



## PLANNING BOARD

City Hall, Room 303  
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[www.newbedford-ma.gov](http://www.newbedford-ma.gov)

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NEW BEDFORD, MA

2019 AUG 19 P 2:08

CITY CLERK

CITY OF NEW BEDFORD

JONATHAN F. MITCHELL, MAYOR

## NOTICE OF DECISION

Case Number:	19-23			
Request Type:	Site Plan			
Address:	159 Hathaway Road			
Zoning:	Mixed Use Business Zoned District			
Recorded Owners:	S.B. Realty Co.			
Owner Address:	92 Kilburn Street New Bedford, MA 02740			
Applicant:	Bohler Engineering			
Applicant Address:	352 Turnpike Road, Southborough, MA 01772			
Application Submittal Date		Public Hearing Date(s)		Decision Date
July 10, 2019		August 7, 2019		August 7, 2019
Assessor's Plot Number	Lot Number(s)	Book Number	Page Number	Certificate Number
101	14	04671	186	

**Application:** S.B. Realty Co. (352 Turnpike Road, Southborough, MA 01772) for Site Plan approval for the commercial rehabilitation of an existing 4,775 fast-food restaurant with drive-thru; including a minor building addition, exterior renovation, and minor site improvements; located at 159 Hathaway Road (Map:101 Lot: 14) on a 27,000 SF leased portion of a 9.8 acre site in an industrial B and Mixed-Use Business [MUB] zoned district.

**Action:** GRANTED, WITH CONDITIONS, as described in section four (4).

A copy of this decision was filed with the City Clerk of the City of New Bedford on August 19, 2019. Any person aggrieved by this decision for Site Plan Approval has twenty (20) days to appeal the decision in accordance with the procedures set forth in Section 8 of Chapter 40A of the General Laws of Massachusetts and Section 5490B of the City of New Bedford Site Plan Review Ordinance.

8/19/2019

Date

Kathryn Duff, Chair  
City of New Bedford Planning Board

## 1) APPLICATION SUMMARY

S.B. Realty Co. (352 Turnpike Road, Southborough, MA 01772) for Site Plan approval for the commercial rehabilitation of an existing 4,775 fast-food restaurant with drive-thru; including a minor building addition, exterior renovation, and minor site improvements; located at 159 Hathaway Road (Map:101 Lot: 14) on a 27,000 SF leased portion of a 9.8 acre site in an industrial B and Mixed-Use Business [MUB] zoned district.

## 2) MATERIALS REVIEWED BY THE PLANNING BOARD

### Plans Considered to be Part of the Application

- ❑ Plan Set – “Site Development Plan for Existing McDonald’s with Drive-Thru, Location of Site: 159 Hathaway Road City of New Bedford Bristol County, Massachusetts Lot 14, Map 101 Book 04671 Page 186,” dated February 2, 2019 as revised through July 2, 2019. Plans were prepared by Bohler Engineering of Southborough, MA and stamped by Mark Wixted, PE. The plan set consists of the following sheets:

❑ Sheet C-1 of 9	Cover Sheet
❑ Sheet C-2 of 9	General Notes Sheet
❑ Sheet C-3 of 9	Demolition & Soil Erosion & Sediment Control Plan
❑ Sheet C-4 of 9	Site Plan
❑ Sheet C-5 of 9	Grading and Drainage Plan
❑ Sheet C-6 of 9	Landscape Plan
❑ Sheet C-7 of 9	Landscape Notes & Detail Sheet
❑ Sheet C-8 of 9	Detail Sheet #1
❑ Sheet C-9 of 9	Detail Sheet #2
❑ Sheet 1 of 1	Boundary & Partial Topographic Survey (By Others)
❑ Sheet 1-3 of 3	Building Elevations (By Others)

- ❑ The architectural plan submission is shown as “2017 Major Remodel Project Core 16 Exterior – Non Play Place Boston Region,” dated November 9, 2018 as revised through May 24, 2019. Plans were prepared by SkyBorne Technologies of Westford, MA and stamped by Shawn Timothy McGrath, PE. The plan set consists of the following sheets:

#### Architectural:

❑ D1.0	Demolition – Floor Plan
❑ D1.1	Demolition – Elevations & Notes
❑ A0.1	General Notes
❑ A1.1	Floor Plan
❑ A1.2	Roof Plan
❑ A2.0	Roof Lighting Plan
❑ A2.1	Elevations
❑ A3.0	Elevations
❑ A3.1	Wall Section Details
❑ A3.2	Wall Sections
❑ A3.3	Wall Sections
❑ A3.4	Wall Sections
❑ A3.5	Wall Sections
❑ A3.6	Wall Sections
❑ A4.0	Brand Wall Details

- ❏ A4.1 Enlarged Restroom Plan
- ❏ A4.2 Enlarged Restroom Construction Plan
- ❏ A4.3 Details, Notes, & Schedules
- ❏ A4.4 Enlarged Vestibule Plan
- ❏ A5.0 Sam Details and Sections
- ❏ A5.2 Sam Details and Sections
- ❏ A5.2 Modular Front Counter Slip Sheet

Structural:

- ❏ S1.0 Mansard Framing Details and Notes
- ❏ S1.1 Foundation Plan and Details
- ❏ S2.0 Connector Specs

Electrical:

- ❏ E1.0 Electrical Specifications and General Notes
- ❏ E1.1 Foundation Rough-In Plan and Notes
- ❏ E2.0 Electrical Lighting Plan and Notes
- ❏ E3.0 Fire Alarm Plan

Plumbing:

- ❏ P1.0 General Notes
- ❏ P2.0 Waste, Vent and Domestic Piping Plan
- ❏ P3.0 Plumbing Riser Diagram, Details and Schedules

**Other Documents and Supporting Materials**

- ❏ Site Plan Review Application stamped received by City Clerk's Office July 10, 2019
- ❏ Certified Abutters List
- ❏ Department of City Planning Staff Report dated August 5, 2019
- ❏ Department of Public Infrastructure (DPI) Comments dated July 31, 2019
- ❏ Communication from Sarah Porter, Conservation Agent date stamped received July 31, 2019.

**3) DISCUSSION**

Board Members Kathryn Duff, Arthur Glassman, Peter Cruz, Alexander Kalife, and Shayne Trimbell were in attendance at the August 7, 2019 meeting. City Planner Tabitha Harkin and Staff Planners Jennifer Carloni and Rudy Botros were present during the discussion.

Mr. Glassman made a motion, seconded by Mr. Cruz to open the public hearing. Motion passed unopposed.

Mr. Bill Lucas, Bohler Engineering (352 Turnpike Road, Southborough, MA 01772) presented the proposal on behalf of S.B. Realty Co. (92 Kilburn Street, New Bedford, MA 02744). Mr. Lucas oriented the board to the site location, describing it as a leased area that is about half an acre in size on a larger lot. Bohler Engineering has been working on the national McDonald's rebranding, creating a more modern look for both the exterior and interior of the McDonald's restaurant. In this project they are meeting Americans with Disability Act and Architectural Access Board regulations for handicap access and including a minor 30 SF cash booth addition to allow for the proper

operational spacing of the drive-thru. Currently there is about 2 and a half car lengths between the pay and pickup windows, the renovation will make it an even 3 car lengths rendering the drive-thru service more efficient.

Mr. Lucas explained that they have already succeeded in getting the digital menu board approved by the Zoning Board of Appeals. They now hope to begin work on leveling off the parking area directly south of the front of the building in order to construct ADA/AAB compliant parking stalls. They will have a walkway painted on the pavement leading up to the west side entrance into the building. The brick walkways at the entrances will be replaced by concrete to make them more handicap accessible. There will be no changes to circulation in the parking lot, stormwater drainage, freestanding signs, parking lot lighting, nor the dumpster enclosure.

Mr. Glassman asked if there were any plans to increase the turning radius of the sharp left turn within the drive-thru. Mr. Lucas explained that there were not any plans to do so and that the turn met McDonald's standards. Some McDonald's have a side-by-side drive-thru configuration, such as the King's Highway location, but there are no plans to do so at this specific location.

Mr. Cruz asked if there would be any change to the roof runoff now that the roof was being remodeled. Mr. Lucas answered that the drainage would remain the same, which was most likely downspouts that discharge at grade or through the face of the curb. Mr. Cruz asked if there would be silt sacks on site. Mr. Lucas answered that sheet #3 in the plans covered their erosion control plan but that there would be minimal earth disturbance. The work is primarily walkway replacements in order to improve accessibility, while any disturbance to the existing landscaping will be covered by loam and seeded. Chairwoman Duff wanted further clarification about roof drainage and asked if the stormwater is piped through the building. Mr. Lucas explained that there were roof leaders that come off the building and roof drainage will continue to match the existing drainage patterns. Mr. Lucas explained that the entire drainage system will most likely match the existing drainage patterns and that no change has been called for.

Mr. Cruz asked where directional signs will be placed. Mr. Lucas answered that there is only one near the dumpster enclosure directing drivers to the adjacent drive-thru entrance. Chairwoman Duff asked if the directional signs were illuminated to which Mr. Lucas responded that they are internally illuminated and that there would be no changes to that effect, they would continue to be illuminated during hours of operation as is. Mr. Cruz asked if bollards on the lot would be painted yellow and if they instead could have yellow plastic covers. Mr. Lucas explained that the plan called for them to be painted yellow but it was likely McDonald's would not be opposed to using bollard covers.

In response to Chairperson Duff's invitation to speak or be recorded in favor, no one in attendance spoke in favor of the petition or wished to be recorded in favor of the petition.

In response to Chairperson Duff's invitation to speak or be recorded in opposition, no one in attendance spoke in opposition of the petition or wished to be recorded in opposition of the petition.

Mr. Glassman made a motion, seconded by Mr. Cruz to close the public hearing. Motion passed unopposed. The board briefly discussed the case and conditions before voting.

#### **4) DECISION**

Board Member Glassman made the motion, seconded by Mr. Cruz to approve Case #19-23: 159 Hathaway Road – Request by applicant for Site Plan approval for the commercial rehabilitation of an existing 4,775 fast-food restaurant with drive-thru; including a minor building addition, exterior renovation, and minor site improvements; located at 159 Hathaway Road (Map:101 Lot: 14) on a 27,000 SF leased portion of a 9.8 acre site in an industrial B and Mixed-Use Business [MUB] zoned district.

The approval is subject to:

**Specific conditions:**

1. Design must be revised as necessary to meet DPI Comments;
2. Signage to be illuminated only during hours of operation;
3. All bollards to be covered with yellow plastic covers.

**General Conditions:**

1. The project shall be completed according to the plans, notes, reports, and specifications submitted for consideration and final approval by the Planning Board.
2. The project shall be undertaken in a manner consistent with the Memorandum from the Department of Public Infrastructure received and placed on file and the Planning Board incorporates the DPI memo as part of these conditions.
3. The applicant shall submit final plan revisions to the Planning Division in the following formats: one (1) -11" x 17" Plan Set and one (1) CD or USB with Plan Set in PDF format and shall ensure that these same plans are properly submitted to the Department of Inspectional Services.
4. The applicant shall ensure a copy of the Notice of Decision bearing the certification of the city of New Bedford City Clerk, signifying no appeal has been made against the project's approval, be recorded at the Registry of Deeds.
5. The applicant shall ensure that a copy recorded decision be provided for the Planning Division Case file folder.
6. The applicant shall present any proposed modification from the approved plans for consideration to the City Planner for determination as to whether the modified plan must return before this Board for further review.
7. The rights authorized by the granted approval must be exercised by issuance of a Building Permit by the Department of Inspectional Services and acted upon within one year from the date the decision was granted, or they will lapse.
8. The developer and site contractor must schedule a pre-construction meeting with the Department of Public Infrastructure prior to the start of construction.

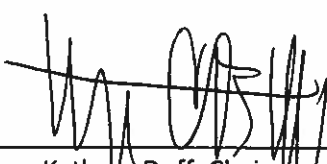
As a result of such consideration, the Board moves approval on the subject application with the conditions so noted. The motion being properly made and seconded, the Chair called for a roll call vote which was taken and unanimously approved five (5) to zero (0).

Board Chair Duff – Yes  
Board Member Glassman – Yes

Board Member Trimbell – Yes    Board Member Kalife – Yes  
Board Member Cruz – Yes

Filed with the City Clerk on:

8/19/2019  
Date

  
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Kathryn Duff, Chair  
City of New Bedford Planning Board

