways in the neighborhood. He further explained that it would be very difficult and expensive to carve out the land in order to have the driveway on the lot frontage. He explained as the east side/front of the property is about 4-5 feet high. It would require a large amount of land to be removed, engineering, and retaining walls to place

the driveway along the frontage. The neighbors also have driveways in the rear as it is easier to do it that way and this proposal would take two cars off the street, he said.

Following the petitioner's testimony, Chair Trahan invited to the podium anyone wishing to speak in favor of the application. No one in attendance spoke in support of the petition or wished to be recorded in favor of the petition.

Chair Trahan invited to the podium anyone wishing to speak in opposition of the petition. No one in attendance spoke in opposition of the petition or wished to be recorded in opposition of the petition.

With no further questions or concerns, Chair Trahan closed the hearing, and opened the floor for discussion amongst board members. Mr. Walsh stated based on the materials submitted and presented he was ready to vote. Ms. McTigue indicated she travels by the property frequently and was familiar with it. Board members indicated their readiness to vote.

4.) FINDINGS

The Board found that in accordance with City of New Bedford Code of Ordinances Chapter 9 Section 5320, 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 included consideration of each of the following:

- *Social, economic, or community needs which are served by the proposal;*
 - The proposal increases the availability of off-street parking.
- *Traffic flow and safety, including parking and loading;*
 - The Board found the project would improve traffic flow and safety by increasing the availability of off-street parking.
- *Adequacy of utilities and other public services;*
 - The Board found no impact on existing utilities or public services.
- *Neighborhood character and social structures;*
 - The Board found the project fits within the character of the neighborhood and said social structures.
- *Impacts on the natural environment;*
 - The Board found the proposal will preserve existing green space on the property.
- *Potential fiscal impact, including impact on City services, tax base, and employment*
 - The Board found with respect to this section the proposal is neutral or will improve the tax base.

Additionally, the board found the petition to be in accordance with City of New Bedford Code of Ordinances Chapter 9 Sections 3100, 3110, and 3149.

5.) RELIEF

With respect to the relief requested by the Applicant, the Board has been presented with sufficient information at the hearing to justify the relief described below, subject to the conditions set forth below in Section 6.

The Board grants the Applicant's request for relief from Chapter 9, comprehensive zoning sections 3100 (parking and loading), 3110 (applicability), 3149 (Special Permit-Vehicular access to a building accessed from a public way that does not constitute frontage of a lot), and 5300-5330 & 5360-5390 (Special Permit); relative to property located at 45 Summit Street, assessor's map 56 lot 134 in a residential A zoned district. To allow the petitioner to install a driveway in a rear yard as plans filed.

6.) THE FOLLOWING CONDITIONS AND RESTRICTIONS SHALL APPLY

- a. The project shall be set forth according to plans, submitted with the application, with conditions;
- b. The applicant shall ensure that a copy of this decision, bearing the certification of the City of New Bedford Clerk's Office, is recorded in the Registry of Deeds;
- c. The rights authorized by the granted Special Permit must be exercised, by issuance of a Building Permit by the Department of Inspectional Services and acted upon within one year from the date they were granted or they will lapse.

7.) DECISION

Based on a review of the application documents, testimony given at the public hearing and the findings described above, the Zoning Board of Appeals hereby **GRANTS, WITH CONDITIONS,** the requested Special Permit.

On a motion by J. Walsh seconded by R. Schilling to grant the requested Special Permit, the vote carried 5-0 with members R. Schilling, S. McTigue, L. Schick, J. Walsh, and D. Trahan voting in the affirmative, no member voting in the negative. (Tally 5-0)

Filed with the City Clerk on:

May 27, 2016

Date

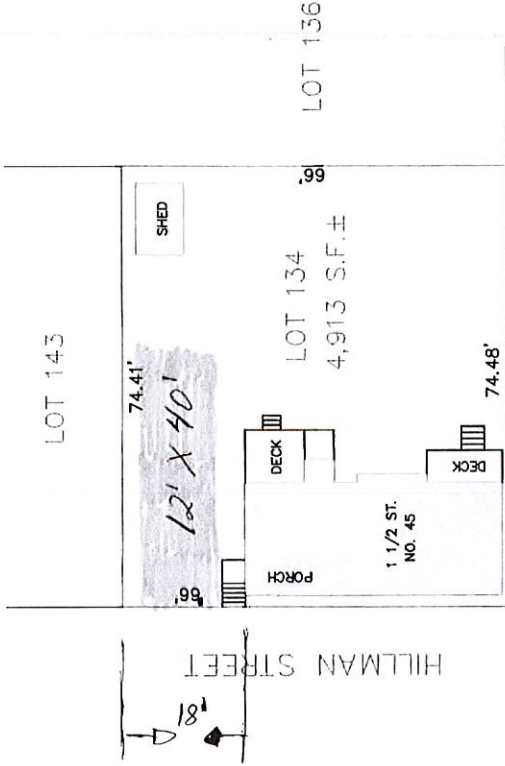


John Walsh, Acting Clerk of the Zoning Board of Appeals

File number: 160246-7	UNREGISTERED LAND		
Attorney: ATTORNEY MICHAEL MEDEIROS	<i>Deed Book</i> 11415	<i>Page</i> 289	
Lender:	<i>Plan Book</i>	<i>Page</i>	<i>Lot(s)</i>
Owner: US BANK, N.A.	REGISTERED LAND		
	<i>Reg. Book</i>	<i>Sheet</i>	<i>Lot(s):</i>
Date: 2/17/2016	<i>Certificate of Title</i>		
Assessor's Map 56	Blk: Lot 134	Census Tract	

MORTGAGE INSPECTION PLAN
45 SUMMIT STREET, NEW BEDFORD, MA

Scale: 1"=25'



CERTIFICATION

I CERTIFY TO THE ABOVE ATTORNEY, BANK AND THEIR TITLE INSURANCE COMPANY THAT THE MAIN BUILDING, FOUNDATION OR DWELLING WAS IN COMPLIANCE WITH THE LOCAL ZONING BYLAWS IN EFFECT WHEN CONSTRUCTED (WITH RESPECT TO STRUCTURAL SETBACK REQUIREMENTS ONLY) OR IS EXEMPT FROM VIOLATION ENFORCEMENT ACTION UNDER MASS. GENERAL LAW TITLE VII, CHAPTER 40A, SECTION 7.

FLOOD DETERMINATION

BY SCALE, THE DWELLING SHOWN HERE DOES NOT FALL WITHIN A SPECIAL FLOOD HAZARD ZONE AS DELINEATED ON A MAP OF COMMUNITY

CERTIFICATION

I CERTIFY TO THE ABOVE ATTORNEY, BANK AND THEIR TITLE INSURANCE COMPANY THAT THE MAIN BUILDING, FOUNDATION OR DWELLING WAS IN COMPLIANCE WITH THE LOCAL ZONING BYLAWS IN EFFECT WHEN CONSTRUCTED (WITH RESPECT TO STRUCTURAL SETBACK REQUIREMENTS ONLY) OR IS EXEMPT FROM VIOLATION ENFORCEMENT ACTION UNDER MASS. GENERAL LAW TITLE VII, CHAPTER 40A, SECTION 7.

FLOOD DETERMINATION

BY SCALE, THE DWELLING SHOWN HERE DOES NOT FALL WITHIN A SPECIAL FLOOD HAZARD ZONE AS DELINEATED ON A MAP OF COMMUNITY # 25005C0389F AS ZONE X DATED 7-7-2009 BY THE NATIONAL FLOOD INSURANCE PROGRAM.

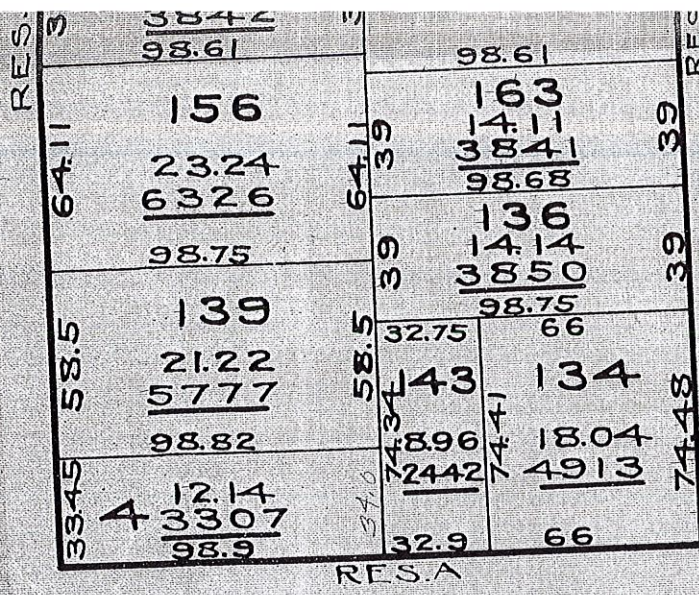


Olde Stone Plot Plan Service, LLC

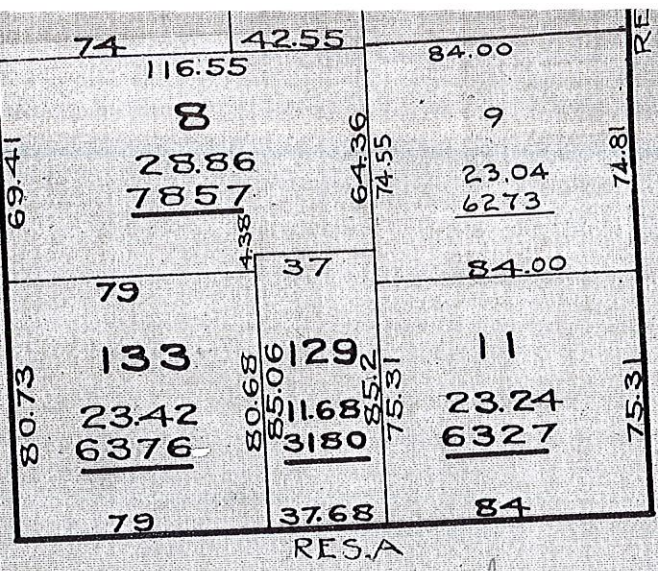
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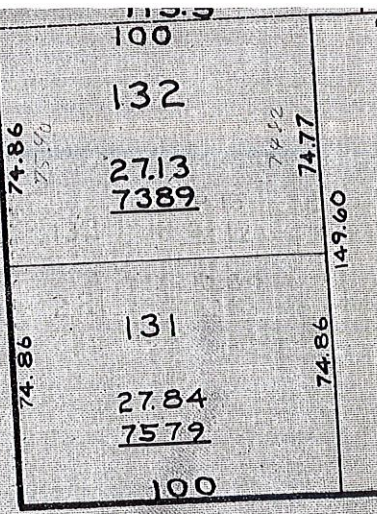
AVENUE



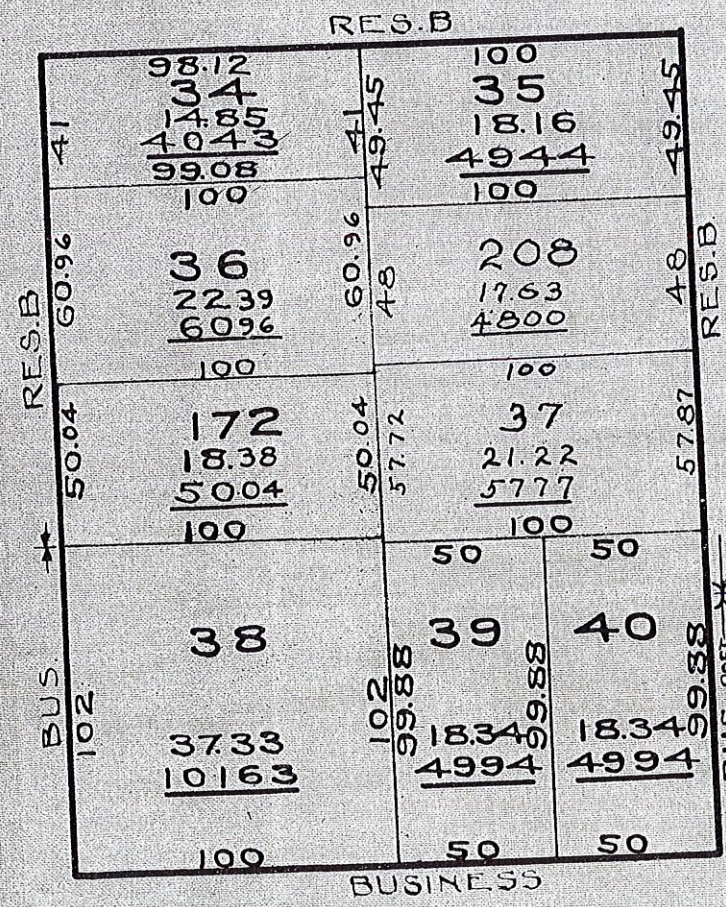
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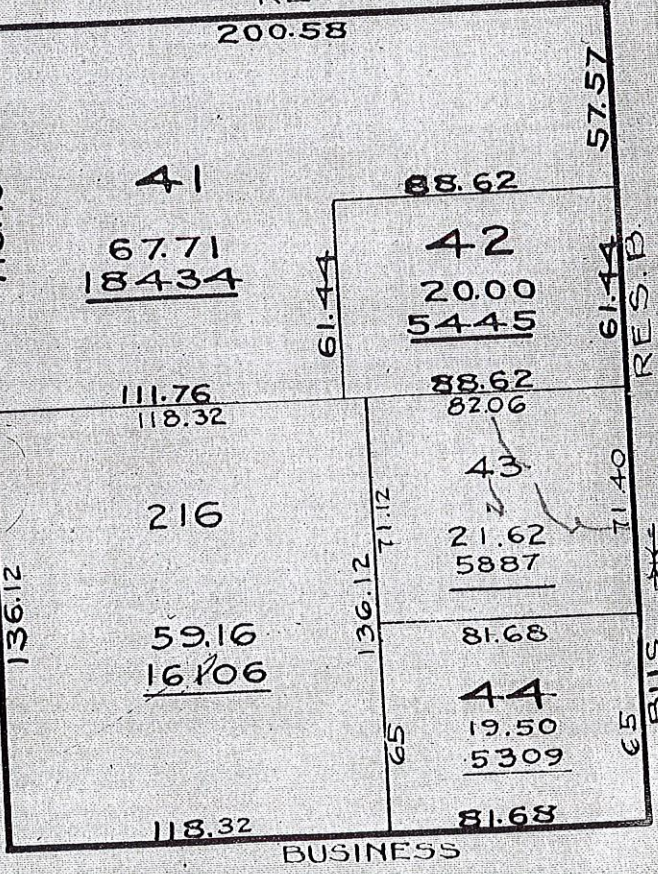
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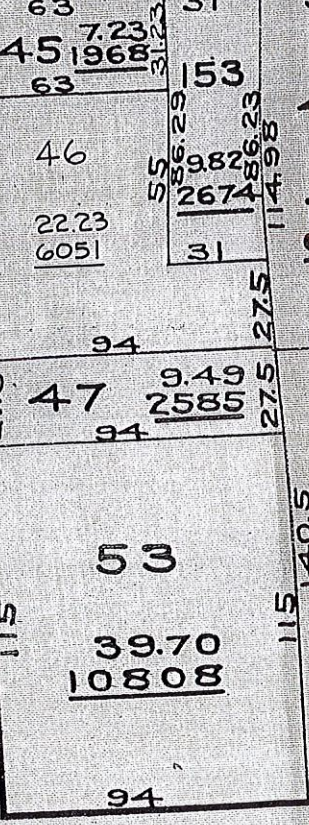
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RES. B



RES. B



RES. B