

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, 55A, debris resulting from this work shall be disposed of in a properly licensed solid waste disposal facility as defined by Massachusetts General Law C311, §150A.

The debris will be disposed of at _____

(Location of Facility)

Signature of Permit Applicant _____

Date _____

XI. HOME IMPROVEMENT CONTRACTOR LAW AFFIDAVIT

(Residential Use Only) Supplement to Permit Application

Supplement #3

MGLc. 142A 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 _____

Create a Fast Food Restaurant

Est. Cost _____

Address of Work _____

888 Ashley Boulevard

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 ☒ ZBA SPECIAL Permit-Planning Board-

Reason For Rejection _____

"See Attachments"

Fee _____

Permit # _____

Comments and Conditions _____

Signed _____

Danny D. Romanowicz
Building Commissioner

Date 2/13

20 20

Not valid unless signed (not stamped) by Building Commissioner



CITY OF NEW BEDFORD
JONATHAN F. MITCHELL, MAYOR

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

New Bedford Comprehensive Zoning Code Review

Code of Ordinances – Chapter-9

888 Ashley Boulevard – PLOT: 127C – LOT: 134 – ZONED DISTRICT: MUB

Special Permit is Required from the Zoning Board of Appeals

Site Plan Review is Required from the Planning Board

Zoning Code Review as follows:

Special Permit

Zoning Board of Appeals

❖ SECTIONS

- 2200 – Use Regulations
- 2210 – General
- 2230 – Table of Principal Use Regulations – Appendix A
 - Commercial - #23. Restaurant, Fast Food

Site Plan Review

Planning Board

❖ SECTIONS

- 5400 – Site Plan Review
- 5410 – Purpose
- 5420 – Applicability
 - 5423 – Any new construction or expansion of existing construction where a drive-thru window for any service including self-service is proposed; and any expansion of a structure presently containing a drive-thru; or any facility currently containing a drive-thru, at which the owner or operator of the drive-thru is altered or changed; or at which the drive-thru is closed for a period of 10 days or more and to be reopened
 - 5425 – New industrial or commercial construction or additions less than two thousand (2,000) square feet if requiring a new curb cut or driveway or if substantially affecting existing internal circulation.
 - 5427 – Commercial or industrial ground signs.
- 5430-5490B

LOCATION 888

DISTRICT: Bus

PERMIT NO.

USE

PLOT

PLANS

CONST

190-82

179-68

Erect an addition

Spec. Invest. Letter 1/4/80

181-86

Install 2 signs for Pharmacy

708-86

Change of use to Video Rental Shop

100-87

Erect sign for Pharmacy

118-87

Use part of basement of pharmacy for
Custom Cakes

1127 1/24/80 1/24/80 1/24/80

654-98 Interior Alterations For Restaurant Use (Plans)

1017-98 Install Awning For Entrance & Freestanding Sign
Certified Letter 8/9/99

2082-99 Extend Existing Parking to Within 5' Of Bus Line
Certified Letter 6/8/00

Change of tenant - RESTAURANT - CHEN
1944-07

2200. - USE REGULATIONS.

2210. General. No structure shall be erected or used or land used except as set forth in Section 2230, "Table of Use Regulations", unless otherwise provided by this Ordinance or by statute. Uses not expressly provided for herein are prohibited. Not more than one principal structure shall be placed on a lot, except in accordance with Section 2330.

Symbols employed below shall mean the following:

Y - A permitted use.

N - An excluded or prohibited use.

BA - A use authorized under special permit from the Board of Appeals as provided under Section 5300.

CC - A use authorized under special permit from the City Council as provided under Section 5300.

PB - A use authorized under special permit from the Planning Board as provided under Section 5300.

2220. Applicability. When an activity might be classified under more than one of the following uses, the more specific classification shall govern; if equally specific, the more restrictive shall govern.

2230. Table of Use Regulations. See Appendix A.

(Ord. of 12-23-03, § 1)

APPENDIX A - TABLE OF PRINCIPAL USE REGULATIONS

DISTRICTS

Principal Use	Districts										
	RA	RB	RC	RAA	MUB	PB	IA	IB	IC	WI	KHTOD
A. Residential											
1. Single-family dwelling	Y	Y	Y	Y	Y	N	N	N	N	N	N
2. Two-family dwelling	N	Y	Y	N	Y	N	N	N	N	N	N
3. Multi-family townhouse (3 stories)	N	N	Y	N	Y	N	N	N	N	N	Y
4. Multi-family garden style (4 stories)	N	N	N	N	N	N	N	N	N	N	Y
5. Multi-family mixed use (6 stories)	N	N	N	N	PB	PB	N	N	N	N	Y
6. Multi-family mid-rise (12 stories)	N	N	N	N	N	N	N	N	N	N	PB

C. Commercial	RA	RB	RC	RAA	MUB	PB	1A	1B	1C	WI	KHTOD
1. Nonexempt agricultural use	BA	BA	BA	BA	BA	BA	BA	BA	BA	BA	BA
2. Nonexempt educational use	N	N	N	N	Y	Y	BA	BA	BA	BA	Y
3. Animal clinic or hospital; with ancillary animal boarding	N	N	N	N	SP	N	BA	BA	BA	N	BA
4. Adult day care	BA	BA	BA	BA	BA	N	BA	BA	BA	N	Y
5. Family day care	BA	BA	BA	BA	BA	N	N	N	N	N	Y
6. Large family day care	BA	BA	BA	BA	BA	N	N	N	N	N	Y
7. Club or lodge, nonprofit	CC	CC	CC	CC	CC	N	N	N	N	N	CC
8. Funeral home	BA	BA	BA	BA	BA	BA	N	N	N	N	N
9. Adult entertainment establishment	N	N	N	N	CC	CC	CC	CC	CC	CC	N
10. Bed & Breakfast	BA	BA	BA	BA	BA	N	N	N	N	N	BA
11. Motel, hotel or inn	N	N	N	N	Y	Y	Y	Y	Y	Y	Y

12. Retail stores and services not elsewhere set forth	N	N	N	N	Y	Y	Y	Y	Y	Y	Y	Y
13. Grocery stores	N	N	N	N	Y	Y	BA	BA	N	Y		
14. Big Box Retail (60,000 Sq. ft. or greater)	N	N	N	N	BA	BA	N	N	N	Y		
15. Health clubs	N	N	N	N	Y	Y	Y	Y	N	Y		
16. Mixed use	N	N	N	N	Y	Y	N	N	N	Y		
17. Live /work	N	N	N	N	BA	BA	N	N	N	Y		
18. Motor vehicle sales and rental	N	N	N	N	CC	CC	CC	CC	N	N		
19. Motor vehicle general repairs	N	N	N	N	CC	CC	N	CC	N	Y	N	
20. Motor Vehicle body repairs	N	N	N	N	N	N	N	CC	N	N	N	
21. Motor vehicle light service	N	N	N	N	CC	CC	CC	CC	N	CC	N	
22. Restaurant	N	N	N	N	Y	Y	Y	N	SP	Y	Y	
23. Restaurant, fast-food	N	N	N	N	BA	BA	BA	N	N	BA	BA	

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.

(Ord. of 12-23-03, § 1)

5330. Procedures. Applications for special permits shall be filed in accordance with the rules and regulations of the various special permit granting authorities, as may be applicable.

(Ord. of 12-23-03, § 1)

5340. Plans. An applicant for a special permit shall submit a plan in substantial conformance with the requirements of Section 5400, herein.

(Ord. of 12-23-03, § 1)

5350. Development Impact Statement (DIS). At the discretion of the special permit granting authority, the submittal of a development impact statement (DIS) may be required. The DIS shall be prepared by an interdisciplinary team including a Registered Landscape Architect or Architect, a Registered Professional or Civil Engineer, and a Registered Surveyor.

5351. Physical Environment.

- (a) Describe the general physical conditions of the site, including amounts and varieties of vegetation, general topography, unusual geologic, archeological, scenic and historical features or structures, location of significant viewpoints, stone walls, trees over sixteen (16) inches in diameter, trails and open space links, and indigenous wildlife.
- (b) Describe how the project will affect these conditions, providing a complete physical description of the project and its relationship to the immediate surrounding area.

5352. Surface Water and Subsurface Conditions.

- (a) Describe location, extent, and type of existing water and wetlands, including existing surface drainage characteristics, both within and adjacent to the site.
- (b) Describe any proposed alterations of shore lines, marshes, or seasonal wet areas.
- (c) Describe any limitations imposed on the project by the site's soil and water conditions.
- (d) Describe the impact upon ground and surface water quality and recharge, including estimated phosphate and nitrate loading on groundwater and surface water from septic tanks, lawn fertilizer, and other activities within the site.

5353. Circulation Systems.

Project the number of motor vehicles to enter depart the site per average day and peak hour. Also state the number of motor vehicles to use streets adjacent to the site per average day and peak hour. Such data shall be sufficient to enable the special permit granting authority to evaluate (i)

existing traffic on streets adjacent to or approaching the site, (ii) traffic generated or resulting from the site, and (iii) the impact of such additional traffic on all ways within and providing access to the site. Actual study results, a description of the study methodology, and the name, address, and telephone number of the person responsible for implementing the study, shall be attached to the DIS.

5354. Support Systems.

- (a) Water Distribution: Discuss the types of wells or water system proposed for the site, means of providing water for firefighting, and any problems unique to the site.
- (b) Sewage Disposal: Discuss the type of on-site or sewer system to be used, suitability of soils, procedures and results of percolation tests, and evaluate 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 reference— 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 proposals which have an impact on the natural or built environment of the City in order to promote the health, safety and general welfare of the community; to ensure adequate parking, safe and accessible pedestrian and vehicular circulation; and to minimize traffic impact on City streets.

(Ord. of 12-23-03, § 1)

5420. Applicability. The following types of activities and uses require site plan review by the Planning Board:

5421. Any new industrial or commercial construction or expansion over two thousand (2,000) gross square feet or any new industrial or commercial construction or expansion requiring more than five (5) additional parking spaces;

5422. New multiple-family residential construction of three (3) or more units or expansion of existing multifamily residential structures resulting in the creation of one or more additional units.

5423. Any new construction or expansion of existing construction where a drive-thru window for any service including self-service is proposed; and any expansion of a structure presently containing a drive-thru; or any facility currently containing a drive-thru, at which the owner or operator of the drive-thru is altered or changed; or at which the drive-thru is closed for a period of 10 days or more and to be reopened.

5424. Any residential subdivision which is submitted under the subdivision control process;

5425. New industrial or commercial construction or additions less than two thousand (2,000) square feet if requiring a new curb cut or driveway or if substantially affecting existing internal circulation.

5426. Driveways in residential areas which require more than one new curb cut.

5427. Commercial or industrial ground signs.

(Ord. of 12-23-03, § 1; Ord. of 12-31-08, § 1)

5430. Procedures. Applicants for site plan approval shall submit seventeen (17) copies of the site plan to the Planning Board for distribution to City departments and commissions for their review. The Planning Board shall review and act upon the site plan, with such conditions as may be deemed appropriate and notify the applicant of its decision. In the event two (2) meetings have lapsed after the application for site plan approval is filed, without the Planning Board taking action on said site plan said Applicant may file a statement with the Board that the Board has received complete information in accordance with this Ordinance and has had adequate time to consider the Site Plan. Upon receiving said statement, the Planning Board shall act on said Site Plan at its next meeting, if said Board determines that the Board has, in fact, received complete information in accordance with this Ordinance. The decision of the Planning Board shall be a vote of a majority of the members of the Planning Board and shall be in writing. No building permit, for activities requiring site plan approval, shall be issued by the Inspector of Buildings without the written approval of the site plan by the Planning Board.

5431. Application for Building Permit. An application for a building permit to perform work as set forth in Section 5410 available as of right shall be accompanied by an approved site plan.

5432. Application for Special Permit or Variance. An application for a special permit or a variance to perform work as set forth in Section 5420 shall be accompanied by an approved site plan; in the alternative, any special permit or variance granted for work set forth in Section 5420 shall contain the following condition and cause the same to be written on such special permit or variance:

The work described herein requires the approval of a site plan by the New Bedford Planning Board pursuant to Section 5400 of the Zoning Ordinance. Any conditions imposed in such site plan approval shall also be conditions of this special permit/variance.

5433. Where the Planning Board approves a site plan "with conditions", and said approved site plan accompanies a special permit or variance application to the Board of Appeals, the conditions imposed by the Planning Board shall be incorporated into the issuance, if any, of a special permit or variance by the Board of Appeals.

5434. Where the Planning Board serves as the special permit granting authority for proposed work, it shall consolidate its site plan review and special permit procedures.

5435. The applicant may request, and the Planning Board may grant by majority vote of its membership, an extension of the time limits set forth herein.

5436. No deviation from an approved site plan shall be permitted without modification thereof.

5437. Site plan approval does not constitute a certification that the proposed plan conforms to applicable zoning regulations, wetland regulations and/or any other City, state or federal requirements that must be obtained prior to implementation the of elements of the site plan.

(Ord. of 12-23-03, § 1)

5440. Preparation of Plans. Applicants are invited to submit a pre-application sketch of the proposed project to the Planning Department and are encouraged to schedule a pre-submission meeting with the Planning Department. Site Plans shall be submitted on 24-inch by 36-inch sheets. Plans shall be prepared by a Registered Professional Engineer, Registered Land Surveyor, Architect, or Landscape Architect, as appropriate. Dimensions and scales shall be adequate to determine that all requirements are met and to make a complete analysis and evaluation of the proposal. All plans shall have a minimum scale of 1" = 40'.

(Ord. of 12-23-03, § 1)

5450. Contents of Plan. The contents of the site plan are as follows:

5451. Plan sheets prepared at a scale of one inch equals forty (40) feet or such other scale as may be approved by the Planning Board. The plans are as follows:

5451.a. Site layout, which shall contain the boundaries of the lot(s) in the proposed development, proposed structures, general circulation plan for vehicles and pedestrians, drive-thru windows, curb cut locations, parking, fences, walls, walks, outdoor lighting including proposed fixtures, loading facilities, solid waste storage locations, and areas for snow storage after plowing. The first sheet in this plan shall be a locus plan, at a scale of one inch

equals one hundred (100) feet, showing the entire project and its relation to existing areas, buildings and roads for a distance of one thousand (1,000) feet from the project boundaries or such other distance as may be approved or required by the Planning Board.

5451.b. Topography and drainage plan, which shall contain the existing and proposed final topography at two-foot intervals and plans for handling stormwater runoff drainage.

5451.c. Utility plan, which shall include all facilities for refuse and sewerage disposal or storage of all these wastes, the location of all hydrants, fire alarm and firefighting facilities on and adjacent to the site, all proposed recreational facilities and open space areas, and all wetlands including floodplain areas.

5451.d. Architectural plan, which shall include the ground floor plan, proposed exterior building materials, treatments and colors and architectural elevations of all proposed buildings and a color rendering where necessary to determine the proposal's affect on the visual environment.

5451.e. Landscaping plan, showing the limits of work, existing tree lines as well as those tree lines to remain, and all proposed landscape features and improvements including screening, planting areas with size and type of stock for each shrub or tree, and including proposed erosion control measures during construction.

5451.f. Lighting plan showing the location and orientation of all existing and proposed exterior lighting, including building and ground lighting. The plan shall note the height, initial foot-candle readings on the ground and the types of fixtures to be used.

5452. The site plan shall be accompanied by a written statement indicating the estimated time required to complete the proposed project and any and all phases thereof. There shall be submitted a written estimate, showing in detail the costs of all site improvements planned.

5453. A written summary of the contemplated project shall be submitted with the site plan indicating, where appropriate, the number of dwelling units to be built and the acreage in residential use, the evidence of compliance with parking and

off-street loading requirements, the forms of ownership contemplated for the property and a summary of the provisions of any ownership or maintenance thereof, identification of all land that will become common or public land, and any other evidence necessary to indicate compliance with this Ordinance.

5454. The site plan shall be accompanied by drainage calculations by a registered professional engineer as well as wetland delineations, if applicable. Storm drainage design must conform to City of New Bedford subdivision regulations.

5455. The Planning Board may require a DIS as set forth in Section 5300, above.

5456. Certification that the proposal is in compliance with the provisions, if applicable, of the Americans with Disabilities Act and the Massachusetts Architectural Barriers Board.

(Ord. of 12-23-03, § 1)

5460. Waivers. The Planning Board may, upon written request of the applicant, waive any of the submittal or technical requirements of Section 5430 and 5440 where the project involves relatively simple development plans.

(Ord. of 12-23-03, § 1)

5470. Approval. Site Plan approval shall be granted upon determination by the Planning Board that the plan meets the following objectives: The Planning Board may impose reasonable conditions at the expense of the applicant, including performance guarantees, to promote these objectives. Any new building construction or other site alteration shall provide adequate access to each structure for fire and service equipment and adequate provision for utilities and stormwater drainage consistent with the functional requirements of the Planning Board's Subdivision Rules and Regulations. New building construction or other site alteration shall be designed in the Site Plan, after considering the qualities of the specific location, the proposed land use, the design of building form, grading, egress points, and other aspects of the development, so as to:

5471. Minimize: the volume of cut and fill, the number of removed trees six-inch caliper or larger, the length of removed stone walls, the area of wetland vegetation displaced, the extent of stormwater flow increase from the site, soil erosion, and the threat of air and water pollution;

5472. Maximize: pedestrian and vehicular safety to and from the site;

5473. Minimize obstruction of scenic views from publicly accessible locations;

5474. Minimize visual intrusion by controlling the layout and visibility of parking, storage, or other outdoor service areas viewed from public ways or premises which are residentially used or zoned;

5475. Minimize glare from vehicle headlights and lighting fixtures;

5476. Minimize unreasonable departure from the character, materials, and scale of buildings in the vicinity, as viewed from public ways and places.

5477. Minimize contamination of groundwater from on-site wastewater disposal systems or operations on the premises involving the use, storage, handling, or containment of solid and liquid wastes and hazardous substances;

5478. Ensure compliance with the provisions of this Zoning Ordinance.

5479. Minimize damage to existing adjacent public ways.

5479A. Promote orderly and reasonable internal circulation within the site so as to protect public safety and not unreasonably interfere with access to a public way or circulation of traffic on a public way in general.

(Ord. of 12-23-03, § 1)

5480. Lapse. Site plan approval shall lapse after one year from the final approval if a substantial use in accordance with such approved plans has not commenced except for good cause. Such approval may, for good cause, be extended in writing by the Planning Board upon the written request of the applicant, within this one-year period.

(Ord. of 12-23-03, § 1)

5490. Regulations. The Planning Board may adopt and from time to time amend reasonable regulations for the administration of these Site Plan guidelines.

(Ord. of 12-23-03, § 1)

5490A. Fee. The Planning Board may, from time to time, adopt reasonable administrative fees and technical review fees for site plan review.

(Ord. of 12-23-03, § 1)

5490B. Appeal. Any person aggrieved by a decision of the Planning Board rendered pursuant to Section 5400 may appeal such decision to the Zoning Board of Appeals as provided in M.G.L.A. c. 40A, § 8.

(Ord. of 12-23-03, § 1)



City of New Bedford, Massachusetts
Building Department
Application for Plan Examination
and Building Permit

FOR BUILDING DEPT. USE

DATE RECEIVED _____
RECEIVED BY _____
ISSUED BY: _____

IMPORTANT — COMPLETE ALL ITEMS — MARK BOXES WHERE APPLICABLE — PRINT

Permit No. _____
Completion Date _____

(AT LOCATION) 888 Ashley Boulevard
(Hwy) _____ (Street) _____
BETWEEN Maryland Street AND Jerry Street
(Cross Street) _____ (Cross Street) _____
PLOT 127C LOT 134 DISTRICT MUB ACCEPTED STREET Ashley Blvd
PLANS FILED ☒ YES ☐ NO

II. TYPE AND COST OF BUILDING — all applicants complete parts A through D — PRINT

A. TYPE OF IMPROVEMENT 1 <input checked="" type="checkbox"/> New Building 2 <input type="checkbox"/> Addition (If residential, enter number of new housing units added; if any, in Part D. 14) 3 <input type="checkbox"/> Alteration (If residential, enter number of new housing units added; if any, in Part D. 14) 4 <input type="checkbox"/> Repair, replacement 5 <input type="checkbox"/> Demolition (If multifamily residential, enter number of units in building in Part D. 14; if non-residential, indicate most recent use checking D-18 - D-32) 6 <input type="checkbox"/> Moving (relocation) 7 <input type="checkbox"/> Foundation only		D1 PROPOSED USE — For demolition most recent use <table border="0"><tr><td>Residential</td><td>Nonresidential</td></tr><tr><td>13 <input type="checkbox"/> One family</td><td>19 <input type="checkbox"/> Amusement, recreational</td></tr><tr><td>14 <input type="checkbox"/> Two or more family — Enter number of units _____</td><td>20 <input type="checkbox"/> Church, other religious</td></tr><tr><td>15 <input type="checkbox"/> Transient hotel, motel, or dormitory — Enter number of units _____</td><td>21 <input type="checkbox"/> Industrial</td></tr><tr><td>16 <input type="checkbox"/> Garage</td><td>22 <input type="checkbox"/> Parking garage</td></tr><tr><td>17 <input type="checkbox"/> Carport</td><td>23 <input type="checkbox"/> Service station, repair garage</td></tr><tr><td>18 <input type="checkbox"/> Other — Specify _____</td><td>24 <input type="checkbox"/> Hospital, institutional</td></tr><tr><td></td><td>25 <input type="checkbox"/> Office, bank, professional</td></tr><tr><td></td><td>26 <input type="checkbox"/> Public utility</td></tr><tr><td></td><td>27 <input type="checkbox"/> School, library, other educational</td></tr><tr><td></td><td>28 <input type="checkbox"/> Stores, mercantile</td></tr><tr><td></td><td>29 <input type="checkbox"/> Tanks, towers</td></tr><tr><td></td><td>30 <input type="checkbox"/> Funeral homes</td></tr><tr><td></td><td>31 <input checked="" type="checkbox"/> Food establishments</td></tr><tr><td></td><td>32 <input type="checkbox"/> Other — Specify _____</td></tr></table>		Residential	Nonresidential	13 <input type="checkbox"/> One family	19 <input type="checkbox"/> Amusement, recreational	14 <input type="checkbox"/> Two or more family — Enter number of units _____	20 <input type="checkbox"/> Church, other religious	15 <input type="checkbox"/> Transient hotel, motel, or dormitory — Enter number of units _____	21 <input type="checkbox"/> Industrial	16 <input type="checkbox"/> Garage	22 <input type="checkbox"/> Parking garage	17 <input type="checkbox"/> Carport	23 <input type="checkbox"/> Service station, repair garage	18 <input type="checkbox"/> Other — Specify _____	24 <input type="checkbox"/> Hospital, institutional		25 <input type="checkbox"/> Office, bank, professional		26 <input type="checkbox"/> Public utility		27 <input type="checkbox"/> School, library, other educational		28 <input type="checkbox"/> Stores, mercantile		29 <input type="checkbox"/> Tanks, towers		30 <input type="checkbox"/> Funeral homes		31 <input checked="" type="checkbox"/> Food establishments		32 <input type="checkbox"/> Other — Specify _____
Residential	Nonresidential																																
13 <input type="checkbox"/> One family	19 <input type="checkbox"/> Amusement, recreational																																
14 <input type="checkbox"/> Two or more family — Enter number of units _____	20 <input type="checkbox"/> Church, other religious																																
15 <input type="checkbox"/> Transient hotel, motel, or dormitory — Enter number of units _____	21 <input type="checkbox"/> Industrial																																
16 <input type="checkbox"/> Garage	22 <input type="checkbox"/> Parking garage																																
17 <input type="checkbox"/> Carport	23 <input type="checkbox"/> Service station, repair garage																																
18 <input type="checkbox"/> Other — Specify _____	24 <input type="checkbox"/> Hospital, institutional																																
	25 <input type="checkbox"/> Office, bank, professional																																
	26 <input type="checkbox"/> Public utility																																
	27 <input type="checkbox"/> School, library, other educational																																
	28 <input type="checkbox"/> Stores, mercantile																																
	29 <input type="checkbox"/> Tanks, towers																																
	30 <input type="checkbox"/> Funeral homes																																
	31 <input checked="" type="checkbox"/> Food establishments																																
	32 <input type="checkbox"/> Other — Specify _____																																
B. OWNERSHIP 8 <input checked="" type="checkbox"/> Private (individual, corporation, nonprofit institution, etc.) 9 <input type="checkbox"/> Public (Federal, State, or local government)		D2 Does this building contain asbestos? <input type="checkbox"/> YES <input checked="" type="checkbox"/> NO If yes complete the following Name & Address of Asbestos Removal Firm _____ Submit copy of notification sent to DEC and the State Dept. of Labor & Industries and results of air sample analysis after asbestos removal is completed.																															
C. COST 10 Cost of construction to be installed but not included in the above cost: a Electrical <u>67,000</u> b Plumbing <u>66,000</u> c Heating, air conditioning <u>40,000</u> d Other (elevator, etc.) _____ 11 TOTAL VALUE OF CONSTRUCTION <u>503,000</u> 12 TOTAL ASSESSED BLDG. VALUE _____		D3 Non-residential — Describe in detail proposed use of buildings, e.g., food processing plant, machine shop, laundry building at hospital, elementary school, secondary school, college, parochial school, parking garage for department store, rental office building, office building at industrial plant. If use of existing building is being changed, enter proposed use <u>Proposed Dunkin' quick service and drive-thru use</u>																															

III. SELECTED CHARACTERISTICS OF BUILDING — For new buildings complete part E through L. For demolition, complete only parts O; H & I. For all others, (additions, alterations, repair, moving, foundation), complete E through L.

E. PRINCIPAL TYPE OF FRAME 33 <input type="checkbox"/> Masonry (wall bearing) 34 <input checked="" type="checkbox"/> Wood frame 35 <input type="checkbox"/> Structural steel 36 <input type="checkbox"/> Reinforced concrete 37 <input type="checkbox"/> Other — Specify _____		O. TYPE OF SEWAGE DISPOSAL 43 <input checked="" type="checkbox"/> Public or private company 44 <input type="checkbox"/> Private (septic tank, etc.)		J. DIMENSIONS 53 Number of stories <u>1</u> 54 Height <u>22'-11"</u> 55 Total square feet of floor area, all floors based on exterior dimensions <u>2,002 SF</u> 56 Building length <u>64'-4"</u> 57 Building width <u>32'-3"</u> 58 Total sq. ft. of bldg. footprint <u>2,002 SF</u> 59 Front lot line width <u>160'</u> 60 Rear lot line width <u>160'</u> 61 Depth of lot <u>130'</u> 62 Total sq. ft. of lot area <u>20,800 SF</u> 63 % of lot occupied by bldg. (55-62) <u>9.6%</u> 64 Distance from lot line (front) <u>14.8'</u> 65 Distance from lot line (rear) <u>50.8'</u> 66 Distance from lot line (left) <u>53.8'</u> 67 Distance from lot line (right) <u>73.8'</u>	
F. PRINCIPAL TYPE OF HEATING FUEL 38 <input checked="" type="checkbox"/> Gas 39 <input type="checkbox"/> Oil 40 <input type="checkbox"/> Electricity 41 <input type="checkbox"/> Coal 42 <input type="checkbox"/> Other — Specify _____		H. TYPE OF WATER SUPPLY 45 <input checked="" type="checkbox"/> Public or private company 46 <input type="checkbox"/> Private (well, cistern)			
		I. TYPE OF MECHANICAL Is there a fire sprinkler system? 47 <input type="checkbox"/> YES 48 <input checked="" type="checkbox"/> NO Will there be central air conditioning? 49 <input checked="" type="checkbox"/> Yes 50 <input type="checkbox"/> No Will there be an elevator? 51 <input type="checkbox"/> Yes 52 <input checked="" type="checkbox"/> No			

OTHER APPLICABLE REVIEWS

K. FLOODPLAIN

Is location within flood hazard area? yes no


If yes, zone _____ and base elevation _____

L. WETLANDS PROTECTION

Is location subject to flooding? _____

Is location part of a known wetland? _____

Has local conservation commission reviewed this site? _____

IV IDENTIFICATION - ALL APPLICANTS - PLEASE PRINT			
OWNER OR LESSEE NAME	MAILING ADDRESS	ZIP CODE	TELEPHONE NO
CONTRACTOR NAME	MAILING ADDRESS	ZIP CODE	TELEPHONE NO
ARCHITECT NAME	MAILING ADDRESS	ZIP CODE	TELEPHONE NO
SIGNATURE OF OWNER	APPLICANT SIGNATURE	DATE	
		11/17/2020	

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

The applicant 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, or ordinances, except as specifically stipulated by modification or legally granted variation in accordance with Section 121 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


Applicant's Signature

3021 Akushnet Ave
Address

New Bedford
City

OTHER APPLICANT REVIEWS

WETLANDS PROTECTION

Is location within flood hazard area? ☒ Yes ☐ No

If yes, note _____ and have elevation _____

Is location subject to flooding? ☐ Yes ☒ No

Is location part of a known wetland? ☐ Yes ☒ No

Has local agency from commission received notice? ☐ Yes ☒ No

IDENTIFICATION - ALL APPLICANTS - PLEASE PRINT

APPLICANT NAME	MAILING ADDRESS	ZIP CODE	TELEPHONE NO.
Zhang Zi Q (Owner)	1015 Pecan Lake Ct		
C/O New York Buffet Inc	Stillwater, OK 74074		
Yearly Grand II Realty, LLC	3021 Acushnet Avenue		
(Applicant)	New Bedford, MA 02745		

TBD

APPLICANT NAME	MAILING ADDRESS	ZIP CODE	TELEPHONE NO.
Aharonson & Associates Inc.	310 George Washington Highway,		401-232-5010
	Suite 100, Smithfield, RI 02917		
Bohler	352 Turnpike Road		508-480-9900
	Southborough, MA 01772		

[Signature]

I hereby certify that the information provided on this application is true and correct to the best of my knowledge and belief. I understand that any false information provided on this application may result in the denial of the application and may be subject to criminal and civil penalties. I understand that this application is being submitted to the Massachusetts Department of Environmental Protection for review and approval. I understand that the Department may require additional information or documentation to complete its review. I understand that the Department may take up to 60 days to complete its review. I understand that the Department may deny the application if it finds that the information provided is false or if the proposed project is not in compliance with applicable laws and regulations. I understand that the Department may require the applicant to provide additional information or documentation to complete its review. I understand that the Department may take up to 60 days to complete its review. I understand that the Department may deny the application if it finds that the information provided is false or if the proposed project is not in compliance with applicable laws and regulations.

Applicant's Signature

Address

City

OTHER APPLICABLE REVIEWS

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? No

IV IDENTIFICATION - ALL APPLICANTS - PLEASE PRINT

OWNER OR LESSEE NAME	MAILING ADDRESS	ZIP CODE	TELEPHONE NO.
Zhang Zi Q (Owner)	1015 Pecan Lake Ct		
C/O New York Buffet Inc	Stillwater, OK 74074		
Yearly Grind II Realty, LLC	3021 Acushnet Avenue		
(Applicant)	New Bedford, MA 02745		
CONTRACTOR NAME	MAILING ADDRESS	ZIP CODE	TELEPHONE NO.
TBD			
ARCHITECT NAME	MAILING ADDRESS	ZIP CODE	TELEPHONE NO.
Aharonian & Associates Inc.	310 George Washington Highway,		401-232-5010
	Suite 100, Smithfield, RI 02917		
Bohler	352 Turnpike Road		508-480-9900
	Southborough, MA 01772		
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 O 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.

Applicant's Signature

Address

City

V. OTHER JURISDICTION APPROVALS AND NOTIFICATION

APPROVAL	CHECK	DATE OBTAINED	BY
Electrical			
Plumbing			
Fire Department			
Water			
Planning			
Conservation			
Public Works			
Health			
Licensing			
Other			

VI. ZONING REVIEW

DISTRICT:	MUB	USE:	Restaurant, fast food (with drive-thru)
FRONTAGE:	160'	LOT SIZE:	20,800 SF
SETBACKS:			
FRONT:	14.8'	LEFT SIDE:	53.8'
		RIGHT SIDE:	73.8'
		REAR:	50.8'
PERCENTAGE OF LOT COVERAGE PRIMARY BUILDING	9.6%		
VARIANCE HISTORY	N/A		

VII. WORKER'S COMPENSATION INSURANCE AFFIDAVIT

I, _____
(licensee/permittee) with a principal place of business/residence at:

(City/State/Zip) do hereby certify, under the pains and penalties of perjury, that

☐ I am an employer providing worker's compensation coverage for my employees working on this job.

Insurance Company

Policy Number

☐ I am a sole proprietor and have no one working for me.

☐ I am a sole proprietor, general contractor, or homeowner and have hired the contractors listed below who have the following worker's compensation insurance policies:

TBD

Name of contractor

Insurance Company/policy number

Name of contractor

Insurance Company/policy number

☐ I am a homeowner performing all the work myself.

NOTE: Please be aware that while homeowners who employ persons to do maintenance, construction or repair work on a dwelling of not more than three units in which the homeowner also resides or on the grounds appurtenant thereto are not generally considered to be employers under the Workers' Compensation Act (G.L. C. 152, sect. 1(5)), application by a homeowner for a license or permit may evidence the legal status of an employer under the Workers' Compensation Act.

I understand that a copy of this statement will be forwarded to the Department of Industrial Accidents' Office of Insurance for coverage verification and that failure to secure coverage as required under Section 25A of MGL 152 can lead to the imposition of criminal penalties consisting of a fine of up to \$1500.00 and/or imprisonment of up to one year and civil penalties in the form of a Stop Work Order and a fine of \$100.00 a day against me.

Signed this _____ day of _____, 20____

Location: 888 ASHLEY BLVD**Parcel ID:** 127C 134**Zoning:** MUB**Fiscal Year:** 2015**Current Owner Information:**

ZHANG ZI Q
C/O NEW YORK BUFFET INC
1015 PECAN LAKE CT

STILLWATER, OK 74074

Current Sales Information:**Sale Date:**

07/09/1998

Sale Price:

\$450,000.00

Card No. 1 of 1

Legal Reference:

4155-343

Grantor:

MCKEON, ROBERT ` TRUSTEE `

This Parcel contains 0.478 acres of land mainly classified for assessment purposes as RST/BAR with a(n) RESTAURANT/BAR style building, built about 1962, having Conc Blk exterior, Tar&Gravel roof cover and 6825 Square Feet, with 1 unit(s), total room(s), total bedroom(s) 0 total bath(s), 0 3/4 baths, and 2 total half bath(s).

Building Value:

364300

Land Value:

244200

Yard Items Value:

10700

Total Value:

619200

**Fiscal Year 2015**

Tax Rate Res.: 15.73
Tax Rate Com.: 33.56
Property Code: 326
Total Bldg Value: 364300
Total Yard Value: 10700
Total Land Value: 244200
Total Value: 619200
Tax: \$19,243.30

Fiscal Year 2014

Tax Rate Res.: 15.16
Tax Rate Com.: 31.08
Property Code: 326
Total Bldg Value: 372400
Total Yard Value: 10700
Total Land Value: 244200
Total Value: 627300
Tax: \$19,496.49

Fiscal Year 2013

Tax Rate Res.: 14.33
Tax Rate Com.: 29.54
Property Code: 326
Total Bldg Value: 377100
Total Yard Value: 10800
Total Land Value: 261800
Total Value: 649700
Tax: \$19,192.13

Disclaimer: Classification is not an indication of uses allowed under city zoning.
This information is believed to be correct but is subject to change and is not warranted.



- Planned Subdivision
Combined Parcels
Master Parcel Listing to Assessing DB
- Water Bodies
Term Boundary
Engineering Lot Number
Lot Area



City of New Bedford
Massachusetts

Map: 127C

This map is a reproduction of a map from the City of New Bedford, dated January 2011.

Aerial

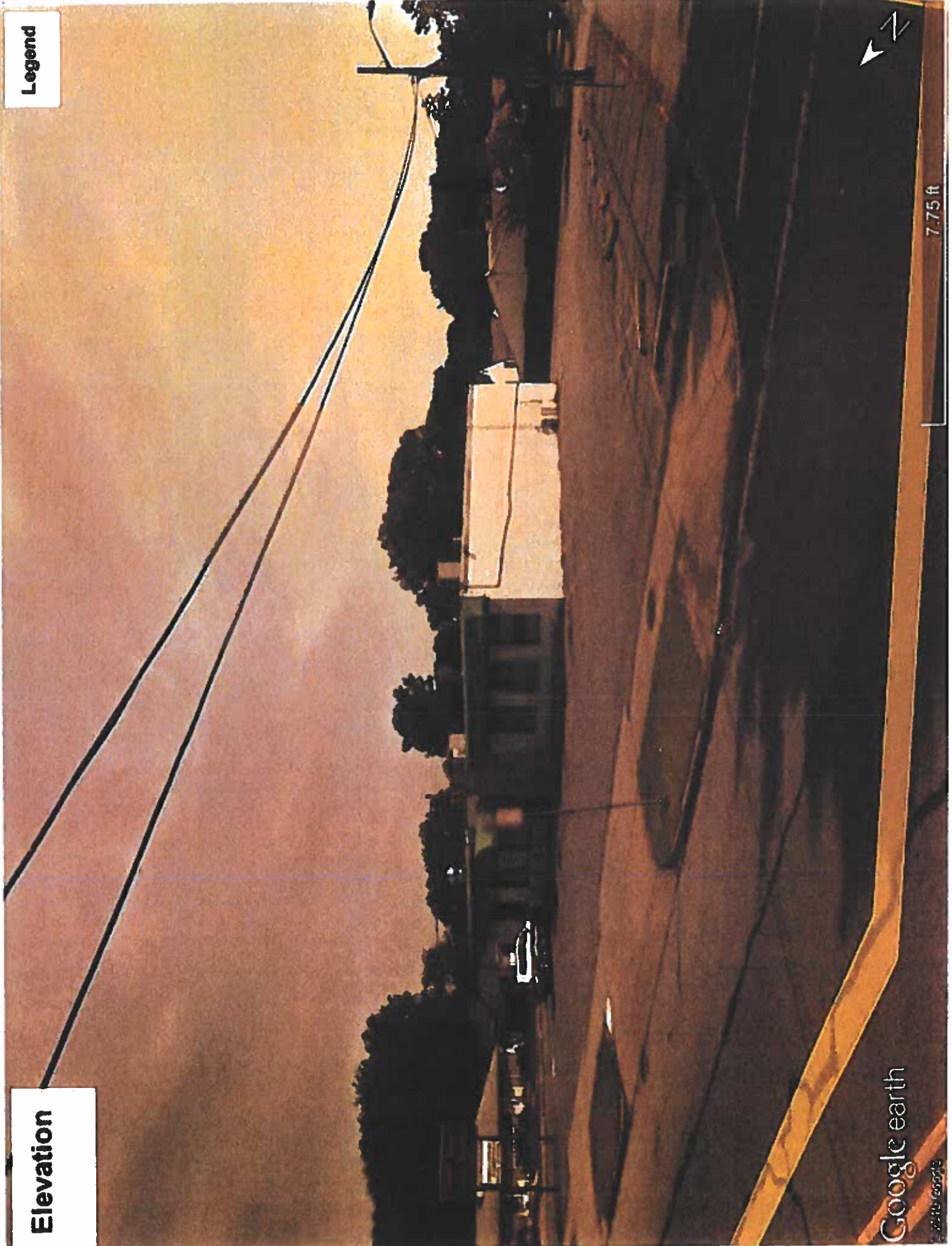
Legend

323 Ashley Blvd

Google earth

400 ft





Legend

Elevation

Google earth

7.75 ft

Elevation

Legend

Google earth

7.574



BK 4155 PG 343
57 09 52 09:01 000. 17495
Bristol Co. S.A.

PROPERTY ADDRESS:
Lots # 269, 270, 271, 278, 279 and 280
New Bedford, Massachusetts

the land, with any buildings thereon, in New Bedford, Bristol County, Commonwealth of Massachusetts, bounded and described as follows:

BEGINNING at a point formed by the intersection of the east line of Ashley Boulevard (formerly Bowditch Street) with the north line of Jarry Street;

thence EASTERLY by Lot No. 269 on plan hereinafter mentioned
ninety (90) feet;

thence EASTERLY in said south line of Maryland Street forty (40) feet to Lot No. 272 on said plan;

thence WESTERLY in said north line of Jarry Street one hundred thirty (130) feet to the point of beginning.

BEING shown as Lots #270, 271, 278, 279 and 280 on plan of Boulevard Terrace filed in Bristol County S.D. Registry of Deeds in Plan Book 8, Page 4.

WESTERLY by Ashley Boulevard. Forty (40) feet;

EASTERLY by Lot #271 on said Plan, Forty (40) feet;

SOUTHERLY by Lot #270 on said Plan, Ninety (90) feet.

B6/60/20
HUNOS TELSISE
21 534 00330

TAX 2452-01
CHECK 2452-01
11724120 09105
EXCISE TAX

CONTAINING 13.22 square rods, more or less.

BEING shown as Lot #269 on Plan of Boulevard Terrace filed in said Registry of Deeds in Plan Book 8, Page 4.

FOR TITLE, as to Parcel One, see deed from Gerald P. Lynch and Anne M. Lynch dated July 10, 1997 and recorded in said Registry of Deeds in Book 3907, Page 86, see also, as to Parcel Two, deed from Arthur Motte dated July 10, 1997 and recorded in said Registry of Deeds in Book 3907, Page 119.

SUBJECT to all encumbrances of record, including easements, restrictions, and rights of way, if any, insofar as the same may be in force and applicable.

SUBJECT to the 1999 fiscal year real estate taxes which the grantee(s) assume(s) and agree(s) to pay.

Witness my hand and common seal this

22nd day of June 1998

Executed in the presence of

Witness

Robert M. McKeon
ROBERT McKEON, Trustee

Commonwealth of Massachusetts

Dristol, ss.

New Bedford, M.

June 27, 1998

Then personally appeared the above named ROBERT McKEON, Trustee of the
ILM Realty Trust,
and acknowledged the foregoing instrument to be his free act and deed.

before me.

John J. Janel
Notary Public

My commission expires

2/10/2000

Excerpt from the Purchase and Sale Agreement

accountants and other authorized representatives of Buyer reasonable access in order that Buyer may have full opportunity to inspect, take measurements, conduct surveys, perform tests, show the Premises to contractors, architects, surveyors, engineers, insurers, banks and other lenders or investors, and to make legal, financial, engineering, accounting and other reviews or investigations of the Premises, provided that any reasonable out-of-pocket expenses in excess of its regular operating expenses incurred by Seller in complying with the provisions of this sentence shall be promptly reimbursed by Buyer.

- (e) **Permitting Period.** Buyer may, for the purpose of re-using the Property for a retail use (the "Intended Use"), desire: (i) to institute proceedings for a change or modification in the zoning classification pertaining to the Property; (ii) to apply for variances, special permits, and/or other approvals required under applicable zoning ordinances; (iii) to apply for permits and approvals, including, without limitation, wetland, subdivision, environmental, utility, curb-cut, and other like permits and approvals which may be required from any and all applicable municipal, county, state or federal authorities; and (iv) to defend against or challenge actions taken by third parties that may adversely affect the Property or the use thereof. Seller agrees to execute any and all reasonably necessary papers presented to it by Buyer in connection with (i), (ii), (iii) and/or (iv) above, provided, however, Seller shall have no financial responsibility whatsoever with respect to any such proceedings. Applications for the foregoing items may be filed by Buyer in the name of, or on behalf of Seller provided that Seller shall have the opportunity to review and approve any such filing in advance, which approval shall not be unreasonably withheld, conditioned or delayed. Failure of Seller to act on any request for approval regarding an application within five (5) days of receipt from Buyer shall constitute Seller approval of the application. Buyer shall have a period following execution of this Agreement in which to obtain all governmental licenses, permits and approvals which Buyer deems to be necessary or desirable for the development and use of the Property for the Intended Use (the "Approvals"). This period shall be referred to as the "Permitting Period" and shall expire on the earlier to occur of (A) the receipt by Buyer of all Approvals subject only to conditions which are acceptable to Buyer in its commercially reasonable discretion, with all appeal periods having expired with no appeal having been taken (or if an appeal has been taken, with such appeal having been fully settled or adjudicated to the satisfaction of Buyer) or (B) the expiration of 180 days following the execution of this Agreement without Buyer receipt of all Approvals. If at the expiration of the initial Permitting Period Buyer has pending any permits or approvals affecting the Property or is otherwise diligently pursuing its proposed development, then Buyer shall have the right to exercise a thirty (30) day extension ("Extension Period"), with such extension to be elected by written notice given by Buyer to Seller (with a copy to Escrow Agent) prior to the expiration of the Permitting Period ("Extension Notice"). If at the expiration of the Permitting Period (as the same may have been extended) one or more permits or Governmental Approvals is the subject of an appeal to a board, court and/or agency ("Appeal") and Buyer is otherwise diligently defending such Appeal, then Buyer shall have right to further extend the Permitting Period by up

to two (2) additional thirty (30) day extensions upon written notice given by Buyer to Seller (with a copy to Escrow Agent) prior to the expiration of the Permitting Period as same may have been extended. If at any time on or before the expiration of the Permitting Period all Approvals have not been issued subject only to conditions which are acceptable to Buyer in its commercially reasonable discretion, with all appeal periods having expired with no appeal having been taken (or if an appeal has been taken, with such appeal having been fully settled or adjudicated to the satisfaction of Buyer), then Buyer shall have the right to terminate this Agreement by written notice given to Seller, whereupon the Deposit shall promptly be repaid to Buyer and this Agreement shall terminate without further recourse to either party. In the event Buyer fails to notify Seller within the time period provided herein, then the Deposit shall be credited to Buyer upon Closing. In the event Buyer is not able to secure all licenses, permits and authorizations required for Buyer's intended use and Buyer elects not to terminate this Agreement as provided herein, then the Deposit shall become non-refundable.

For purposes of this Section 18(e) commercially reasonable discretion shall mean that there are no issues relating to permitting that would materially increase Buyer's projected construction expenses or materially impact Buyer's intended use of the Premises.

19. Buyer's Conditions to Closing; Extensions to Satisfy.

- (a) Without limiting any of the other conditions to Buyer's obligations to close set forth in this Agreement, the obligations of Buyer under this Agreement are subject to the satisfaction on the Closing Date of each of the following conditions (any of which may be waived in whole or in part by Buyer at or prior to Closing):
 - (i) All of the representations and warranties by Seller set forth in this Agreement or any Exhibit attached hereto shall be true and correct in all material respects when made and shall be true and correct in all material respects as of the Closing;
 - (ii) Subject to the provisions of Section 13 hereof, the Premises shall be in substantially the same condition as at the expiration of the Due Diligence Period, reasonable use and wear excepted free of all tenants and occupants and personal property;
 - (iii) Seller shall have performed, observed, and complied in all material respects with all covenants and agreements required by this Agreement to be performed by Seller at or prior to Closing;
 - (iv) Seller shall have delivered to Buyer all other Closing Documents as provided in Section 6(a), hereof;
 - (v) The Title Company shall be prepared to issue the Title Policy (inclusive of any endorsements which were included in the Title Commitment), free

LETTER OF TRANSMITTAL

DATE: January 23, 2020

SENDING VIA: Federal Express/Next Day

TO: Matthew Silva

RE: Dunkin

City of New Bedford

888 Ashley Boulevard

133 William Street

Room 308

New Bedford, MA 02740

JOB #: W1810861

Item #	# of Copies	Date	Description
1	1	010/17/2020	Application for Plan Examination
2	2	01/16/2020	Site Layout Plan & Proposed Floor Plan (full Size)
3	2	Various	Proposed Elevations & Proposed Sign (Reduced Size)

These are transmitted: ☐ For approval ☐ For your use ☐ As requested ☐ For review and comment

Comments:

Attached please application for Plan Examination and associated plans for the redevelopment of 888 Ashely Boulevard for your review and comment.

Should you have any questions or require any additional information, please do not hesitate in contacting me 508-480-9900.

COPY TO: _____ **FROM:** Jim Bernardino (jbernardino@bohlereng.com)

If enclosures are not as noted, kindly notify us at once.



MARYLAND STREET
(50' WIDE)

10' WIDE
10' WIDE
10' WIDE

10' WIDE
10' WIDE

AMP 121 LOT 121
N FLANDERS
PETERA M. DEAN
200 ACRES 0.2 ACRES

ASHLEY BI

(AKA MASSACHUSETTS STATE HIGH)

(PUBLIC - 80' WIDE)

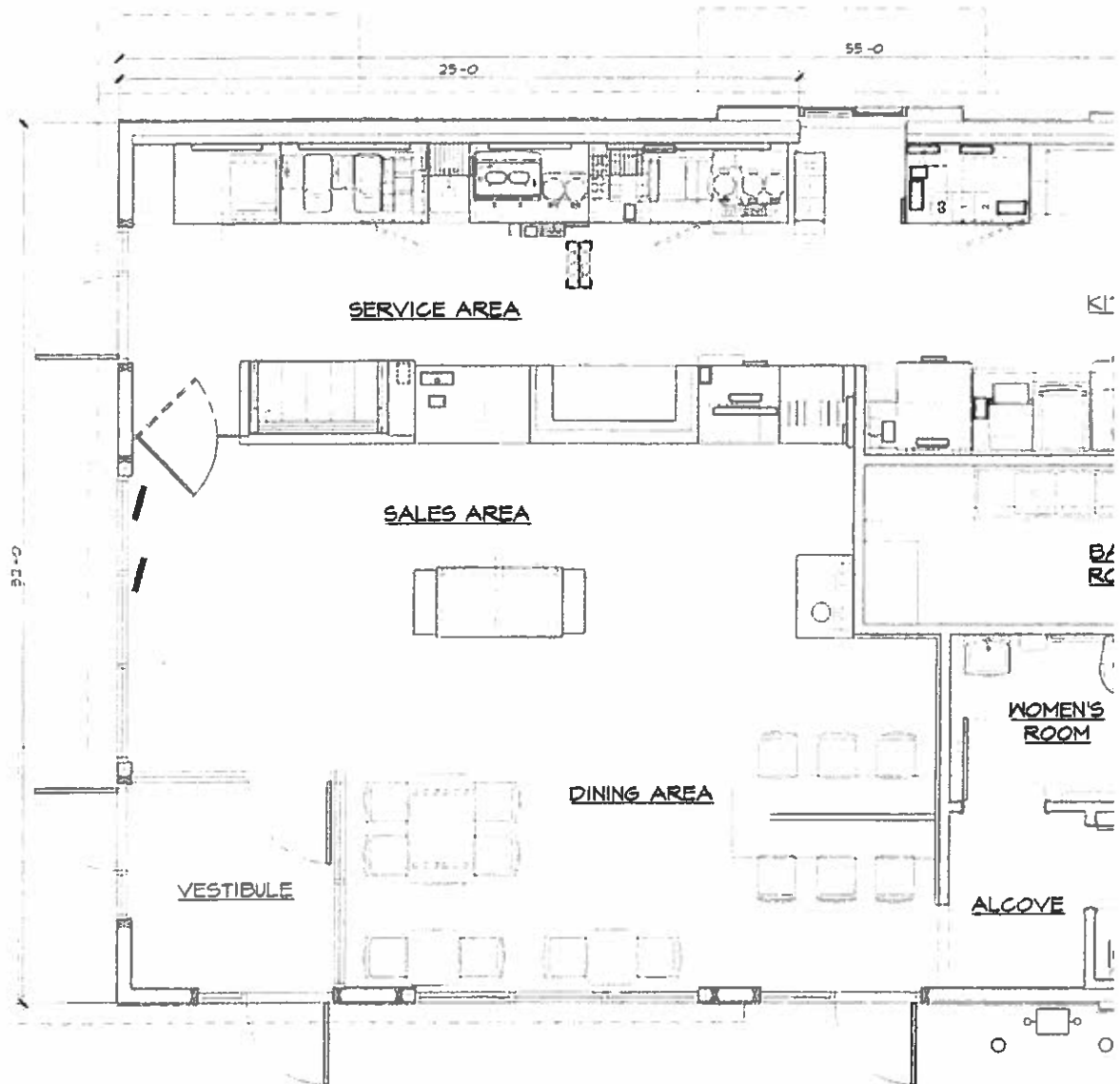
10' WIDE
10' WIDE
(PRIVATE - 40' WIDE)

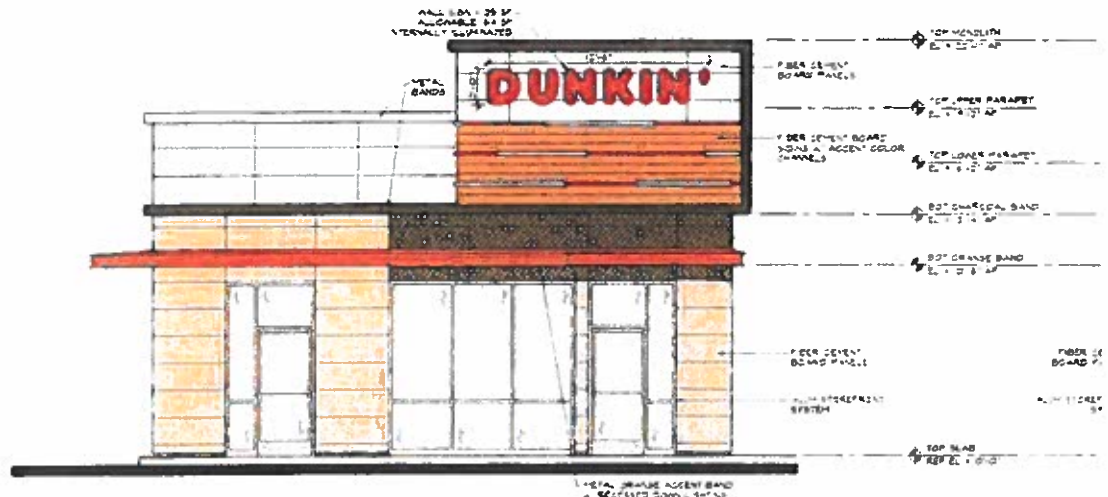
PROP DUNKIN'
RESTAURANT
2,000 S.F.

EXISTING
PRIVATE ONE
BEM CONC CONC

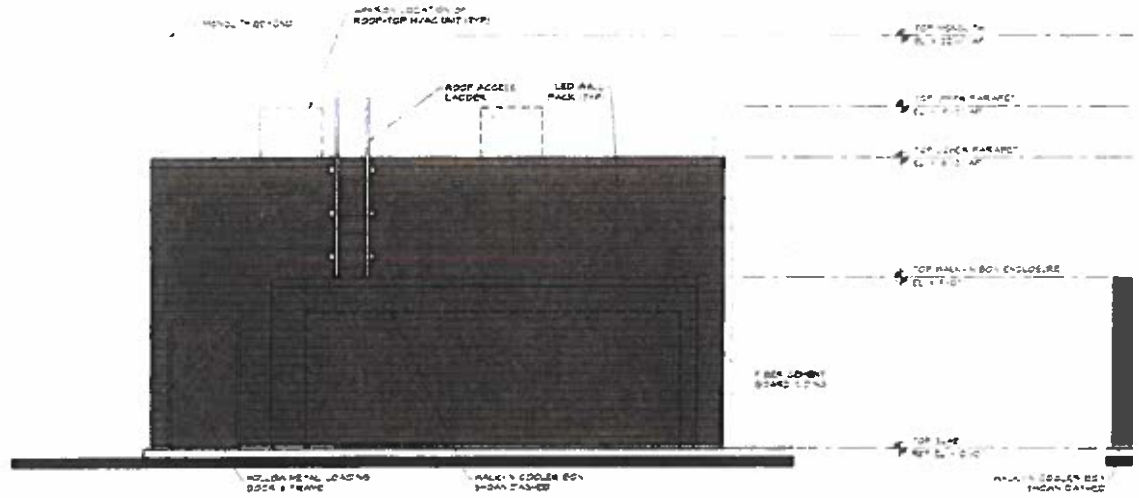


**PROPOSED
DUNKIN' DONUTS**
1,760 SF BUILDING
190 SF WALK-IN BOX

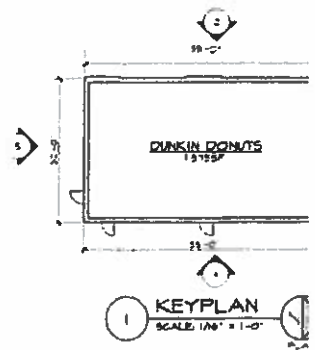




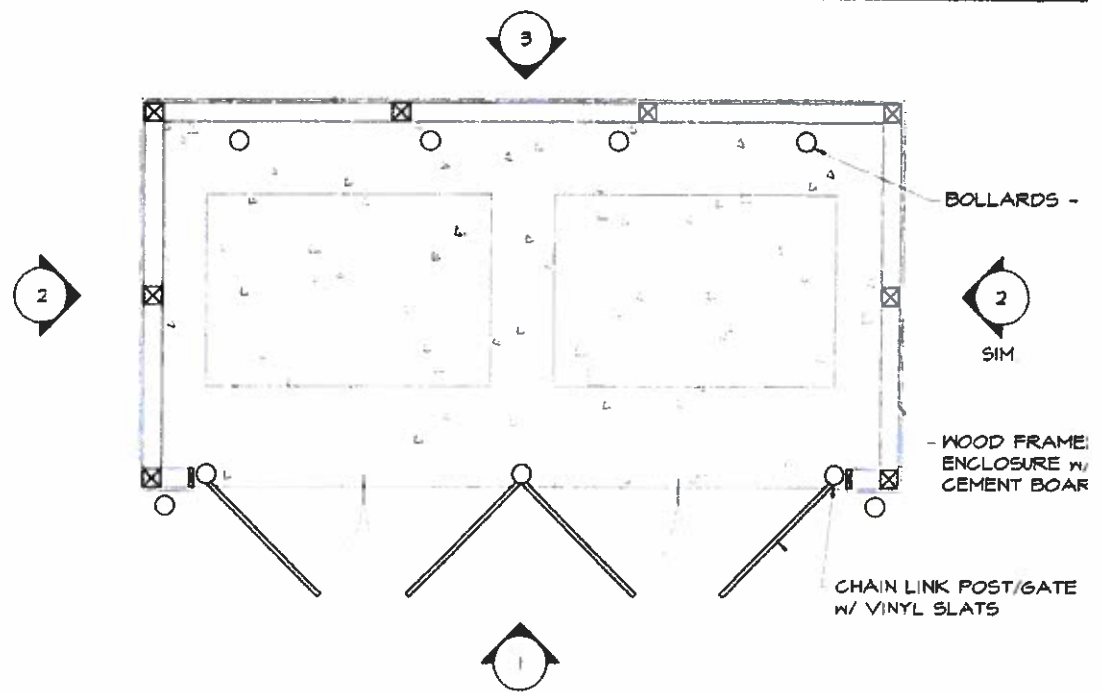
5 PROPOSED SOUTH ELEVATION
SCALE 1/8" = 1'-0"



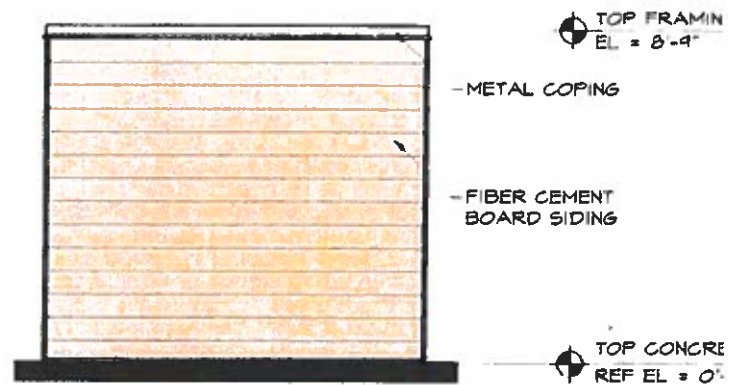
3 PROPOSED NORTH ELEVATION
SCALE 1/8" = 1'-0"



1 KEYPLAN
SCALE 1/8" = 1'-0"



4 **DUMPSTER ENCLOSURE PLAN**
SCALE: 1/4" = 1'-0"



2 **PROPOSED NORTH & SOUTH ELEVATION**
SCALE: 1/4" = 1'-0"

SIGN CODE:

1 SF SIGN AREA = 1 LINEAR FT FRONTAGE
 SIGN SHALL NOT EXCEED 25 SF IN AREA
 10'-0" MAX FROM GROUND TO BOT OF SIGN
 15'-0" MAX FROM GROUND TO TOP OF SIGN

SIGN SCHEDULE

QTY	LOCATION	OVERALL DIMENSIONS	LETTERS	AREA
1	PYLON SIGN	2'-1" L x 10'-0" H x 2'-1" D	10" H	25 SF

