



City of New Bedford
ZBA ADMIN. APPEAL APPLICATION

CASE #: 4417

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 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 type="checkbox"/>	<input type="checkbox"/>	Documentation of the <u>Decision</u> that aggrieves the applicant and is being appealed	<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"/>

Official Use Only:

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

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

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

This is page 1 of your ZBA Application.

2. ADMINISTRATIVE APPEAL SPECIFICS

The undersigned petitions the New Bedford Zoning Board of Appeals [ZBA] for an ADMINISTRATIVE APPEAL 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)

SUBJECT PROPERTY			
ASSESSOR'S MAP PLOT#	127C	LOT(S)#	124, 125, 126 & 134
REGISTRY OF DEEDS BOOK #:	4155	PAGE #	343
PROPERTY ADDRESS: 888 Ashley Boulevard			
ZONING DISTRICT: Mixed Use Business			
OWNER INFORMATION			
NAME: Zhang Zi Q			
MAILING ADDRESS: c/o New York Buffet, Inc. 1015 Pecan Lake Ct, Stillwater, OK 74074			
APPLICANT/CONTACT PERSON INFORMATION			
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 Ave, New Bedford, MA 02745			
TELEPHONE #	508-472-0138		
EMAIL ADDRESS:	dalygrind@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

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

Date

as Authorized by Purchase & Sales Agreement

APPLICATION SPECIFICS

DIMENSIONS OF LOT/S:	FRONTAGE	DEPTH	AREA in SQ FT		
	160 ft	130	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		# OF BEDROOMS		
	n/a		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		# OF BEDROOMS		EXTENT OF PROPOSED ALTERATIONS
	n/a		n/a		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. This Administrative Appeal is being requested to</u> <u>for a digital menu board sign, which his restricted under section 3222 of the zoning</u> <u>bylaws</u>				

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 <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 being sought from the planning Board, a specail permit is being sought from the ZBA.

Both Applications have been filed with the respective Boards.

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 INFORMATION FOR ADMINISTRATIVE APPEAL

Under Massachusetts General Law Chapter 40A Section 7, 8, and 15 anyone who has been denied a building permit or enforcement action from any administrative officer may apply for an administrative appeal.

In order for the Board to make a determination the following must be included:

<div style="border: 1px solid black; border-radius: 50%; width: 40px; height: 40px; margin: 0 auto; display: flex; align-items: center; justify-content: center;">A</div>	<div style="border: 1px solid black; border-radius: 50%; width: 40px; height: 40px; margin: 0 auto; display: flex; align-items: center; justify-content: center;">B</div>
<p>Documentation of the decision being appealed</p>	<p>Narrative explaining your case for the decision being overturned</p>

The full text of M.G.L. Chapter 40A, Sections 7, 8, and 15 can be viewed at: <http://www.mass.gov/legis/laws/mgl/>

Because the ZBA must be able to articulate their findings on your appeal, you must describe your case and reasoning for the decision to be overturned. ***This is an extremely important part of your application and it is recommended that you answer this VERY carefully.*** You may use an additional sheet if needed.

A Describe the decision being appealed (attach documentation of the decision being appealed):

Digital Menu Board Signproposed : Sections 3200 Signs; 3201 Purpose:

Sect 3220-Prohibited Signs: Sect 3222 - any sign which incorporates moving, flashing, animated

or intermittent lighting excluding public service signs such as those that display time and temperature.

B Explain the reasons for the decision to be overturned:

The purpose of digital menu board is intended to provide the Applicant the ability to easily control the
menu pricing and to promote specials that are easily observable by the customers. The digital sign is
not intended or proposed to have moving, flashing or continuously changing light intensities that would
attract the attention of persons outdoors. The location of the sign is situated on site in a manner such
that the visual/electronic components will not be directed towards the street right of way and will be
screened (fence and vegetation) from the abutting property.



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).

SUBJECT PROPERTY			
MAP #	127C	LOT(S)#	124, 125, 126 and 134
ADDRESS: 888 Ashley Boulevard, New Bedford			
OWNER INFORMATION			
NAME: Zi Q. Zhang			
MAILING ADDRESS: 259 Jarry Street, New Bedford			
APPLICANT/CONTACT PERSON INFORMATION			
NAME (IF DIFFERENT): Brian S. Grossman, Esq.			
MAILING ADDRESS (IF DIFFERENT): Bowditch & Dewey, LLP 200 Crossing Boulevard, Suite 300, Framingham, MA 01702			
TELEPHONE #	(508) 416-2410		
EMAIL ADDRESS:	bgrossman@bowditch.com		
REASON FOR THIS REQUEST: <i>Check appropriate</i>			
<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):		

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

Michael Motta

Signature

4/13/2020

Date

Amount Due \$5.00
Date Paid 4/13/2020
Confirmation Number 9674185

April 6, 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	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 KANAIALAL 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

