



PLANNING BOARD

CITY OF NEW BEDFORD
JONATHAN F. MITCHELL, MAYOR

CITY CLERKS OFFICE
 NEW BEDFORD, MA
 2015 SEP 21 P 2:25
 CITY CLERK

NOTICE OF DECISION

Case Number: 19-15				
Request Type: Site Plan and Special Permit Approval				
Address: 1080 Kings Highway				
Zoning: Planned Business and Industrial-A				
Recorded Owner: Cedar-Kings, LLC, 44 South Bayles Avenue, Port Washington, NY 11050				
Applicant: McDonald's USA, LLC, Northeast Region				
Applicant Address: 690 Canton Street, Westwood, MA 02090				
Application Submittal Date		Public Hearing Date		Decision Date
August 14, 2015		September 9, 2015		September 9, 2015
Assessor's Plot Number	Lot Number(s)	Book Number	Page Number	Certificate Number
125	29	8820	194	

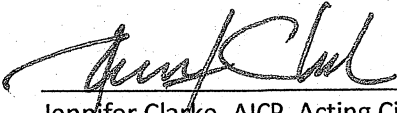
Application: Request for Site Plan Review for new construction of a 4600+/- SF fast-food restaurant, and Special Permit for reduction of parking spaces

Action: GRANTED, WITH CONDITIONS:

1. Applicant agrees to donate ten street trees to the City of New Bedford to be planted at the City's discretion.
2. Applicant agrees to provide a Landscape Plan to planning staff and work together with staff in creating an acceptable landscape design.
3. The applicant will agree with the recommendations of DPI and take into account all of DPI's suggested recommendations.
4. The hours of operation are to be 5:00 a.m. to 12 midnight.
5. The illuminated signs shall be turned off no later than one hour after closing.
6. The applicant agrees, if possible, to pull in the flared drain ends away from the City of New Bedford's easement for an existing 36 inch sewer drain.
7. The applicant agrees to any additional erosion control measures stipulated by the City of New Bedford Conservation Commission.
8. Application and plans are to be corrected for inconsistencies, including the correction of the Title Box which reads New Bedford as [incorrectly] being located in Providence County.

A copy of this decision was filed with the City Clerk of the City of New Bedford on September 21th, 2015. Any person aggrieved by this decision for Site Plan Approval has twenty (20) days to appeal the decision in accordance with the procedures set forth in Section 8 of Chapter 40A of the General Laws of Massachusetts and Section 5490B of the City of New Bedford Site Plan Review Ordinance. Any person aggrieved by this decision for Special Permit 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.

9.21.15
Date


Jennifer Clarke, AICP, Acting City Planner
Agent for the Planning Board

1) APPLICATION SUMMARY

Request by applicant, McDonald's USA, LLC (Cedar-Kings, 44 South Bayles Avenue, Port Washington, NY 11050), for Site Plan Review for new construction of a 4600+/- SF fast-food restaurant, and Special Permit for reduction of parking spaces, located at 1080 Kings Highway (Map 125, Lot 29), in the Planned Business and Industrial - A zoning districts.

2) MATERIALS REVIEWED BY THE PLANNING BOARD

Plans Considered to be Part of the Application

The submittal was shown on a Plan Set for McDonald's, Northeast Region, 690 Canton Street, Westwood, MA, dated 08/12/2015, located at 1080 Kings Highway (Map 125, Lot 29), prepared by Bohler Engineering, 352 Turnpike Road, Southborough, MA 01772 consisting of:

1. Cover Sheet
2. General Notes
3. Demolition Plan
4. Overall Site Plan
5. Site Plan
6. Grading & Drainage Plan
7. Utility Plan
8. Soil Erosion & Sediment Control Plan
9. Soil Erosion Control Notes & Details
10. Landscape Plan
11. Landscape Notes & Details
12. Lighting Plan
13. Detail Sheet C-13
14. Detail Sheet C-14
15. Detail Sheet C-15
16. ALTA/ACSM Land Title Survey Sheet 1
17. ALTA / ACSM Land Title Survey Sheet 2
18. A2.0 Elevations
19. A2.1 Elevations
20. A-1 Floor Plan
21. Aerial Sheet 1 (Submitted into the record on 9/9/2015)
22. Aerial Overlay (Submitted into the record on 9/9/2015)
23. Land Use/Zoning Information & Notes (Submitted into the record on 9/9/2015)

Other Documents and Supporting Material

- Certified Abutters List
- Photographs
- Memo from Department of Public Infrastructure Revised (1) September 8, 2015
- Staff Comments with Attachments:
 - Site Plan Review Application
 - Special Permit Application
 - Development Impact Statement
 - Plan Set
 - Deed
 - Letter of Authorization
 - Site Photos
 - Fire Truck Circulation Plan
 - Drainage Report
 - Memo from Department of Public Infrastructure Dated September 2, 2015
 - Lighting Tear Sheet

3) DISCUSSION

Eric Dubrule of Bohler Engineering, Adam Gourmette, Area Construction Manager, and Lynn Simonello, Director of Operations for McDonald's, described the demolition of the existing fast food restaurant and reconstruction project with improvements to landscaping, drainage and storm water treatment with recharge going through a swale, lighting, and parking reduction from 50 spaces to 40 spaces to Board members.

Illustrative plans were presented for consideration, with motion for acceptance by Board Member P. Cruz and second by Board Member A. Glassman.

The applicant will appear before the Zoning Board of Appeals to petition for Variance for side and rear yard setbacks of the trash enclosure in deference to the adjacent wetlands and Special Permit Application for a Fast Food Restaurant with Drive-thru.

Discussion ensued between applicant and Board members for further clarification of the case submittal. Chair Dawicki requested a motion from the Board to open the public hearing. No one spoke in favor, or against, the project submittal.

With no other comments received, motion was made by Board Member K. Duff, with second by Board Member A. Glassman to close the hearing. Motion carried Five (5) to Zero (0).

4) THE FOLLOWING CONDITIONS AND RESTRICTIONS SHALL APPLY

- Applicant agrees to donate ten street trees to the City of New Bedford to be planted at the City's discretion.
- Applicant agrees to provide a Landscape Plan to planning staff and work together with staff in creating an acceptable landscape design.
- The applicant will agree with the recommendations of DPI and take into account all of DPI's suggested recommendations.
- The hours of operation are to be 5:00 a.m. to 12 midnight.

- The illuminated signs shall be turned off no later than one hour after closing.
- The applicant agrees, if possible, to pull in the flared drain ends away from the City of New Bedford easement for an existing 36 inch sewer drain.
- The applicant agrees to any additional erosion control measures stipulated by the City of New Bedford Conservation Commission.
- Application and plans are to be corrected for inconsistencies, which includes the correction of the Title Box which [incorrectly] reads New Bedford as being located in Providence County.

5) DECISION

Chair Dawicki asked for the motion to grant the Special Permit. Board Member Duff made the motion to approve the Special Permit Application for **Case #19-15** for a reduction in parking from 56 spaces to 40 spaces, seconded by Board Member Glassman.

A roll call vote was taken and unanimously approved Five (5) to Zero (0).

Board Member Kalife – Yes Board Member Glassman – Yes Board Member Cruz – Yes
 Board Member Duff – Yes Chair Person Dawicki - Yes

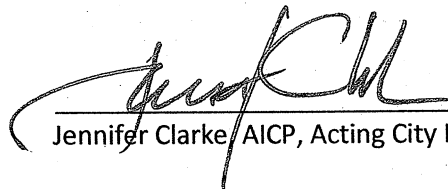
Chair Dawicki asked for the motion to grant Site Plan approval for **Case #19-15**, with conditions, for new construction of a 4600+/- SF fast-food restaurant, located at 1080 Kings Highway (Map 125, Lot 29), in the Planned Business and Industrial - A zoning districts.

Board Member Duff made the motion to approve the Site Plan Application for **Case #19-15**, with the listed conditions, seconded by Board Member Glassman. Motion carried unanimously Five (5) to Zero (0).

Filed with the City Clerk on:

9.21.15

Date



 Jennifer Clarke, AICP, Acting City Planner, Agent for the Planning Board