



*City of New Bedford*  
**ZBA SPECIAL PERMIT APPLICATION**

**CASE # 4415**

## 1. SUBMITTAL CHECKLIST

The following documentation must be submitted, in duplicate (1 Original and 11 Copies):

Have you included...			Planning staff review finds...	
Yes	No		Yes	No
<input checked="" type="checkbox"/>	<input type="checkbox"/>	A <u>Completed and Signed Application</u>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
<input checked="" type="checkbox"/>	<input type="checkbox"/>	An <u>Existing Conditions Site Plan</u> , drawn to a scale not less than 1 inch: 40 feet, identifying positioning of existing structures must be provided. Your site plan must show footprint and dimensions of rear, front and side distances between structure(s) and boundary lines.	<input checked="" type="checkbox"/>	<input type="checkbox"/>
<input checked="" type="checkbox"/>	<input type="checkbox"/>	A <u>Proposed Site Plan</u> showing all proposed alterations or additions with side, front and rear set property lines identified.	<input checked="" type="checkbox"/>	<input type="checkbox"/>
<input type="checkbox"/>	<input checked="" type="checkbox"/>	<u>Sub-Division Plans</u> if Applicable.	<input type="checkbox"/>	<input checked="" type="checkbox"/>
<input checked="" type="checkbox"/>	<input type="checkbox"/>	A <u>Certified Abutter's List</u> prepared by planning staff and certified by the Assessor's Office.	<input checked="" type="checkbox"/>	<input type="checkbox"/>
<input checked="" type="checkbox"/>	<input type="checkbox"/>	<u>Plot Plan</u> as provided through Department of Inspectional Services or through the Assessor's Office (in person or online through parcel lookup).	<input checked="" type="checkbox"/>	<input type="checkbox"/>
<input checked="" type="checkbox"/>	<input type="checkbox"/>	<u>Filing Fee</u> in check form made payable to the City of New Bedford.	<input checked="" type="checkbox"/>	<input type="checkbox"/>
<input checked="" type="checkbox"/>	<input type="checkbox"/>	Copy of <u>Building Permit Rejection Packet</u> (Containing Rejected Building Permit and all information submitted with Building Permit Application)	<input checked="" type="checkbox"/>	<input type="checkbox"/>
<input checked="" type="checkbox"/>	<input type="checkbox"/>	<u>Owner's Verification</u> including owner's signature and parcel deed for all involved parcels.	<input checked="" type="checkbox"/>	<input type="checkbox"/>
<input type="checkbox"/>	<input checked="" type="checkbox"/>	<u>Development Impact Statement (DIS)</u> , if required (per Chapter 9 section 5350 of the City of New Bedford Zoning Code)	<input type="checkbox"/>	<input checked="" type="checkbox"/>

CITY CLERK

2020 MAR 10

A 10 10

CITY CLERKS OFFICE  
NEW BEDFORD, MA

### Official Use Only:

Review of submittal compliance performed by [Signature] of the city's Division of Planning.

Staff review found the application packet to be ☒ complete ☐ incomplete on this date: \_\_\_\_\_.

**This is page 1 of your ZBA Application.**

*Please remove the instruction pages when submitting your completed application packet but keep this as your first page.*

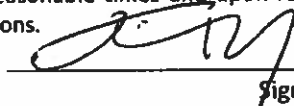
## 2. SPECIAL PERMIT SPECIFICS

The undersigned petitions the New Bedford Zoning Board of Appeals [ZBA] to grant a SPECIAL PERMIT in the manner and for the reasons set forth here under the provisions of the city's zoning ordinance to the following described premises:

### APPLICATION SUMMARY (PLEASE PRINT)

<b>SUBJECT PROPERTY</b>			
ASSESSOR'S MAP PLOT#	127C	LOT(S)#	134
REGISTRY OF DEEDS BOOK #:	4155	PAGE #	343
PROPERTY ADDRESS: 888 Ashley Boulevard			
ZONING DISTRICT: Mixed Use Business			
<b>OWNER INFORMATION</b>			
NAME: Zhang Zi Q			
MAILING ADDRESS: C/O New York Buffet Inc, 1015 Pecan Lake Ct, Stillwater, OK 74074			
<b>APPLICANT/CONTACT PERSON INFORMATION</b>			
NAME (IF DIFFERENT): Yearly Grind II Realty, LLC			
APPLICANT'S RELATIONSHIP TO THE PROPERTY: Check one:	OWNER <input type="checkbox"/>	CONTRACT VENDEE <input type="checkbox"/>	OTHER Describe <input checked="" type="checkbox"/> Under Agreement
MAILING ADDRESS (IF DIFFERENT): 3021 Acushnet Avenue, New Bedford, MA 02745			
TELEPHONE #	(508) 472-0138		
EMAIL ADDRESS:	tdalygrind@aol.com		

By signing below, I/we acknowledge that all information presented herein is true to the best of my/our knowledge. I/we further understand that any false information intentionally provided or omitted is grounds for the revocation of the approval(s). I/we also give planning division staff and ZBA members the right to access the premises (both interior and exterior) at reasonable times and upon reasonable notice for the purpose of taking photographs and conducting other visual inspections.



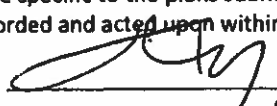
Signature of Applicant/s

MARCH 2, 2020

Date

If the applicant differs from the owner, this section must be completed/signed by the property owner/s:

I hereby authorize the applicant represented above and throughout this application to apply and to represent my/our interests on my/our behalf for the relief requested herein for the premises I/we own noted as "property address" above and presented throughout this application. Furthermore, by signing this application I/we acknowledge having read and understood this application and the accompanying instructions and information. If petition is granted, I/we understand the approvals are specific to the plans submitted, unless the Board states otherwise and that if granted, that the special permit must be recorded and acted upon within one year.



Signature of Owner/s

MARCH 2, 2020

Date

AS AUTHORIZED by Purchas and Sale Agreement

City Hall • 133 William Street • Room 303 • New Bedford, MA 02740 • [www.newbedford-ma.gov](http://www.newbedford-ma.gov)

PH: (508)979-1488 • FX: (508)979-1576

## APPLICATION SPECIFICS

DIMENSIONS OF LOT/S:	FRONTAGE 160 ft	DEPTH 130	AREA in SQ FT 20,800 SF		
EXISTING BUILDING/S	# OF BLDGS	EXISTING SIZE	TOTAL SQ FT BY FLOOR	NUMBER OF FLOORS	TOTAL SQ. FT ENTIRE STRUCTURE
	1	5,312 SF	5,312 SF	1	5,312 SF
	# OF DWELLING UNITS N/A		# OF BEDROOMS N/A		
PROPOSED BUILDING/S	# OF BLDGS	PROPOSED SIZE	TOTAL SQ FT BY FLOOR	NUMBER OF FLOORS	TOTAL SQ. FT ENTIRE STRUCTURE
	1	2,002 SF	2,002 SF	1	2,002 SF
	# OF DWELLING UNITS N/A		# OF BEDROOMS N/A		EXTENT OF PROPOSED ALTERATIONS New Building
EXISTING USE OF PREMISES:	"New York China Buffet"; Restaurant/bar				
PROPOSED USE OF PREMISES:	Dunkin' fast food restaurant with drive through				
EXPLAIN WHAT MODIFICATIONS YOU ARE PROPOSING THAT NECESSITATE THE REQUESTED SPECIAL PERMIT:	<u>Restaurant, fast-food use requires a special permit from Board of Appeals in</u> <u>the Mixed Use Business Zone.</u> <hr/> <hr/>				

If there's a commercial use existing and/or proposed, please complete the following:

	EXISTING	PROPOSED
NUMBER OF CUSTOMERS PER DAY	CURRENTLY CLOSED	500
NUMBER OF EMPLOYEES		20 total / 6 per shift
HOURS OF OPERATION		4 am - 9 pm
DAYS OF OPERATION		7 days
HOURS OF DELIVERIES		9 am - 5 pm, flexible
FREQUENCY OF DELIVERIES (Check frequency)	<input type="checkbox"/> DAILY <input type="checkbox"/> WEEKLY <input type="checkbox"/> MONTHLY <input type="checkbox"/> OTHER	<input checked="" type="checkbox"/> DAILY small truck <input type="checkbox"/> WEEKLY <input type="checkbox"/> MONTHLY <input checked="" type="checkbox"/> OTHER twice per week

If you are also requesting site plan review and special permit/s from the planning board, please specify here:

A site plan review is requested from the Planning Board. A ground sign permit is being sought after as part of the site plan review.

### 3. PARCEL LEGAL DOCUMENTATION

Title Reference to Property

Book 4155, Page 343

*(Attach copy of Deed, Certificate of Title & most recent Recorded Plans showing affected lot or lots)*

Is the applicant also the owner? ☐ Yes ☒ No

If no, please attach the following three items to your application and indicate they are attached:

- ☒ A notarized authorization letter on letterhead from the owner to tenant/buyer for application of this permit.

If the Applicant is Not the Owner, Provide:

- ☒ A copy of the Purchase & Sale Agreement or lease, where applicable.
- ☒ A copy of the deed or deeds of abutting parcels if said parcels have been held in common ownership with the subject property at any time since January 1, 1976.

## 4. REQUIRED FINDINGS FOR GRANTING A SPECIAL PERMIT

City of New Bedford Code of Ordinances Chapter 9 Section 5320 requires the ZBA to find 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 includes consideration of each of the following:

**A**

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

**B**

Traffic flow and safety, including parking and loading

**C**

Adequacy of utilities and other public services

**D**

Neighborhood character and social structures

**E**

Impacts on the natural environment

**F**

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

The full text of New Bedford Code of Ordinances can be accessed from: [www.newbedford-ma.gov](http://www.newbedford-ma.gov)

Because the ZBA must be able to articulate their findings on each of the items listed above in order to grant a special permit, you must make your case as to HOW your application affects each of the criteria for consideration. ***This is an extremely important question and it is recommended that you answer this VERY carefully.*** You may use an additional sheet if needed.

**A**

Describe any social, economic, or community needs which are served by your proposal:

The proposed Dunkin' Restaurant will bring significant tax revenue to the city, as well as providing  
an additional location for fast food/quick serve restaurant needs of the community.

**B**

Describe how traffic flow and safety, including parking and loading, are addressed in your proposal:

The site is intended to have a mix of drive through and walk-in traffic. Given the typical preference of  
customers to utilize the drive-through, 28 parking spaces will be more than adequate for this use. Loading  
will occur during off-hours to have minimal impact on traffic flow. The site access drives have been  
designed per the New Bedford Zoning Bylaw requirements for one-way and two-way driveways.

**C** Describe the utilities and other public services necessary for your proposal, and explain how these are adequately available for your proposal:

The proposed building will require connection to public water and sewer. In preliminary conversations with the New Bedford Department of Public Infrastructure, it has been confirmed that the capacities of both mains are adequate in the area.

**D** Describe the neighborhood character and social structures surrounding your proposed location, and how your proposal will fit in this area:

The area surrounding the proposed location consists of a mix of commercial and residential properties.

The proposed development will be in harmony with the structure of the neighborhood by providing needed and desired services.

**E** Describe any impacts on the natural environments your proposal may have:

The existing site is primarily impervious, with paved parking areas and the existing building. The proposed development seeks to improve on the existing condition with a new stormwater management system to enhance drainage conditions.

**F** Describe any potential fiscal impact, including impact on City services, tax base, and employment your proposal may have:

The proposed Dunkin' new construction will increase the property value thus increasing tax revenue to the city along with providing full time/part time jobs. City service impacts will be limited to water/sewer services. The site will have an independent refuse handler and no school age children will be introduced as a result of the development.

**\*** Please review the section(s) of the zoning ordinance under which your Special Permit request is made, there may be additional criteria required for your request.

**Describe how your proposal meets any additional criteria required under zoning ordinance:**

No additional criteria are noted from Section 2230.



*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 #	127C	LOT(S)#	134
ADDRESS: 868 ASHLEY BOULEVARD			
<b>OWNER INFORMATION</b>			
NAME: ZHANG Zi Q			
MAILING ADDRESS: 1015 PELAN LAKE CT, STILLWATER, OK 74074			
<b>APPLICANT/CONTACT PERSON INFORMATION</b>			
NAME (IF DIFFERENT): TOM DALY			
MAILING ADDRESS (IF DIFFERENT): 3021 ALUSHNET AVE, NEW BEDFORD, MA 02745			
TELEPHONE #	508 - 472 - 0138		
EMAIL ADDRESS:	tdalygrind@aol.com		
<b>REASON FOR THIS REQUEST: Check appropriate</b>			
<input checked="" type="checkbox"/>	ZONING BOARD OF APPEALS APPLICATION		
<input checked="" type="checkbox"/>	PLANNING BOARD APPLICATION		
<input type="checkbox"/>	CONSERVATION COMMISSION APPLICATION		
<input type="checkbox"/>	LICENSING BOARD APPLICATION		
<input type="checkbox"/>	OTHER (Please explain):		

FEB 16 2020

2020 MAR 11 A 11:10

CITY CLERK'S OFFICE  
NEW BEDFORD, MA

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.

Michael J. Motta

Printed Name

Signature

2-19-2020

Date

February 19, 2020

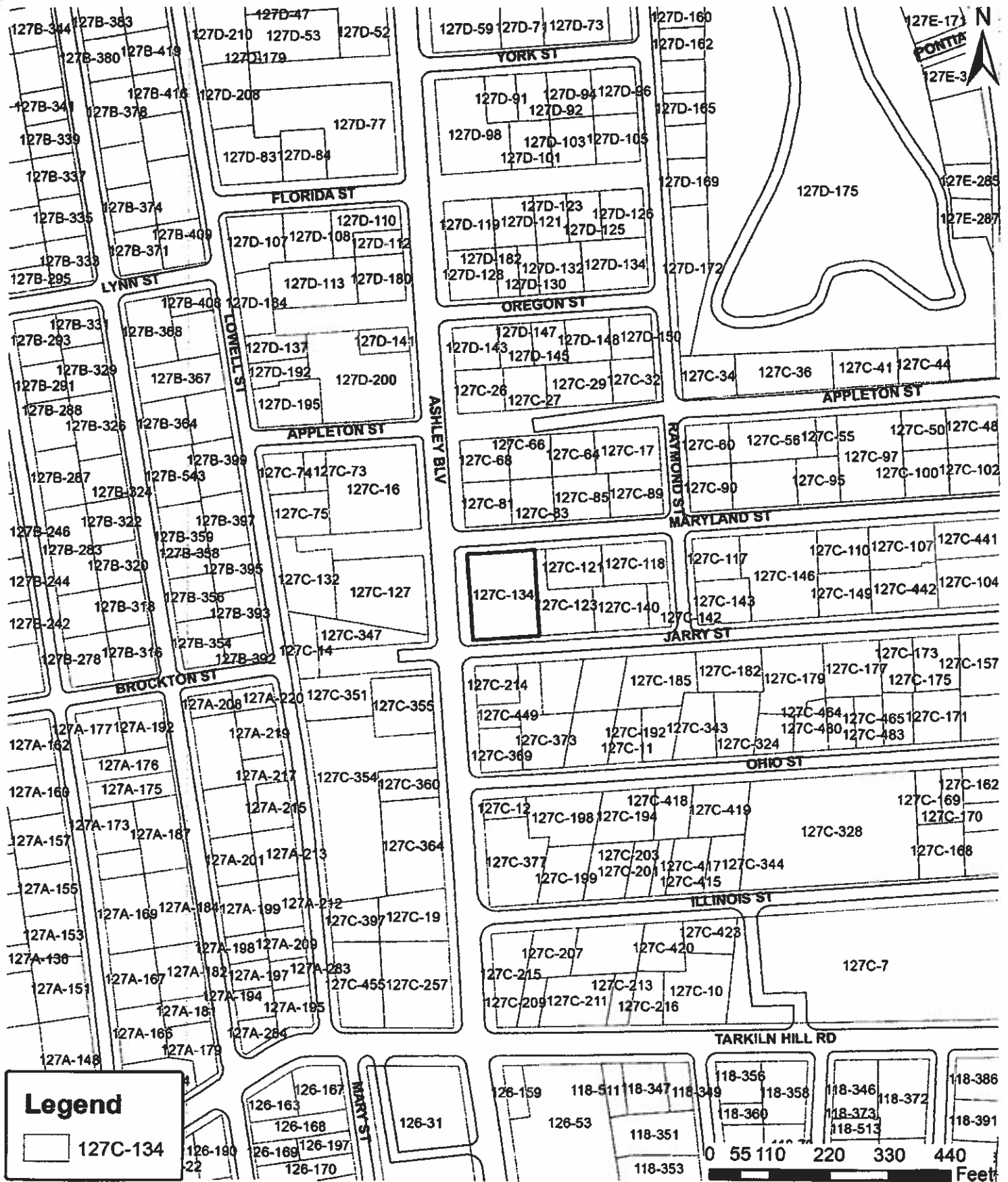
Dear Applicant,

Please find below the List of Abutters within 300 feet of the property known as 888 Ashley Blvd (Map: 127C, Lot: 134). 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
127C-347 NS	JARRY ST	TRAHAN ROBERT, 300 JARRY STREET NEW BEDFORD, MA 02745-1354
127C-16	909 ASHLEY BLVD	S BNK NB ASHLEY LLC, P O BOX 14115 READING, PA 19612-4115
127C-355	865 ASHLEY BLVD	J&B REALTY TRUST (THE), 865 ASHLEY BLVD NEW BEDFORD, MA 02745
127C-214	868 ASHLEY BLVD	YOUNG BELFORD LLC, 34 ELM STREET COHASSET, MA 02025
127C-81	269 MARYLAND ST	MCCANN JANE E, ST LOUIS BROOKS M 269 MARYLAND ST NEW BEDFORD, MA 02745
127C-83	261 MARYLAND ST	COUTO JOSE S JR, COUTO DOLORES 261 MARYLAND ST NEW BEDFORD, MA 02745
127C-127	889 ASHLEY BLVD	PATEL KANAIYALAL B "TRUSTEE", MOHAN PARIVAR REALTY TRUST 889 ASHLEY BLVD NEW BEDFORD, MA 02745
127C-123	259 JARRY ST	QIAN ZHANG ZI, 711 NORTH MAIN STREET STILLWATER, OK 74075
127C-121	254 MARYLAND ST	GOMES PETER M, 254 MARYLAND STREET NEW BEDFORD, MA 02745
127C-371	260 JARRY ST	PRESTON HENRY T "TRUSTEE" PRESTON CONSTANCE A "TRUSTEE" 332 MENDALL ROAD ACUSHNET, MA 02743-1214
127C-134	888 ASHLEY BLVD	ZHANG ZI Q, C/O NEW YORK BUFFET INC 1015 PECAN LAKE CT STILLWATER, OK 74074
127C-140	245 JARRY ST	JORGE DAVID, JORGE MARYANN P 245 JARRY ST NEW BEDFORD, MA 02745
127C-449	862 ASHLEY BLVD	LACHAT ALAIN M, LACHAT SUSANA P 2 BILLY'S WAY FAIRHAVEN, MA 02719





City of New Bedford, Massachusetts  
Department of City Planning

Parcel within 300FT



Enacted: 2020

February 28, 2020

Zoning Board of Appeals  
City of New Bedford  
New Bedford City Hall  
133 William Street  
New Bedford, MA 02740

**RE:    Applicant:            Yearly Grind II Realty, LLC**  
**Property Owners:    Zhang Zi Q**  
**Property:            888 Ashley Boulevard, New Bedford, MA**  
**Assessor's Map 127C, Lot 134**  
**Petition:            Special Permit pursuant to Section 2200, Section 2210, Section**  
**2230 (Restaurant, Fast Food), Section 5310, Section 5320 and**  
**Section 5330 of the Zoning Ordinance.**

Dear Members of the Zoning Board of Appeals:

Pursuant to the applicable provisions of the City of New Bedford Zoning Ordinance (the "Ordinance") and Massachusetts General Laws, Yearly Grind II Realty, LLC ("Yearly Grind" or "Applicant") hereby applies to the City of New Bedford Zoning Board of Appeals (the "Board") for the above-captioned relief to construct, operate and maintain a Dunkin fast-food restaurant with drive-thru (the "Project") on property located at 888 Ashley Boulevard (the "Property"). The Property is located in the City's Mixed Use Business Zoning District.

## **I.      PROJECT DESCRIPTION**

The Applicant proposes to locate a proposed 2,002 square foot Dunkin' Restaurant-brand fast-food restaurant with drive-thru on the existing Property. The Project is permitted by special permit from the Zoning Board of Appeals and Site Plan Review from the Planning Board.

As depicted on the plans submitted herewith, the existing property is improved with an approximately 5,312 square foot one-story building and associated parking lot. The most recent prior use of the Property was a Chinese buffet known as the "New York China Buffet." However, New York China Buffet has not operated on the Property for some time and the Property is currently not being utilized.

The Project includes the proposed removal of the existing building and construction of a new 2,002 square foot building, drive thru, parking lot, landscaping, installation/improvement of associated utilities and the installation of a new stormwater management system. In addition, as depicted on the plans, the Applicant proposes two curb cuts on Ashley Boulevard. One curb cut will be full movement while a second will be exit only. No curb cuts or traffic is proposed to be routed onto Maryland Street or Jarry Street.

As depicted on the plans, the Project includes the installation of landscaping and fencing to screen the proposed use and parking areas from view from residential areas. The plans also include depictions of the building elevations and proposed signage.

The Project includes 28 proposed parking spaces and exceeds the minimum number of required spaces (25 spaces are required) as set forth in the Ordinance without the need for a special permit for reduced parking. Based on the Project requirements 1 space per employee per shift is required (there will be up to 5 employees per shift) plus 1 space per 100 square feet of gross floor area (minimum of 20 spaces) is required. As a result, only 25 spaces are required for the proposed use with 28 being provided. Given the location of the Property, the number of customers anticipated to be served through the drive-thru, walk-in foot traffic, and the relatively short visit times of customers that do park and place their orders inside the restaurant, the 28 spaces provided is more than adequate to handle the anticipated peak parking needs.

Daily deliveries to the Property will be made to the Property in small box-sized trucks. In order to minimize any alleged adverse impact on residentially used properties, the daily deliveries will take place near the building entrance nearer to Ashley Boulevard and away from the residential areas toward the rear of the Property. Daily deliveries will take place before business hours and therefore will not interfere with traffic flow or parking on the Property. The twice weekly deliveries utilizing larger trucks will occur during normal business hours in the designated loading zone near the rear of the Property. By taking place during operating hours, the impact on any nearby residences is minimized and by utilizing the designated striped loading area, the deliveries will have no impact on traffic circulation on the Property.

## **II. RELIEF REQUESTED**

Pursuant to Section 5320 of the Ordinance, the Project satisfies the criteria for the grant of the requested Special Permit as follows (Ordinance in **bold**):

### **1. Social, economic, or community needs which are served by the proposal;**

The proposed use of the Property will meet social, economic, and community needs. The proposed use will renovate and revitalize the existing vacant building and Property.

The Applicant's investment in the building and Property and expanded operations will increase tax revenue to the City.

The proposed development of the Property will allow the Applicant to reopen its recently closed restaurant in a new location within the City. By reopening its recently closed location within the City, the Applicant will create employment opportunities within the City. Further, the proposed use will contribute to the social and community needs of the City.

## **2. Traffic flow and safety, including parking and loading;**

The Project provides for adequate traffic flow and provides for pedestrian and vehicular safety to and from the Property to the extent feasible. As depicted on the plans, the Project includes a redesign of the existing parking on the Property. The proposed full-movement curb cut on Ashley Boulevard along with the proposed second exit-only curb cut will help facilitate proper traffic flow on and off the Property. There will be no curb cuts or access to the side streets of Maryland and Jarry Streets. All traffic will flow on and off of Ashley Boulevard, thereby minimizing any impacts of traffic on the adjacent side streets.

The proposed parking lot has adequate room to allow for maneuverability and to avoid traffic backing up onto Ashley Boulevard. The proposed parking layout and drive-thru allows for adequate traffic flow and circulation on the Property. The proposed striped loading area and the location of the garbage disposal area allows for deliveries and rubbish removal to take place without disrupting traffic flow and circulation on the Property. In addition, in order to maximize pedestrian safety, the Project includes the installation of a proposed concrete walk along Ashley Boulevard and a concrete sidewalk leading to the entrance.

The Project includes 28 proposed parking spaces and exceeds the minimum number of required spaces (25 spaces are required) as set forth in the Ordinance without the need for a special permit for reduced parking. Based on the Project requirements 1 space per employee per shift is required (there will be up to 5 employees per shift) plus 1 space per 100 square feet of gross floor area (minimum of 20 spaces) is required. As a result, only 25 spaces are required for the proposed use with 28 being provided. Given the location of the Property, the number of customers anticipated to be served through the drive-thru, walk-in foot traffic, and the relatively short visit times of customers that do park and place their orders inside the restaurant, the 28 spaces provided is more than adequate to handle the anticipated peak parking needs.

Daily deliveries to the Property will be made to the Property in small box-sized trucks. In order to minimize any alleged adverse impact on residentially used properties, the daily deliveries will take place near the building entrance nearer to Ashley Boulevard and away from the residential areas toward the rear of the Property. Daily deliveries will take place before business hours and therefore will not interfere with traffic flow or parking on the Property. The twice weekly deliveries utilizing larger trucks will occur during normal business hours in the designated loading zone near the rear of the Property. By taking place during operating hours, the impact on any nearby residences is minimized and by utilizing the designated striped loading area, the deliveries will have no impact on traffic circulation on the Property.

### **3. Adequacy of utilities and other public services;**

The Project will require connections to municipal water and sewer. Based on preliminary discussions with the City of New Bedford Department of Public Infrastructure, both mains have adequate capacity for the proposed use. The other existing utilities on or near the Property are adequate for the proposed use and the Applicant will work directly with the utility companies to address any necessary upgrades. Trash collection and removal services will be provided by a private company under contract with the Applicant. The Applicant's proposed use will not burden other municipal services.

### **4. Neighborhood character and social structures;**

The proposed one-story 2,002 square foot building is consistent with the existing uses and buildings located in the Mixed Business Use zoning district. The proposed building is significantly smaller footprint than the existing 5,312 square foot building on the Property that is proposed to be removed. As the building elevations and signage depicted on the plans demonstrate, the proposed building will be a modest design that blends in with the many business uses that predominate on Ashley Boulevard.

In order to minimize any alleged visual impact on nearby residential uses, the Project includes fencing and landscaping to screen the Project from view from such areas. The exterior cooler is located to the rear of the proposed building and will be shielded from view from Ashley Boulevard by the building. The trash collection area is located away from Ashley Boulevard to reduce its visibility from the public way. It will be located within an enclosure and landscaped to further reduce its visibility. In addition, the proposed fencing around the rear of the Property and extending partially down the side of the Property along both Maryland and Jarry Streets will also help screen the trash collection area and the Project from view from the residential areas. There will be no curb cuts or access to the side streets of Maryland and Jarry Streets. All traffic will flow

on and off of Ashley Boulevard, thereby minimizing any impacts of traffic on the adjacent side streets.

Daily deliveries to the Property will be made to the Property in small box-sized trucks. In order to minimize any alleged adverse impact on residentially used properties, the daily deliveries will take place near the building entrance nearer to Ashley Boulevard and away from the residential areas toward the rear of the Property. Daily deliveries will take place before business hours and therefore will not interfere with traffic flow or parking on the Property. The twice weekly deliveries utilizing larger trucks will occur during normal business hours in the designated loading zone near the rear of the Property. By taking place during operating hours, the impact on any nearby residences is minimized and by utilizing the designated striped loading area, the deliveries will have no impact on traffic circulation on the Property.

## **5. Impacts on the natural environment; and**

The Applicant's proposed use of the Property will have a *de minimis* impact on the natural environment. The existing Property is previously developed, cleared and includes a significant amount of impervious surface. The Property is not located near wetlands and the Project will not affect or displace any wetland vegetation.

The Project includes the installation of a new updated stormwater management system and will improve drainage on the Property and will not result in any increase stormwater flow off of the Property nor will it contribute to any erosion on the site. The proposed fast-food restaurant use will not generate any air or water pollution.

The Project will be connected to the municipal sewer system and will not have an on-site waste disposal system. As discussed herein, depicted on the plans, and described in the Drainage Report, the Project includes the installation of a new updated stormwater management system that will improve drainage on the Property and will not result in any increase stormwater flow off of the Property nor will it contribute to any erosion on the site. As part of the stormwater system's design, the runoff will be directed to into on-site system and will be treated by a water quality treatment system.

No liquid wastes or hazardous materials will be stored outside of the proposed building nor discharged into the stormwater system. The storage of refuse will be limited to the trash collection area depicted on the plans and will including a covered receptacle to contain rubbish. The Project will not generate any hazardous waste. Any hazardous chemicals that are stored on site will be located within the building and will be generally be limited to the types of cleaning products that are consistent with commonly utilized household cleaning products.

The proposed use will comply with all environmental, health, safety and sanitary codes.

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

The proposed use of the Property will have a positive fiscal impact on the City, tax base, and employment, but will not overburden City services. As discussed herein, the proposed use will revitalize the existing vacant Property with a new modern building. The Applicant's investment in the building and Property and expanded operations will increase tax revenue to the City.

The proposed development of the Property will allow the Applicant to replace its recently closed restaurant also previously located within the City of New Bedford. By reopening in a new location within the City, the Applicant will create additional employment opportunities within the City.

**III. CONCLUSION**

The Applicant respectfully requests the Board to grant the requested Special Permit for the proposed Project. The Applicant respectfully requests that the Board schedule this application for a public hearing at its next meeting for which proper notice can be given.

If I can provide any further information regarding this application, please let me know.

Sincerely,



Brian S. Grossman