

**PLANNING BOARD**

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

OFFICE OF THE CITY CLERK  
 NEW BEDFORD, MA

2021 DEC 29 PM 1:19

CITY CLERK

CITY OF NEW BEDFORD

JONATHAN F. MITCHELL, MAYOR

**NOTICE OF DECISION**

Case Number: 19-23				
Request Type: Request for Extension – Site Plan Review				
Address: 159 Hathaway Road				
Zoning: Mixed-Use Business (MUB)				
Recorded Owners: S. B. Realty, LLC				
Owner Address: 92 Kilburn Street, New Bedford, MA 02740				
Applicant: Bohler Engineering				
Applicant Address: 352 Turnpike Road, Southborough, MA 01772				
<b>Application Submittal Date</b>		<b>Public Hearing Date(s)</b>		<b>Decision Date</b>
November 15, 2021		December 15, 2021		12/29/2021
<b>Assessor's Plot Number</b>	<b>Lot Number(s)</b>	<b>Book Number</b>	<b>Page Number</b>	<b>Certificate Number</b>
101	14	04671	186	

**Application: Case #19-23: 159 Hathaway Road** - Request by applicant for the **extension of a previously approved Site Plan (Case #19-23)**, for the commercial rehabilitation of an existing 4,775 sq. ft. fast-food restaurant with drive-thru; including a minor building addition, exterior renovation, and minor site improvements 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 zoned district. Owner: S. B. Realty, LLC (92 Kilburn Street, New Bedford, MA 02740). Applicant: Bohler Engineering (352 Turnpike Road, Southborough, MA 01772).

**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 December 29, 2021. 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.

12/29/2021

Date

Kathryn Duff, Chair  
 City of New Bedford Planning Board

### 1) APPLICATION SUMMARY

**Case #19-23: 159 Hathaway Road** - Request by applicant for the **extension of a previously approved Site Plan (Case #19-23)**, for the commercial rehabilitation of an existing 4,775 sq. ft. fast-food restaurant with drive-thru; including a minor building addition, exterior renovation, and minor site improvements 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 zoned district. Owner: S. B. Realty, LLC (92 Kilburn Street, New Bedford, MA 02740). Applicant: Bohler Engineering (352 Turnpike Road, Southborough, MA 01772).

### 2) MATERIALS REVIEWED BY THE PLANNING BOARD

#### Plans Considered to be Part of the Application:

The engineered plan submission is shown as "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 2-19-19 as revised through 7-2-19. Plans were prepared by Bohler Engineering of Southborough, MA and stamped by Mark M. Wixted, PE. They were received and stamped by the Clerk's office on 7/10/19. 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 or 1 Boundary & Partial Topographic Survey (By Others)
- Sheet 1-3 of 3 Building Elevations (By Others)

#### Other Documents and Supporting Materials:

- Bohler Engineering Letter to the Planning Board, 11/15/21
- Case #19-23 Planning Board Notice of Decision, 8/19/19
- Updated Staff Report

### 3) DISCUSSION

*Due to the COVID-19 outbreak, the following meeting were held fully remotely in accordance with the Governor of Massachusetts' March 12, 2020 Order Suspending Certain Provisions of the Open Meeting Law G. L. c. 30A, Section 20.*

Board Members Kathryn Duff, Arthur Glassman, Peter Cruz, Kamile Khazan, and Shayne Trimbell attended the December 15, 2021, online meeting. Staff Planner Rachel Mulroy, Assistant City Planner Michael McCarthy, and City Planner Jennifer Carloni were also in attendance.

Case #19-23 – Request by the applicant for the extension of a previously approved Site Plan was heard as part of new business. Chair Duff opened the case and asked if a representative for the applicant was present to discuss the case.

Mr. William Lucas introduced himself as the project engineer and gave a brief review of the proposal. He explained that the pandemic has delayed work. Mr. Lucas confirmed no changes were proposed to the previously approved plans.

The Board discussed the timeframe for project completion with the applicant. Chair Duff said a one-year extension to December 14, 2022, should be sufficient, and the applicant agreed.

The Board acknowledged the inherent difficulty of working at such a site due to parking lot challenges.

Mr. Lucas briefly presented the previously approved site plan to the Board for the public's benefit.

Hearing no more comments from the Board, Chair Duff opened the floor so members of the public could speak in support or opposition.

Hearing no comments from the public, Chair Duff asked for a motion.

#### **4) DECISION**

Board Member Glassman made the motion, seconded by Board Member Khazan to approve **Case #19-23: 159 Hathaway Road** - Request by applicant for the **extension of a previously approved Site Plan (Case #19-23)**, for the commercial rehabilitation of an existing 4,775 sq. ft. fast-food restaurant with drive-thru; including a minor building addition, exterior renovation, and minor site improvements at 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 zoned district. Owner: S. B. Realty, LLC (92 Kilburn Street, New Bedford, MA 02740). Applicant: Bohler Engineering (352 Turnpike Road, Southborough, MA 01772).

The approval is subject to the following conditions:

#### **The following SPECIFIC conditions:**

1. The new project completion date shall be December 14, 2022.

#### **The following GENERAL conditions:**

2. The project shall be completed according to the plans, notes, reports, and specifications submitted for consideration and final approval by the Planning Board.
3. The project shall be undertaken in a manner consistent with the Memorandum from the Department of Public Infrastructure (DPI) received in relation to plan and placed on file for Planning Board consideration. The conditions of the DPI memorandum shall be considered to be part of these conditions.
4. The applicant shall submit final plan revisions to the Department of City Planning 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.
5. The applicant shall ensure that a copy of the Notice of Decision, bearing the certification of the New Bedford City Clerk signifying no appeal has been made against the project's approval, be recorded at the Registry of Deeds and that a copy of the recorded decision is provided for the Planning Department Case file folder.
6. The applicant shall present any proposed modification from the approved plans for consideration to the Director of City Planning 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 Member Duff - Yes  
Board Member Glassman – Yes

Board Member Khazan – Yes      Board Member Trimbell – Yes  
Board Member Cruz – Yes

Filed with the City Clerk on:

**12/29/2021**

\_\_\_\_\_  
Date

A handwritten signature in black ink, appearing to read 'Kathryn Duff', is written over a horizontal line.

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Kathryn Duff, Chair  
City of New Bedford Planning Board