



# BOHLER<sup>TM</sup>

## ENGINEERING

352 Turnpike Road  
Southborough, MA 01772  
PHONE 508.480.9900  
FAX 508.480.9080

April 6, 2016

City of New Bedford  
Conservation Commission  
Attn: Sarah Porter  
133 William St. Rm 304  
New Bedford, MA 02740

Re: McDonald's  
1080 King's Highway  
New Bedford, MA  
**Amended Order of Conditions (MassDEP File #SE49-0719)**

Dear Ms. Porter:

On behalf of McDonald's USA, LLC (c/o Bohler Engineering) please find enclosed a request for an Amended Order of Conditions for the proposed "McDonald's" restaurant redevelopment located at the referenced address (MassDEP File #SE49-0719). In support of the Request please find the following enclosures;

- Two (2) Site Development Plan sets prepared by Bohler Engineering, dated August 12, 2015, and revised through January 16, 2016;
- Copy of current property deed;
- McDonald's USA, LLC applicant authorization letter;
- Certified Abutters List;
- One (1) Electronic Copy (PDF & CAD) of Site Development Plan set;
- Conservation Commission Local Filing Fee Worksheet;
- Check for \$150.00 for Local Amendment Application Fee;

The amendments to the plan previously approved by the Conservation Commission and MassDEP are a result of a  $\pm 750$  SF building addition to include an indoor Playplace. All work is within the previous limits of disturbance and still results in a decrease of  $\pm 4,425$  SF of impervious area over existing conditions. The previously reviewed and approved water quality improvements are unchanged. It is further notable that no changes to the approved plan occur within the 100' buffer to the wetland area.

The applicant respectfully requests that the application package be reviewed upon receipt and if deemed complete, placed on the Conservation Commission's April 19, 2016 meeting agenda for review. Should you have any questions or need additional information, please do not hesitate to contact me at 508-480-9900.

Sincerely,

BOHLER ENGINEERING

Eric G. Dubrule

John A. Kucich, P.E.

APR 07 2016

Cc: MassDEP

W142005  
Letter ConCom 04-6-16.docx

Deed

King's Plaza Associates Limited Partnership  
of c/o WP Realty, Inc., 940 Haverford Road, Bryn Mawr, PA 19010 ("Grantor")

For consideration paid and in full consideration of Twelve Million and 00/100 Dollars  
(\$12,000,000.00)

Grants to Cedar-Kings, LLC of 44 South Bayles Avenue, Port Washington, NY 11050  
("Grantee")

With Quitclaim Covenants

Certain parcels of unregistered land situated in the City of New Bedford, County of  
Bristol and Commonwealth of Massachusetts, described on Exhibit "A" attached hereto  
and made a part hereof.

Together with all the buildings and other improvements thereon and all tenements, rights,  
easements, hereditaments, rights of way, privileges, liberties, appendages and  
appurtenances now or hereafter belong or in any way appertaining to such land.

Being the same premises conveyed to the Grantor by deed recorded with Bristol Co. S.D. in  
Book 3214, Page 337.

Executed as a sealed instrument this 5 day of October, 2007.

**GRANTOR:**  
**KING'S PLAZA ASSOCIATES LIMITED**  
**PARTNERSHIP**

By: King's Plaza Developers Limited  
Partnership, its General Partner

By: New King's Plaza, Inc.,  
its General Partner

By:   
Bryan S. Weingarten  
President

REG OF DEEDS  
REG #07  
BRISTOL S

10/11/07 1:35PM 01  
000000 #1737

FEE \$54720.00

CASH \$54720.00

1024+1080 Kings Hwy, New Bedford, MA

## COMMONWEALTH OF PENNSYLVANIA

COUNTY OF DELAWARE, ss:

On this 1 day of October, 2007 before me, the undersigned notary public, personally appeared Bryan S. Weingarten, the President of New King's Plaza, Inc., General Partner of King's Plaza Developers Limited Partnership, general partner of King's Plaza Associates Limited Partnership, proved to me through satisfactory evidence of identification, which were PERSON KNOWN TO ME, to be the person whose name is signed on the preceding or attached document, and acknowledged to me that he signed it voluntarily for its stated purpose.

  
Notary Public: \_\_\_\_\_

(official signature and seal of notary)

My Commission Expires: \_\_\_\_\_

COMMONWEALTH OF PENNSYLVANIA

Notarial Seal

Christine Kahuy, Notary Public  
Beverford Twp., Delaware County  
My Commission Expires Apr. 16, 2009

Member, Pennsylvania Association of Notaries

## EXHIBIT "A"

That certain tract or parcel of land with all buildings and improvements shown as Lot B on a plan dated November 22, 1971, recorded with said Deeds, Plan Book 86, Plan No. 69, thereon situated on the easterly side of King's Highway (State Route 140) in the City of New Bedford, Bristol County, Massachusetts, is herein bounded and described:

Beginning at the most northwesterly corner of the herein described parcel said corner being located S 32 08' 24" W two hundred thirty four and 00/100 (234.00') from the intersection of the easterly highway line of King's Highway with the westerly line of land now or formerly of the Penn Central Railroad;

Thence proceeding S 58 04' 05" E a distance of one hundred twenty five and 00/100 (125.00) feet to a point;

Thence proceeding N 80 52' 14" E a distance of fifty-eight and 00/100 (58.00') feet to a point;

Thence proceeding along the chord of an arc N 08 18' 57" W a distance of one hundred nineteen and 98/100 (119.98') feet to a point, said arc having a radius eleven thousand, three hundred sixty and 19/100 (11,360.19') feet and an arc length of one hundred nineteen and 98/100 (119.98'), the last three courses bounded northerly, and westerly by land now or formerly of the Shell Oil Company;

Thence proceeding N 81 22' 53" E a distance of sixty-six and 00/100 (66.00') feet to a point;

Thence proceeding along the chord of an arc S 08 18' 46" E a distance of one hundred twenty two and 82/100 (122.82') feet to a point, said arc having a radius of eleven thousand four hundred twenty six and 19/100 (11,426.19') feet and an arch length of one hundred twenty two and 82/100 (122.82');

Thence proceeding S 08 00' 10" E a distance of one thousand four hundred twenty and 00/100 (1,420.00') feet to a point, the last three courses bounded northerly and easterly by land now or formerly of the Penn Central Railroad;

Thence proceeding S 81 59' 50" W a distance of four hundred twelve and 00/100 (412.00') feet to a point;

Thence proceeding N 08 00' 10" W a distance of four hundred eleven and 29/100 (411.29') feet to a point;

Thence proceeding N 58 32' 07" W a distance of thirty seven and 59/100 (37.59') feet to a point;

Thence proceeding N 10 08' 29" W a distance of three hundred sixty and 00/100 (360.00') feet to a point;

Thence proceeding N 57 56' 23" W a distance of two hundred seventy-six and 00/100 (276.00') to a point on the easterly side of King's Highway so called, the last five courses bounded southerly, westerly, southerly, westerly and southerly by land now or formerly of First Bristol Corporation, Trustee of Fieldstone Realty Trust;

Thence proceeding N 32 08' 24" E along the easterly highway line of king's highway so-called a distance of thirty seven and 72/100 (37.72') feet to a Massachusetts Highway bound found;

Thence continuing N 32 08' 24" E along the said highway line a distance of five hundred seventy six and 18/100 (576.18') feet to a Massachusetts Highway bound found, thirty three and 00/100 (33.00') feet right of station +75.009;

Thence continuing N 32 08' 24" E along said highway line a distance of seventy seven and 66/100 (77.66') feet to the point and place of beginning;

Said parcel contains 15.348 acres more or less.

Together with and the benefit of Grant of Driveway and Access Easement and of Restriction between Shell Oil Company and King's Plaza Associates Limited Partnership dated June 6, 1995 and recorded in Book 3486, Page 228.



McDonald's USA, LLC  
690 Canton Street  
Suite 310  
Westwood, MA 02090  
(781) 329-1450

May 22, 2007

Bohler Engineering, P.C.  
352 Turnpike Road  
Southborough, MA 01756

To Whom It May Concern:

McDonald's USA, LLC with a usual place of business in Westwood, Massachusetts, does hereby authorize the employees of Bohler Engineering, P.C. to apply for and represent McDonald's USA, LLC in filing of any applications for required permits and/or approvals for the construction, operation and maintenance of McDonald's USA, LLC restaurants including, but not limited to, appearing before any governmental agency at general meetings or public hearing addressing such construction/improvement of McDonald's USA, LLC.

McDonald's USA, LLC

  
Nancy Dittmeier



## 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).

<b>SUBJECT PROPERTY</b>			
MAP #	125	LOT(S)#	29
ADDRESS: 1080 King's Highway			
<b>OWNER INFORMATION</b>			
NAME: Cedar-Kings, LLC c/o Cedar Realty Trust			
MAILING ADDRESS: 44 South Bayles Ave, Ste 304 Port Washington, NY 11050			
<b>APPLICANT/CONTACT PERSON INFORMATION</b>			
NAME (IF DIFFERENT): Bohler Engineering c/o Eric Dubrule			
MAILING ADDRESS (IF DIFFERENT): 352 Turnpike Rd, Southboro, MA 01772			
TELEPHONE #	508-480-9900		
EMAIL ADDRESS:	edubrule@bohlereng.com		
<b>REASON FOR THIS REQUEST: Check appropriate</b>			
<input type="checkbox"/>	ZONING BOARD OF APPEALS APPLICATION		
<input type="checkbox"/>	PLANNING BOARD APPLICATION		
<input checked="" 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.

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

Signature

Date

2/2/2016

PLANNING  
JAN 28 2016  
DEPARTMENT

February 1, 2016

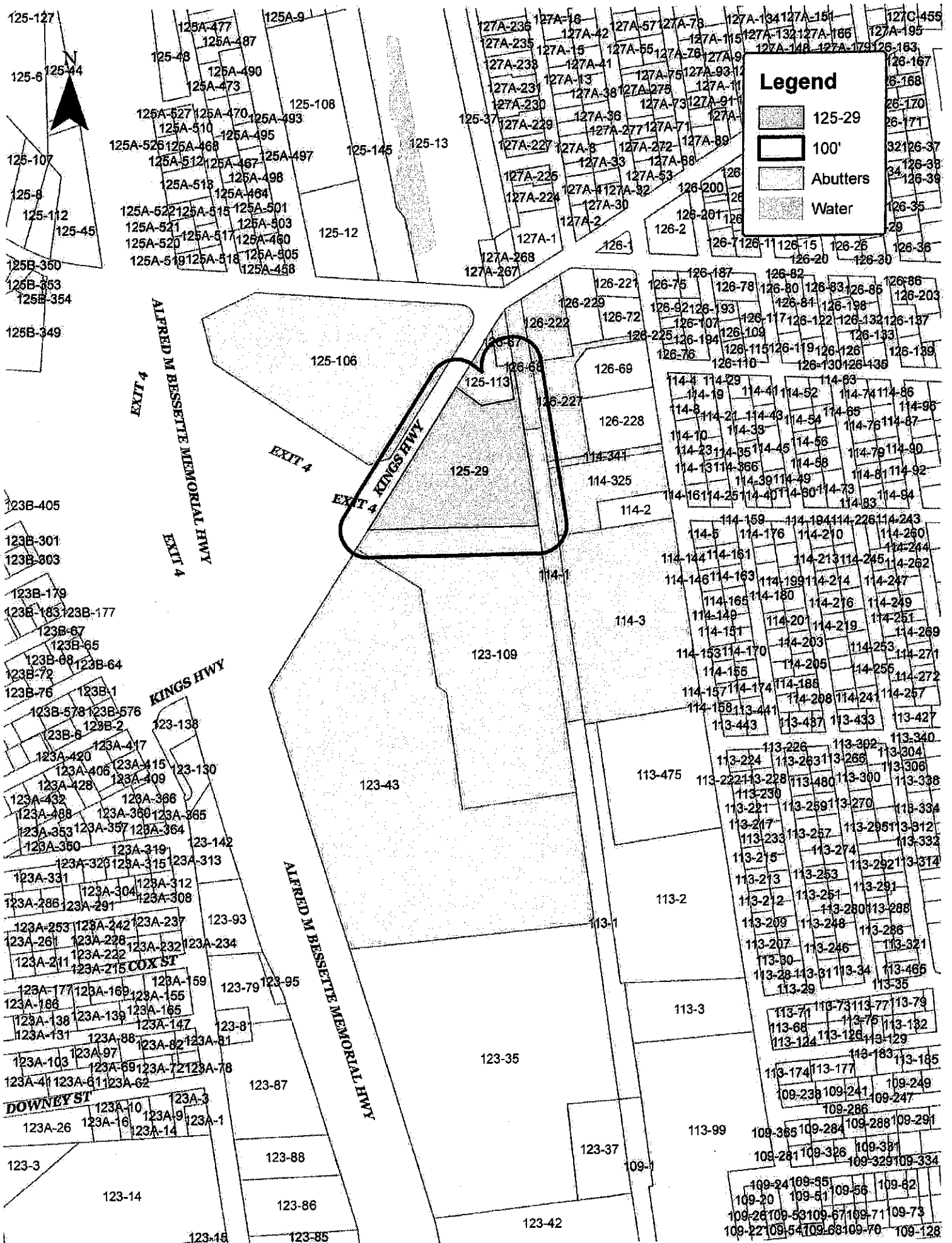
Dear Applicant,

Please find below the List of Abutters within 100 feet of the property known as 1080 King's Highway (125-29). 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
114-3	429 CHURCH ST	JONES J THOMAS "TRUSTEE", JONES KEVIN J "TRUSTEE" P O BOX 51687 NEW BEDFORD, MA 02745
114-325	475 CHURCH ST	475 CHURCH STREET LLC, 268 DEXTER ROAD ST ALBANS, ME 04971
125-113	1076 KINGS HWY	PANAGAKOS MICHAEL, 133 FAUNCE CORNER ROAD DARTMOUTH, MA 02747
123-43	950 KINGS HWY	CEDAR-FIELDSTONE, LLC, C/O CEDAR REALTY TRUST INC 44 SOUTH BAYLES AVE STE 304 PORT WASHINGTON, NY 11050
114-1	RIGHT OF WAY	PENN CENTRAL CO, CONSOLIDATED RAIL CORP <del>P O BOX 8097</del> 500 N. Water St. Dept. J910 <del>PHILADELPHIA, PA 19101</del> Jacksonville FL 32202
123-109	1024 KINGS HWY	CEDAR-KINGS LLC, C/O CEDAR REALTY TRUST INC 44 SOUTH BAYLES AVE STE 304 PORT WASHINGTON, NY 11050
114-341 WS	CHURCH ST	SURPRENANT CHARLES E, 268 DEXTER ROAD ST ALBANS, ME 04971
126-67 SS	TARKILN HILL RD	PENN CENTRAL CO, C/O CSX TRANSPORTATION (J910) 500 WATER STREET JACKSONVILLE, FL 32202
126-68	RIGHT OF WAY	PENN CENTRAL CO, CONSOLIDATED RAIL CORP <del>P O BOX 8097</del> 500 N. Water St. Dept. J910 <del>PHILADELPHIA, PA 19101</del> Jacksonville FL 32202
125-29	1080 KINGS HWY	CEDAR-KINGS LLC, C/O CEDAR REALTY TRUST INC 44 SOUTH BAYLES AVE STE 304 PORT WASHINGTON, NY 11050
125-106 SS	TARKILN HILL RD	HUEBER JOHN W - TRUSTEE HERITAGE REALTY TRUST, C/O CROSSPOINT ASSOCIATES INC City of new Bedford Airport Comm. <del>300 THIRD AVENUE SUITE 2</del> 131 William St. <del>WALTHAM, MA 02451</del> new Bedford MA 02740
126-227	507 CHURCH ST -513	BRODEUR FAMILY LIMITED PARTNERSHIP (THE), 513 CHURCH STREET NEW BEDFORD, MA 02745-5106
126-222	606 TARKILN HILL RD	FALCON KARYN "TRUSTEE", C/O MICHAEL PANAGAKOS 133 FAUNCE CORNER ROAD DARTMOUTH, MA 02747







**CITY OF NEW BEDFORD  
MASSACHUSETTS**

**CONSERVATION COMMISSION  
2009 FILING FEE CALCULATION WORKSHEET\***

**PROJECT LOCATION:**

1080 King's Highway MAP 125 LOT(S) 29

**APPLICANT:** McDonald's USA, LLC

**CONSERVATION COMMISSION FEES (check all that apply):**

- ☐ REQUEST FOR DETERMINATION OF APPLICABILITY
- ☐ NOTICE OF INTENT
- ☐ INQUIRY AS TO NEED FOR AN AMENDED ORDER\*\*
- ☒ AMENDED ORDER OF CONDITIONS
- ☐ ANRAD (Abbreviated Notice of Resource Area Delineation)
- ☐ EXTENSION PERMIT
- ☐ CERTIFICATE OF COMPLIANCE
- ☐ AFTER THE FACT FILING
- ☐ RESTORATION PLAN FEE (no NOI filing required)
- ☐ LIFTING AN ENFORCEMENT ORDER
- ☐ PENALTIES

**(A.) ALTERATION FEES:**

Application and field review of a project proposed in a Wetland Resource Area or its Buffer Zone is \$150.00 plus the applicable alteration fee as follows

	<u>AMOUNT DUE</u>
• Application and Field Review Fee ( \$150.00 )	\$ _____
• \$0.50 X _____ SF Wetland Resource Area	\$ _____
• \$0.05 X _____ SF Land Subject Coastal Flooding	\$ _____
• \$0.20 X _____ SF Developed Riverfront Area	\$ _____
• \$1.00 X _____ SF Undeveloped Riverfront Area	\$ _____
• \$5.00 X _____ LF Coastal Bank	\$ _____
• \$0.10 X _____ SF Buffer Zone	\$ _____

**(B.) EXTENSION of an Order of Conditions:**

- Minor Project ... \$100.00 + \_\_\_\_\_ (¼ local fee from NOI) \$ \_\_\_\_\_
- Other Projects ... \$200.00 + \_\_\_\_\_ (¼ local fee from NOI) \$ \_\_\_\_\_

**(C.) AMENDING A PERMIT:**

- Written inquiry or request to appear to determine the need for an Amended Order:\*\* (\$50.00 fee) \$ \_\_\_\_\_
- Amending OOC: \$150.00 + \_\_\_\_\_ (applicable alteration fee) \$ 150

**(D.) RESOURCE BOUNDARY DELINEATION VERIFICATION  
USING AN RDA APPLICATION:**

- \$150.00 + \$2.00 X \_\_\_\_\_ LF Wetland boundary \$ \_\_\_\_\_

**(E.) ABBREVIATED RESOURCE AREA DELINEATION VERIFICATION  
(ANRAD)**

- \$150.00 + \$1.00 X \_\_\_\_\_ LF Resource Area boundary \$ \_\_\_\_\_

**(F.) RESOURCE BOUNDARY DELINEATION VERIFICATION CONDUCTED  
DURING A NOTICE OF INTENT REVIEW**

- \$150.00 + \$3.00 X \_\_\_\_\_ LF Resource Area boundary \$ \_\_\_\_\_

**(G.) DOCKS:**

- \$100.00 + \$4.00 X \_\_\_\_\_ LF of dock \$ \_\_\_\_\_
- Add 150% to total fee if in significant shellfish habitat \$ \_\_\_\_\_

**(H.) AFTER THE FACT FILING:**

- All Total Fees are doubled \$ \_\_\_\_\_

**(I.) RESTORATION PLAN FEE:**

- (\$150.00 + \_\_\_\_\_ Alteration Fee) Multiplied by 2 \$ \_\_\_\_\_

**(J.) LIFTING ON ENFORCEMENT ORDER:**

- \$150.00 fee \$ \_\_\_\_\_

**(K.) CERTIFICATE OF COMPLIANCE:**

- refer to "K" of the Fee schedule \$ \_\_\_\_\_

**(L.) PENALTIES:**

- refer to "L" of the Fee schedule \$ \_\_\_\_\_

**TOTAL AMOUNT DUE (including after-the-fact fee if applicable):** \$ 150

**Notes:**

\* Please refer to the Conservation Commission Fee Schedule - Revised April 2009

\*\* This is not required, but available for anyone who would like to appear to discuss the need to Amend.

Please make check or Money Order payable to: THE CITY OF NEW BEDFORD.  
Cash is not Accepted.

BOHLER ENGINEERING MA, LLC

▼ PLEASE DETACH AND RETAIN FOR YOUR RECORDS ▼

INVOICE NUMBER	DATE	VOUCHER NO.	AMOUNT
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BOHLER JOB # W142005

AMENDED ORDER OF CONDITION APP FEE

\$150.00

BOHLER ENGINEERING MA, LLC

352 TURNPIKE ROAD  
SOUTHBOROUGH, MA 01772  
(508) 480-9900



55-198/312

04/06/16

PAY  
ONE HUNDRED FIFTY

DOLLARS AND

00 CENTS

\$ 150.00

NO. 003263

TO THE  
ORDER  
OF  
CITY OF NEW BEDFORD

VOID AFTER 180 DAYS

PER

*Wendy Hall*

⑈003263⑈ ⑈031201360⑈ ⑈283545180⑈

APR 07 2016