

NOTICE OF INTENT

Proposed McDonald's Raze & Rebuild

**Kings Plaza
Lot 29, Map 125
1080 Kings Highway
New Bedford, Massachusetts**

August 26, 2015

Owner:

Cedar-Kings LLC
C/O Cedar Realty Trust, Inc.
Suite 304
44 South Bayles Ave.,
Port Washington, NY 11050

Applicant:

McDonald's USA
690 Canton St.
Suite 310
Westwood, MA 02090

Prepared By:

Bohler Engineering
352 Turnpike Road
Southborough, Massachusetts 01772

Project No. W142005

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NOTICE OF INTENT (FORM 3)



Massachusetts Department of Environmental Protection
 Bureau of Resource Protection - Wetlands

WPA Form 3 – Notice of Intent

Massachusetts Wetlands Protection Act M.G.L. c. 131, §40

Provided by MassDEP:

MassDEP File Number

Document Transaction Number

New Bedford

City/Town

Important:
 When filling out forms on the computer, use only the tab key to move your cursor - do not use the return key.



Note:
 Before completing this form consult your local Conservation Commission regarding any municipal bylaw or ordinance.

A. General Information

1. Project Location (**Note:** electronic filers will click on button to locate project site):

1080 Kings Highway _____ New Bedford _____ 02740
 a. Street Address b. City/Town c. Zip Code

Latitude and Longitude: _____
 125 _____ d. Latitude e. Longitude

f. Assessors Map/Plat Number _____ g. Parcel /Lot Number

2. Applicant:

Adam _____ Guilmette _____
 a. First Name b. Last Name

McDonald's USA, LLC _____
 c. Organization

690 Canton Street _____
 d. Street Address

Westwood _____ MA _____ 02090
 e. City/Town f. State g. Zip Code

(781) 329-1450 _____
 h. Phone Number i. Fax Number j. Email Address

3. Property owner (required if different from applicant): Check if more than one owner

Cedar-Kings, LLC c/o _____ Charles Burkett _____
 a. First Name b. Last Name

Cedar-Kings, LLC _____
 c. Organization

44 South Bayles Ave., Suite 304 _____
 d. Street Address

Port Washington _____ NY _____ 11050
 e. City/Town f. State g. Zip Code

(516) 944-4537 _____ cburkert@cdrt.com _____
 h. Phone Number i. Fax Number j. Email address

4. Representative (if any):

John _____ Kucich _____
 a. First Name b. Last Name

Bohler Engineering _____
 c. Company

352 Turnpike Road _____
 d. Street Address

Southborough _____ MA _____ 01772
 e. City/Town f. State g. Zip Code

(508) 480-9900 _____ (508) 480-9080 _____ JKucich@Bohlereng.com _____
 h. Phone Number i. Fax Number j. Email address

5. Total WPA Fee Paid (from NOI Wetland Fee Transmittal Form):

\$1,000 _____ \$487.50 _____ \$512.50 _____
 a. Total Fee Paid b. State Fee Paid c. City/Town Fee Paid



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Massachusetts Wetlands Protection Act M.G.L. c. 131, §40

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A. General Information (continued)

6. General Project Description:

Raze and rebuild of the existing McDonald's Restaurant at this location, resulting in a better site layout with increased pervious area and improved stormwater quality treatment.

7a. Project Type Checklist: (Limited Project Types see Section A. 7b.)

- 1. Single Family Home
- 2. Residential Subdivision
- 3. Commercial/Industrial
- 4. Dock/Pier
- 5. Utilities
- 6. Coastal engineering Structure
- 7. Agriculture (e.g., cranberries, forestry)
- 8. Transportation
- 9. Other

7b. Is any portion of the proposed activity eligible to be treated as a limited project (including Ecological Restoration Limited Project) subject to 310 CMR 10.24 (coastal) or 310 CMR 10.53 (inland)?

- 1. Yes No If yes, describe which limited project applies to this project. (See 310 CMR 10.24 and 10.53 for a complete list and description of limited project types)

2. Limited Project Type

If the proposed activity is eligible to be treated as an Ecological Restoration Limited Project (310 CMR10.24(8), 310 CMR 10.53(4)), complete and attach Appendix A: Ecological Restoration Limited Project Checklist and Signed Certification.

8. Property recorded at the Registry of Deeds for:

Bristol

a. County

8820

c. Book

b. Certificate # (if registered land)

194

d. Page Number

B. Buffer Zone & Resource Area Impacts (temporary & permanent)

- 1. Buffer Zone Only – Check if the project is located only in the Buffer Zone of a Bordering Vegetated Wetland, Inland Bank, or Coastal Resource Area.
- 2. Inland Resource Areas (see 310 CMR 10.54-10.58; if not applicable, go to Section B.3, Coastal Resource Areas).

Check all that apply below. Attach narrative and any supporting documentation describing how the project will meet all performance standards for each of the resource areas altered, including standards requiring consideration of alternative project design or location.



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Massachusetts Wetlands Protection Act M.G.L. c. 131, §40

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B. Buffer Zone & Resource Area Impacts (temporary & permanent) (cont'd)

For all projects affecting other Resource Areas, please attach a narrative explaining how the resource area was delineated.

Resource Area	Size of Proposed Alteration	Proposed Replacement (if any)
a. <input type="checkbox"/> Bank	1. linear feet	2. linear feet
b. <input type="checkbox"/> Bordering Vegetated Wetland	1. square feet	2. square feet
c. <input type="checkbox"/> Land Under Waterbodies and Waterways	1. square feet	2. square feet
	3. cubic yards dredged	

Resource Area	Size of Proposed Alteration	Proposed Replacement (if any)
d. <input type="checkbox"/> Bordering Land Subject to Flooding	1. square feet	2. square feet
	3. cubic feet of flood storage lost	4. cubic feet replaced
e. <input type="checkbox"/> Isolated Land Subject to Flooding	1. square feet	
	2. cubic feet of flood storage lost	3. cubic feet replaced

- f. Riverfront Area
- Name of Waterway (if available) - **specify coastal or inland**
 - Width of Riverfront Area (check one):
 - 25 ft. - Designated Densely Developed Areas only
 - 100 ft. - New agricultural projects only
 - 200 ft. - All other projects
 - Total area of Riverfront Area on the site of the proposed project: _____ square feet
 - Proposed alteration of the Riverfront Area:

a. total square feet	b. square feet within 100 ft.	c. square feet between 100 ft. and 200 ft.
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- Has an alternatives analysis been done and is it attached to this NOI? Yes No
- Was the lot where the activity is proposed created prior to August 1, 1996? Yes No

3. Coastal Resource Areas: (See 310 CMR 10.25-10.35)

Note: for coastal riverfront areas, please complete **Section B.2.f.** above.



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B. Buffer Zone & Resource Area Impacts (temporary & permanent) (cont'd)

Check all that apply below. Attach narrative and supporting documentation describing how the project will meet all performance standards for each of the resource areas altered, including standards requiring consideration of alternative project design or location.

Online Users:
Include your document transaction number (provided on your receipt page) with all supplementary information you submit to the Department.

Resource Area	Size of Proposed Alteration	Proposed Replacement (if any)
a. <input type="checkbox"/> Designated Port Areas	Indicate size under Land Under the Ocean, below	
b. <input type="checkbox"/> Land Under the Ocean	1. square feet _____ 2. cubic yards dredged _____	
c. <input type="checkbox"/> Barrier Beach	Indicate size under Coastal Beaches and/or Coastal Dunes below	
d. <input type="checkbox"/> Coastal Beaches	1. square feet _____	2. cubic yards beach nourishment _____
e. <input type="checkbox"/> Coastal Dunes	1. square feet _____	2. cubic yards dune nourishment _____

Resource Area	Size of Proposed Alteration	Proposed Replacement (if any)
f. <input type="checkbox"/> Coastal Banks	1. linear feet _____	
g. <input type="checkbox"/> Rocky Intertidal Shores	1. square feet _____	
h. <input type="checkbox"/> Salt Marshes	1. square feet _____	2. sq ft restoration, rehab., creation _____
i. <input type="checkbox"/> Land Under Salt Ponds	1. square feet _____ 2. cubic yards dredged _____	
j. <input type="checkbox"/> Land Containing Shellfish	1. square feet _____	
k. <input type="checkbox"/> Fish Runs	Indicate size under Coastal Banks, inland Bank, Land Under the Ocean, and/or inland Land Under Waterbodies and Waterways, above	
	1. cubic yards dredged _____	
l. <input type="checkbox"/> Land Subject to Coastal Storm Flowage	1. square feet _____	

4. Restoration/Enhancement
If the project is for the purpose of restoring or enhancing a wetland resource area in addition to the square footage that has been entered in Section B.2.b or B.3.h above, please enter the additional amount here.

a. square feet of BVW _____

b. square feet of Salt Marsh _____

5. Project Involves Stream Crossings

a. number of new stream crossings _____

b. number of replacement stream crossings _____



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C. Other Applicable Standards and Requirements

- This is a proposal for an Ecological Restoration Limited Project. Skip Section C and complete Appendix A: Ecological Restoration Notice of Intent – Required Actions (310 CMR 10.11).

Streamlined Massachusetts Endangered Species Act/Wetlands Protection Act Review

- 1. Is any portion of the proposed project located in **Estimated Habitat of Rare Wildlife** as indicated on the most recent Estimated Habitat Map of State-Listed Rare Wetland Wildlife published by the Natural Heritage and Endangered Species Program (NHESP)? To view habitat maps, see the *Massachusetts Natural Heritage Atlas* or go to http://maps.massgis.state.ma.us/PRI_EST_HAB/viewer.htm.

- a. Yes No **If yes, include proof of mailing or hand delivery of NOI to:**

Natural Heritage and Endangered Species Program
Division of Fisheries and Wildlife
1 Rabbit Hill Road
Westborough, MA 01581

Current online map

- b. Date of map

If yes, the project is also subject to Massachusetts Endangered Species Act (MESA) review (321 CMR 10.18). To qualify for a streamlined, 30-day, MESA/Wetlands Protection Act review, please complete Section C.1.c, and include requested materials with this Notice of Intent (NOI); OR complete Section C.1.f, if applicable. *If MESA supplemental information is not included with the NOI, by completing Section 1 of this form, the NHESP will require a separate MESA filing which may take up to 90 days to review (unless noted exceptions in Section 2 apply, see below).*

- c. Submit Supplemental Information for Endangered Species Review*

- 1. Percentage/acreage of property to be altered:

(a) within wetland Resource Area _____
percentage/acreage

(b) outside Resource Area _____
percentage/acreage

- 2. Assessor's Map or right-of-way plan of site

- 2. Project plans for entire project site, including wetland resource areas and areas outside of wetlands jurisdiction, showing existing and proposed conditions, existing and proposed tree/vegetation clearing line, and clearly demarcated limits of work **

- (a) Project description (including description of impacts outside of wetland resource area & buffer zone)

- (b) Photographs representative of the site

* Some projects **not** in Estimated Habitat may be located in Priority Habitat, and require NHESP review (see <http://www.mass.gov/eea/agencies/dfg/dfw/natural-heritage/regulatory-review/>). Priority Habitat includes habitat for state-listed plants and strictly upland species not protected by the Wetlands Protection Act.

** MESA projects may not be segmented (321 CMR 10.16). The applicant must disclose full development plans even if such plans are not required as part of the Notice of Intent process.



WPA Form 3 – Notice of Intent

Massachusetts Wetlands Protection Act M.G.L. c. 131, §40

MassDEP File Number

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C. Other Applicable Standards and Requirements (cont'd)

Online Users:
Include your document transaction number (provided on your receipt page) with all supplementary information you submit to the Department.

4. Is any portion of the proposed project within an Area of Critical Environmental Concern (ACEC)?
- a. Yes No If yes, provide name of ACEC (see instructions to WPA Form 3 or MassDEP Website for ACEC locations). **Note:** electronic filers click on Website.
- b. ACEC
5. Is any portion of the proposed project within an area designated as an Outstanding Resource Water (ORW) as designated in the Massachusetts Surface Water Quality Standards, 314 CMR 4.00?
- a. Yes No
6. Is any portion of the site subject to a Wetlands Restriction Order under the Inland Wetlands Restriction Act (M.G.L. c. 131, § 40A) or the Coastal Wetlands Restriction Act (M.G.L. c. 130, § 105)?
- a. Yes No
7. Is this project subject to provisions of the MassDEP Stormwater Management Standards?
- a. Yes. Attach a copy of the Stormwater Report as required by the Stormwater Management Standards per 310 CMR 10.05(6)(k)-(q) and check if:
1. Applying for Low Impact Development (LID) site design credits (as described in Stormwater Management Handbook Vol. 2, Chapter 3)
 2. A portion of the site constitutes redevelopment
 3. Proprietary BMPs are included in the Stormwater Management System.
- b. No. Check why the project is exempt:
1. Single-family house
 2. Emergency road repair
 3. Small Residential Subdivision (less than or equal to 4 single-family houses or less than or equal to 4 units in multi-family housing project) with no discharge to Critical Areas.

D. Additional Information

- This is a proposal for an Ecological Restoration Limited Project. Skip Section D and complete Appendix A: Ecological Restoration Notice of Intent – Minimum Required Documents (310 CMR 10.12).

Applicants must include the following with this Notice of Intent (NOI). See instructions for details.

Online Users: Attach the document transaction number (provided on your receipt page) for any of the following information you submit to the Department.

1. USGS or other map of the area (along with a narrative description, if necessary) containing sufficient information for the Conservation Commission and the Department to locate the site. (Electronic filers may omit this item.)
2. Plans identifying the location of proposed activities (including activities proposed to serve as a Bordering Vegetated Wetland [BVW] replication area or other mitigating measure) relative to the boundaries of each affected resource area.



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Massachusetts Wetlands Protection Act M.G.L. c. 131, §40

MassDEP File Number

Document Transaction Number

New Bedford

City/Town

D. Additional Information (cont'd)

- 3. Identify the method for BVW and other resource area boundary delineations (MassDEP BVW Field Data Form(s), Determination of Applicability, Order of Resource Area Delineation, etc.), and attach documentation of the methodology.
- 4. List the titles and dates for all plans and other materials submitted with this NOI.

Site Development Plans

a. Plan Title

Bohler Engineering

John A. Kucich, P.E.

b. Prepared By

c. Signed and Stamped by

8/12/15

1"=20'

d. Final Revision Date

e. Scale

Drainage Report

August 20158/12

f. Additional Plan or Document Title

g. Date

- 5. If there is more than one property owner, please attach a list of these property owners not listed on this form.
- 6. Attach proof of mailing for Natural Heritage and Endangered Species Program, if needed.
- 7. Attach proof of mailing for Massachusetts Division of Marine Fisheries, if needed.
- 8. Attach NOI Wetland Fee Transmittal Form
- 9. Attach Stormwater Report, if needed.

E. Fees

- 1. Fee Exempt: No filing fee shall be assessed for projects of any city, town, county, or district of the Commonwealth, federally recognized Indian tribe housing authority, municipal housing authority, or the Massachusetts Bay Transportation Authority.

Applicants must submit the following information (in addition to pages 1 and 2 of the NOI Wetland Fee Transmittal Form) to confirm fee payment:

003020

8/26/15

2. Municipal Check Number

3. Check date

003019

8/26/15

4. State Check Number

5. Check date

Bohler Engineering

6. Payor name on check: First Name

7. Payor name on check: Last Name



WPA Form 3 – Notice of Intent

Massachusetts Wetlands Protection Act M.G.L. c. 131, §40

MassDEP File Number

Document Transaction Number

New Bedford

City/Town

F. Signatures and Submittal Requirements

I hereby certify under the penalties of perjury that the foregoing Notice of Intent and accompanying plans, documents, and supporting data are true and complete to the best of my knowledge. I understand that the Conservation Commission will place notification of this Notice in a local newspaper at the expense of the applicant in accordance with the wetlands regulations, 310 CMR 10.05(5)(a).

I further certify under penalties of perjury that all abutters were notified of this application, pursuant to the requirements of M.G.L. c. 131, § 40. Notice must be made by Certificate of Mailing or in writing by hand delivery or certified mail (return receipt requested) to all abutters within 100 feet of the property line of the project location.

1. Signature of Applicant: John Brunch

3. Signature of Property Owner (if different): Charles Beaulieu, V.P. Development & Construction

5. Signature of Representative (if any): John Brunch

2. Date: 8-26-15

4. Date: 8-13-15

6. Date: 8-26-15

For Conservation Commission:

Two copies of the completed Notice of Intent (Form 3), including supporting plans and documents, two copies of the NOI Wetland Fee Transmittal Form, and the city/town fee payment, to the Conservation Commission by certified mail or hand delivery.

For MassDEP:

One copy of the completed Notice of Intent (Form 3), including supporting plans and documents, one copy of the NOI Wetland Fee Transmittal Form, and a **copy** of the state fee payment to the MassDEP Regional Office (see Instructions) by certified mail or hand delivery.

Other:

If the applicant has checked the "yes" box in any part of Section C, Item 3, above, refer to that section and the Instructions for additional submittal requirements.

The original and copies must be sent simultaneously. Failure by the applicant to send copies in a timely manner may result in dismissal of the Notice of Intent.

FILING FEE DOCUMENTATION

- **Wetland Fee Transmittal Form**
- **Copy of Application Fee Checks**



Massachusetts Department of Environmental Protection
 Bureau of Resource Protection - Wetlands
NOI Wetland Fee Transmittal Form
 Massachusetts Wetlands Protection Act M.G.L. c. 131, §40

Important: When filling out forms on the computer, use only the tab key to move your cursor - do not use the return key.



A. Applicant Information

1. Location of Project:

1080 Kings Highway New Bedford
 a. Street Address b. City/Town

 c. Check number d. Fee amount

2. Applicant Mailing Address:

Kucich John
 a. First Name b. Last Name
McDonald's USA, LLC c/o Bohler Engineering
 c. Organization
352 Turnpike Road
 d. Mailing Address
Southborough MA 01772
 e. City/Town f. State g. Zip Code
(508) 480-9900 (508) 480-9080 jkucich@bohlereng.com
 h. Phone Number i. Fax Number j. Email Address

3. Property Owner (if different):

_____ Charles Burkert
 a. First Name b. Last Name
Cedar-Kings, LLC
 c. Organization
44 South Bayles Ave., Suite 304
 d. Mailing Address
Port Washington NY 11050
 e. City/Town f. State g. Zip Code

 h. Phone Number i. Fax Number j. Email Address

To calculate filing fees, refer to the category fee list and examples in the instructions for filling out WPA Form 3 (Notice of Intent).

B. Fees

Fee should be calculated using the following process & worksheet. **Please see Instructions before filling out worksheet.**

Step 1/Type of Activity: Describe each type of activity that will occur in wetland resource area and buffer zone.

Step 2/Number of Activities: Identify the number of each type of activity.

Step 3/Individual Activity Fee: Identify each activity fee from the six project categories listed in the instructions.

Step 4/Subtotal Activity Fee: Multiply the number of activities (identified in Step 2) times the fee per category (identified in Step 3) to reach a subtotal fee amount. Note: If any of these activities are in a Riverfront Area in addition to another Resource Area or the Buffer Zone, the fee per activity should be multiplied by 1.5 and then added to the subtotal amount.

Step 5/Total Project Fee: Determine the total project fee by adding the subtotal amounts from Step 4.

Step 6/Fee Payments: To calculate the state share of the fee, divide the total fee in half and subtract \$12.50. To calculate the city/town share of the fee, divide the total fee in half and add \$12.50.

BOHLER ENGINEERING MA, LLC

▼ PLEASE DETACH AND RETAIN FOR YOUR RECORDS ▼

INVOICE NUMBER	DATE	VOUCHER NO.	AMOUNT
BOHLER JOB # W142005		Local Wetland Bylaw Fee	\$290.00

THIS DOCUMENT IS PROTECTED BY A MICRO-PRINT SIGNATURE LINE, FLUORESCENT PAPER FIBERS, A WATERMARKED BACKER, TONER ADHESION, AND IS REACTIVE TO CHEMICAL ALTERATION.

BOHLER ENGINEERING MA, LLC
352 TURNPIKE ROAD
SOUTHBOROUGH, MA 01772
(508) 480-9900



08/26/15

NO. 003018

PAY Two hundred and ninety DOLLARS AND .00CENTS \$ 290.00

VOID AFTER 180 DAYS

TO THE ORDER OF CITY OF NEW BEDFORD

PER

⑈003018⑈ ⑆031201360⑆ 4283545180⑈

BOHLER ENGINEERING MA, LLC

\$290.00

BOHLER ENGINEERING MA, LLC

▼ PLEASE DETACH AND RETAIN FOR YOUR RECORDS ▼

INVOICE NUMBER	DATE		VOUCHER NO.	AMOUNT
BOHLER JOB # W142005		Local NOI filing fee		\$512.50

THIS DOCUMENT IS PROTECTED BY A MICRO-PRINT SIGNATURE LINE, FLUORESCENT PAPER FIBERS, A WATERMARKED BACKER, TONER ADHESION, AND IS REACTIVE TO CHEMICAL ALTERATION

BOHLER ENGINEERING MA, LLC
 352 TURNPIKE ROAD
 SOUTHBOROUGH, MA 01772
 (508) 480-9900

TD Bank
 America's Most Convenient Bank®
 55-136/312

08/26/15

NO. 003019

PAY **Five hundred and twelve** DOLLARS AND **.50** CENTS \$ **512.50**

VOID AFTER 180 DAYS

TO THE ORDER OF **CITY OF NEW BEDFORD**

PER *Walter Smith*

⑈003019⑈ ⑆031201360⑆ 4283545180⑈

BOHLER ENGINEERING MA, LLC

\$512.50

INVOICE NUMBER	DATE	VOUCHER NO.	AMOUNT
BOHLER JOB # W142005		State NOI filing fee	\$487.50

THIS DOCUMENT IS PROTECTED BY A MICRO-PRINT SIGNATURE LINE, FLUORESCENT PAPER FIBERS, A WATERMARKED BACKLIT TONER ADHESION, AND IS REACTIVE TO CHEMICAL ALTERATION

BOHLER ENGINEERING MA, LLC
 352 TURNPIKE ROAD
 SOUTHBOROUGH, MA 01772
 (508) 480-9900



08/26/15

NO. 003020

PAY Four hundred and eighty seven DOLLARS AND .50CENTS \$ 487.50

VOID AFTER 180 DAYS

TO THE ORDER OF COMMONWEALTH OF MASS

PER *Walter Sells*

⑈003020⑈ ⑆031201360⑆ 4283545180⑈

BOHLER ENGINEERING MA, LLC

\$487.50

NOTIFICATION TO ABUTTERS

- **Notification**
- **Affidavit of Service**
- **List of Abutters**

NOTIFICATION TO ABUTTERS
Under the Massachusetts Wetlands Protection Act

In accordance with the second paragraph of Massachusetts General Laws Chapter 131, Section 40, you are hereby notified of the following:

- A. The name of the applicant is McDonald's USA, LLC.
- B. The applicant has filed a Notice of Intent with the Conservation Commission for the City of New Bedford, Massachusetts seeking permission to remove, fill, dredge, or alter an area Subject to Protection under the Wetlands Protection Act (General Laws Chapter 131, Section 40).
- C. The address of the lot where the activity is proposed is 1080 Kings Highway, Kings Plaza, Assessor's Map 125, Lot 29, New Bedford, Massachusetts.
- D. Copies of the Notice of Intent may be examined at the Conservation Commission Office between the hours of 8:00 and 4:00 on the following days of the week: Monday through Friday.

For more information, call the New Bedford Conservation Commission: 508-991-6188.

- E. Copies of the Notice of Intent may be obtained from the New Bedford Conservation Commission by calling this telephone number 508-991-6188 between the hours of 8:00 and 4:00 on the following days of the week – Monday through Friday.
- F. Information regarding the date, time, and place of the public hearing may be obtained from the New Bedford Conservation Commission by calling this telephone number 508-991-6188 between the hours of 8:00 and 4:00 on the following days of the week: Monday through Friday.

NOTE: Notice of the public hearing, including date, time, and place will be published at least five (5) days in advance in the Standard Times.

NOTE: Notice of public hearing, including date, time, and place will be posted in the City not less than forty-eight (48) hours in advance.

NOTE: You also may contact your local Conservation Commission or the nearest Department of Environmental Protection Regional Office for more information about this application or the Wetlands Protection Act.

To Contact DEP, call

Southeast Region: 508-946-2700

AFFIDAVIT OF SERVICE

Under the Massachusetts Wetlands Protection Act

(To be submitted to the Massachusetts Department of Environmental Protection and the Conservation Commission when filing a Notice of Intent)

I, John A. Kucich, hereby certify under the pains and penalties of perjury that on August 27, 2015, I gave notification to abutters within 100 feet of the property line in compliance with the second paragraph of Massachusetts General Laws, Chapter 131, Section 40, and the DEP Guide to Abutter Notification dated April 8, 1994 in connection of the following matter:

A Notice of Intent, filed under the Massachusetts Wetlands Protection Act by Bohler Engineering to the New Bedford Conservation Commission on August 27, 2015, for the property located at 1080 Kings Highway, definitively known as Assessor's Map 125, Lot 29 New Bedford, Massachusetts.

The form of the notification, and a list of the abutters to whom it was given and their addresses, are attached to this Affidavit of Service

John Kucich

8-26-15

Name

Date

REQUEST FOR CERTIFIED LIST OF ABUTTERS

Attach the Certified List of Abutters to this Certification Letter and Submit all.

The applicant shall complete the request form below, and submit to Planning Department, City Hall, 133 William Street, Room 303, so that a list may be created for use by the applicant.

I, Caroline Almeida, Administrative Assistant to the Board of Assessors of the City of New Bedford, 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.

Date: 7/10/2015

SUBJECT PROPERTY:

MAP 125 LOT 29

LOCATION 1080 Kings Highway

OWNER'S NAME Cedar-Kings, LLC c/o Cedar Realty Trust Inc.

MAILING ADDRESS 44 South Bayles Ave STE 304, Port Washington NY 11050

CONTACT PERSON Eric Dubrule (Bohler Engineering - 352 Turnpike Rd, Southboro MA 01772)

TELEPHONE NUMBER 508 480-9900

EMAIL ADDRESS edubrule@bohlereng.com

REASON FOR REQUEST: Conservation Commission - Notice of Intent

PLANNING

JUN 30 2015

DEPARTMENT

June 30, 2015

Dear Applicant,

Please find below the List of Abutters within 100 feet of the property known as 1080 Kings Highway (125-29) 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
125-29	1080 KINGS HWY	CEDAR-KINGS LLC, C/O CEDAR REALTY TRUST INC 44 SOUTH BAYLES AVE STE 304 PORT WASHINGTON, NY 11050 - 3765
126-222	606 TARKILN HILL RD	FALCON KARYN "TRUSTEE", C/O MICHAEL PANAGAKOS 133 FAUNCE CORNER ROAD DARTMOUTH, MA 02747 - 1213
123-43	950 KINGS HWY	CEDAR-FIELDSTONE, LLC, C/O CEDAR REALTY TRUST INC 44 SOUTH BAYLES AVE STE 304 PORT WASHINGTON, NY 11050 - 3765
123-109	1024 KINGS HWY	CEDAR-KINGS LLC, C/O CEDAR REALTY TRUST INC 44 SOUTH BAYLES AVE STE 304 PORT WASHINGTON, NY 11050 - 3765
114-3	429 CHURCH ST	JONES J THOMAS "TRUSTEE", JONES KEVIN J "TRUSTEE" P O BOX 51687 NEW BEDFORD, MA 02745 - 0048
114-325	475 CHURCH ST	475 CHURCH STREET LLC, 268 DEXTER ROAD ST ALBANS, ME 04971 - 7113
114-341	W ^D CHURCH ST	SURPRENANT CHARLES E, 268 DEXTER ROAD ST ALBANS, ME 04971 - 7113
114-1	RIGHT OF WAY	PENN CENTRAL CO, CONSOLIDATED RAIL CORP P O BOX 8097 8499 PHILADELPHIA, PA 19101 - 8499
126-68	RIGHT OF WAY	PENN CENTRAL CO, CONSOLIDATED RAIL CORP P O BOX 8097 8499 PHILADELPHIA, PA 19101 - 8499
126-67	SS TARKILN HILL RD	PENN CENTRAL CO, C/O CSX TRANSPORTATION (J910) 500 WATER STREET JACKSONVILLE, FL 32202 - 4423
126-227	507-CHURCH ST 513	BRODEUR FAMILY LIMITED PARTNERSHIP (THE), 513 CHURCH STREET NEW BEDFORD, MA 02745 - 5100
125-113	1090 KINGS HWY	PANAGAKOS MICHAEL, 133 FAUNCE CORNER ROAD DARTMOUTH, MA 02747 - 1213
125-106	S TARKILN HILL RD	HUEBER JOHN W - TRUSTEE HERITAGE REALTY TRUST, C/O CROSSPOINT ASSOCIATES INC City of NB Airport Commission 300 THIRD AVENUE SUITE 3 133 William St. WALTHAM, MA 02451 New Bedford, MA 02740

PROJECT DESCRIPTION

1. Introduction

This Notice of Intent (NOI) is filed pursuant to G.L. Chapter 131, Section 40, the Massachusetts Wetlands Protection Act (WPA) and its implementing regulations, 310 CMR 10.00, and the City of New Bedford Wetland Protection Ordinance. The NOI describes the proposed project and its proposed activities within applicable jurisdictional resource areas at this site which is the 100-foot buffer area associated with off-site wetlands to the east.

The proposed project site is the existing McDonald's Restaurant located in the northerly part of King's Plaza at 1080 Kings Highway in New Bedford. The parcel is approximately 3.9 acres in area and is further defined as assessor's map 125, lot 29. There is an area of wetlands outside of the subject property between the site and railroad tracks to the east. Portions of the proposed project fall within 100-feet of the off-site wetlands.

The proposed project involves the demolition of the existing approximately 5,145 square foot McDonald's and replacement with a new 4,450± square foot McDonald's. Additional proposed improvements include increased landscaping, decreased impervious area (±4,625 SF reduction), new utilities, and a drainage system which includes the addition of water quality treatment where none exists currently.

Indirect impacts from stormwater discharges are to be mitigated through the use of sedimentation and erosion control measures during construction and implementation of stormwater Best Management Practices that comply with DEP standards, including permanent stormwater quality units. The stormwater management system will meet all applicable requirements of the current Massachusetts Department of Environmental Protection Stormwater Policy Handbook guidelines.

2. Resource Areas

2.1 Resource Area Evaluation

The off-site wetland area was delineated during the proposed South Coast Rail Commuter Rail Extension Project. An Abbreviated Notice of Resource Delineation for the off-site wetlands was approved by the New Bedford Conservation Commission under file #SE49-664, is still valid, and is the source of the wetland delineation shown on the project plans.

2.2 100-Year Floodplain / Bordering Land Subject to Flooding

The site is not located in a 100-year floodplain per FEMA map panel 25005C0387F.

2.3 Regulated Area Impacts

The project proposes improvements within the City's 25-foot wetland setback and within the State's 100-foot buffer zone to a BVW. It's notable that a net reduction of impervious area within the 25-ft wetland buffers will result from the proposed improvements. Proposed activities within the 100-foot buffer include parking lot construction, excavation of a drainage swale, and installation of drainage pipes and two drainage outfalls within the proposed swale. A total reduction of impervious area of ±4,625 SF will result from this project. Please refer to the project drawings for a full depiction of activities proposed within the 100-foot buffer.

2.4 Rare Species and Habitats

There are no areas of Priority Habitat or Estimated Habitat for rare or endangered species according to current online Natural Heritage mapping.

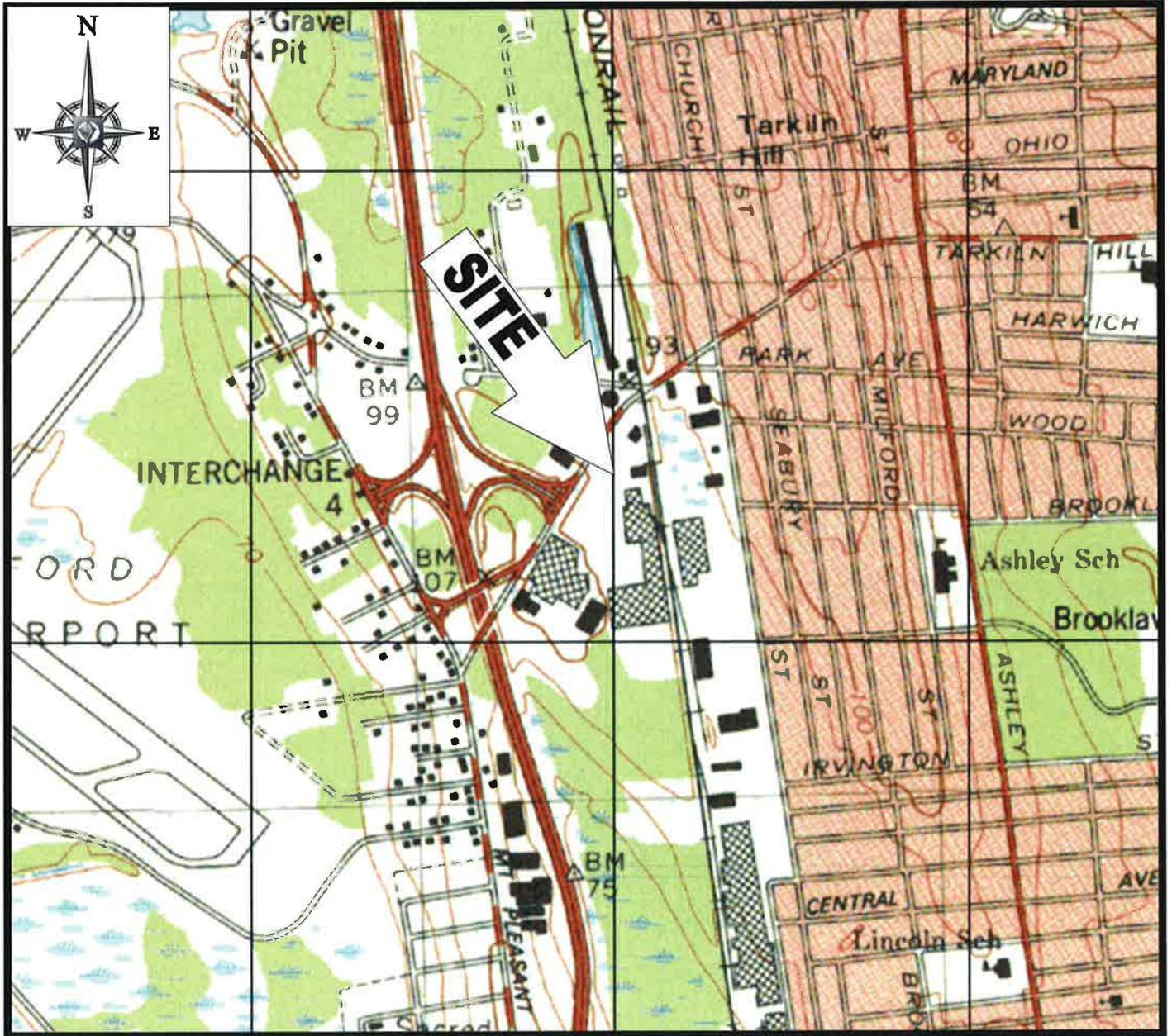
3. Summary

The jurisdictional resource area applicable to this project is the buffer zone within 100-feet of the wetlands, per the Wetland Protection Act. The proposed work will be entirely within an area that is already developed, and will improve stormwater quality through the installation of stormwater BMPs and will also increase groundwater recharge by reducing impervious area by roughly 4,625 SF.

During construction, appropriate BMPs will be installed including silt fence, a stone construction exit, inlet protection, etc. to filter stormwater discharges during construction. Post-construction, stormwater discharges from the site will be less than the existing discharges as a result of the decrease in impervious area. The entire drainage report can be found as Attachment B to this NOI.

APPENDIX A

USGS MAP



LOCATION MAP

SCALE: 1"=1000'

PLAN REFERENCE: USGS NEW BEDFORD NORTH QUADRANGLE

APPENDIX B

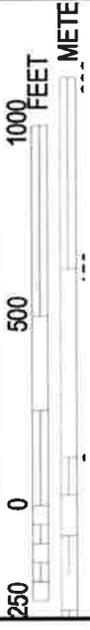
FEMA Flood Insurance Rate Map



JOINS PANEL 0391



MAP SCALE 1" = 500'



INFLUP

PANEL 0387F

NATIONAL FLOOD INSURANCE PROGRAM

FIRM
FLOOD INSURANCE RATE MAP
BRISTOL COUNTY,
MASSACHUSETTS
(ALL JURISDICTIONS)

PANEL 387 OF 550
 (SEE MAP INDEX FOR FIRM PANEL LAYOUT)
 CONTAINS:
 COMMUNITY NUMBER 255216
 CITY OF NEW BEDFORD 0387
 PANEL SUFFIX F

Notice to User: The Map Number shown below should be used when placing map orders; the Community Number shown above should be used on insurance applications for the subject community.



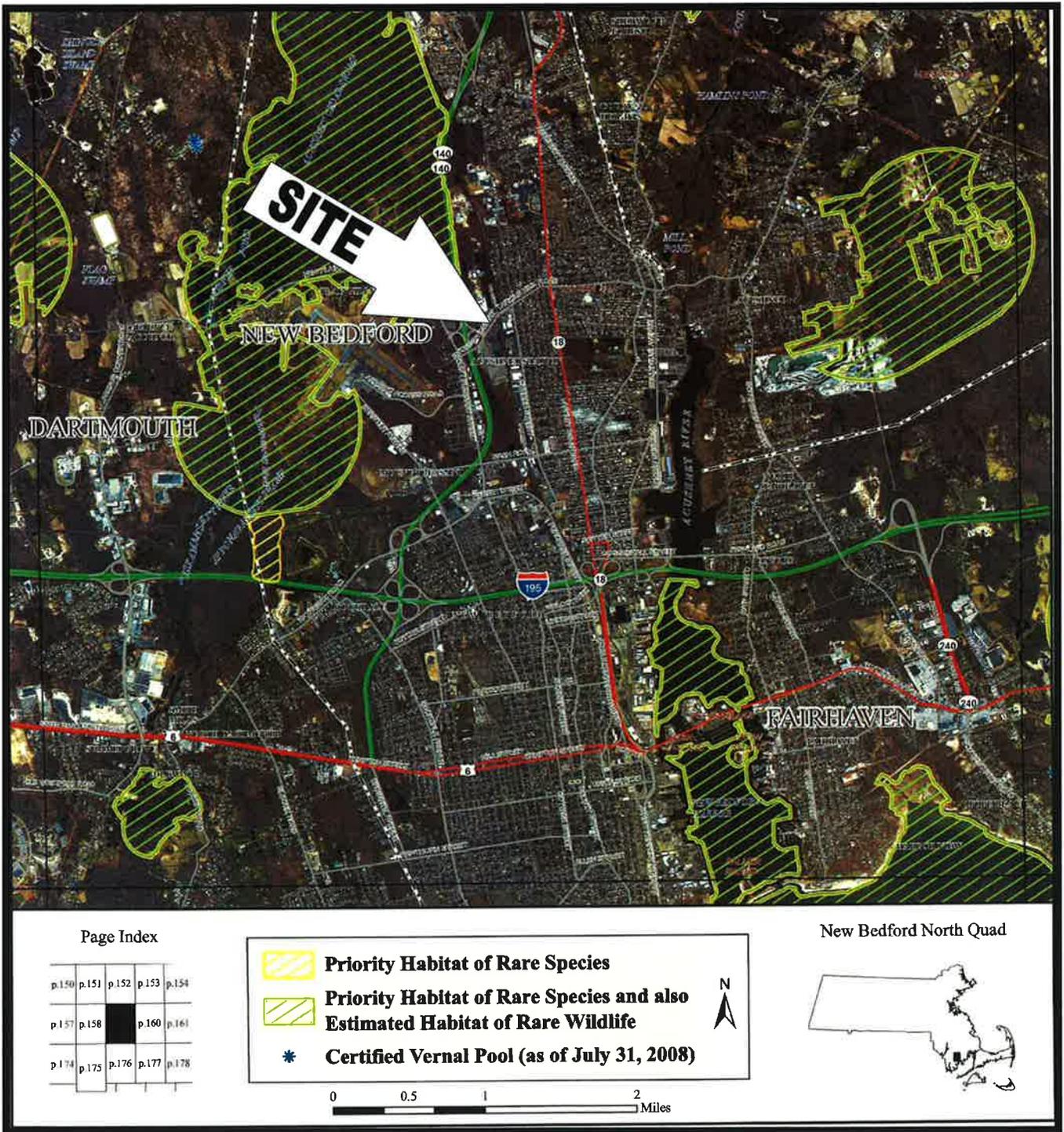
MAP NUMBER
25005C0387F
EFFECTIVE DATE
JULY 7, 2009

Federal Emergency Management Agency

This is an official copy of a portion of the above referenced flood map. It was extracted using F-MIT On-Line. This map does not reflect changes or amendments which may have been made subsequent to the date on the title block. For the latest product information about National Flood Insurance Program flood maps check the FEMA Flood Map Store at www.msc.fema.gov

APPENDIX C

Natural Heritage & Endangered Species Mapping Effective October, 2008



NHESP - ENDANGERED SPECIES MAP

PREPARED BY



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