



Planning Board
 City Hall, Room 303
 133 William Street,
 New Bedford, MA 02740
 (508)979-1488
www.newbedford-ma.gov

CITY OF NEW BEDFORD
 JONATHAN F. MITCHELL, MAYOR

**NOTICE OF MODIFICATION
 of SITE PLAN APPROVAL
 and SPECIAL PERMIT APPROVAL**

CITY CLERKS OFFICE
 NEW BEDFORD, MA
 2016 MAY 16 A 8:48
 CITY CLERK

Case Numbers: 13-16 and 14-16				
Request Type: Modification of Case #19-15 Special Permit and Site Plan Approval				
Address: 1080 Kings Highway				
Zoning: Planned Business and Industrial-A				
Recorded Owner: Cedar-Kings, LLC, 44 South Bayles Avenue, Port Washington, NY 11050				
Applicant: McDonald's USA, LLC, Northeast Region				
Applicant Address: 690 Canton Street, Westwood, MA 02090				
Application Submittal Date		Public Hearing Date		Decision Date
April 8, 2016		May 11, 2016		May 16, 2016
Assessor's Plot Number	Lot Number(s)	Book Number	Page Number	Certificate Number
125	29	8820	194	

Application: Request by applicant for modification to the granted approvals for Site Plan, for new construction of a fast-food restaurant, and Special Permit, for reduction of parking spaces.

Action on Case #13-16: GRANTED, WITH THE FOLLOWING CONDITIONS: *(Same as those under #14-16)*

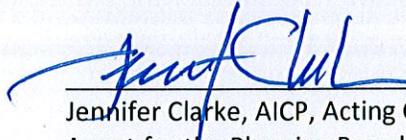
Action on Case #14-16: GRANTED, WITH THE FOLLOWING CONDITIONS:

1. Applicant agrees to donate ten street trees to the City of New Bedford to be planted at the City's discretion.
2. The applicant will agree with the recommendations of DPI and take into account all of DPI's suggested recommendations.
3. The hours of operation are to be 5:00 a.m. to 12 midnight.
4. The illuminated signs shall be turned off no later than one hour after closing.
5. The applicant agrees, if possible, to pull in the flared drain ends away from the City of New Bedford's easement for an existing 36 inch sewer drain.
6. The applicant agrees to any additional erosion control measures stipulated by the City of New Bedford Conservation Commission.
7. Application and plans are to be corrected for inconsistencies.

A copy of this decision was filed with the City Clerk of the City of New Bedford on May 16, 2016. 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. Any person aggrieved by this decision for Special Permit has twenty (20) days to appeal the decision in accordance with the procedures set forth in Section 17 of Chapter 40A of the General Laws of Massachusetts.

5.16.16

Date



Jennifer Clarke, AICP, Acting City Planner
Agent for the Planning Board

1) APPLICATION SUMMARY

The applicant, McDonald's USA, LLC, and owner, Cedar-Kings, 44 South Bayles Avenue, Port Washington, NY 11050, submitted applications for a **Modification for Special Permit for Parking Reduction** (Case #13-16) and **Modification for Site Plan Approval** (Case #14-16) for a property located at 1080 Kings Highway (Map 125, Lot 29), in the Planned Business and Industrial - A zoning districts. The decision for Special Permit and Site Plan Approval was recorded concurrently as Case #19-15 with the office of the City Clerk on September 21, 2015.

The modification of the site plan is comprised of the demolition of an existing 5,145 SF structure, to prepare for new construction of a 5,202 +/- SF fast food restaurant with drive-thru, which includes an additional 750+/- SF indoor play space not part of the previous approval. This set a new threshold for parking space requirement under Chapter 9-Comprehensive Zoning, Section 3130 - Table of Parking and Loading Requirements. The earlier decision for Special Permit for Parking Reduction granted relief from 56 to 40 spaces; the modification petitions the Board for relief from 63 to 35 parking spaces. [NOTE: modification reflects a higher required number of spaces—63 compared with the original 56—because the building footprint increased under the proposed modification thereby necessitating increased parking demand].

2) MATERIALS REVIEWED BY THE PLANNING BOARD

Plans Considered to be Part of the Application

The submittal was shown on a Plan Set for McDonald's, Northeast Region, 690 Canton Street, Westwood, MA, dated 08/12/2015, as revised thru 01/21/2016, located at 1080 Kings Highway (Map 125, Lot 29), prepared by Bohler Engineering, 352 Turnpike Road, Southborough, MA 01772 consisting of:

1. Cover Sheet - C-1
2. General Notes Sheet - C-2
3. Demolition Plan Sheet - C-3
4. Overall Site Plan (No Number)
5. Site Plan Sheet - C-5
6. Grading & Drainage Plan Sheet - C-6
7. Utility Plan Sheet - C-7
8. Soil Erosion & Sediment Control Plan Sheet - C-8
9. Soil Erosion Control Notes & Details Sheet - C-9
10. Landscape Plan Sheet - C-10
11. Landscape Notes & Details Sheet - C-11

12. Lighting Plan Sheet - C-12
13. Detail Sheet - C-13
14. Detail Sheet - C-14
15. Detail Sheet - C-15
16. Fire Truck Circulation - Sheet 1, dated 01/12/2016, with revisions thru 01/21/2016
17. Modification to Approved Plan - Sheet 1, dated 01/12/2016, with revisions thru 01/21/2016
18. ALTA/ACSM Land Title Survey Sheet 1, dated 11-24-14 and revised thru 07-06-15, prepared by Control Point Associates, Inc, 352 Turnpike Road, Southborough, MA 01722
19. ALTA / ACSM Land Title Survey Sheet 2, dated 11-24-14 and revised thru 07-06-15, prepared by Control Point Associates, Inc, 352 Turnpike Road, Southborough, MA 01722
20. 2015 Standard Building: 4597- PP-Wood/Wood, Sheet A2.0 Elevations, prepared by Core States Group, dated 02/25/2016
21. 2015 Standard Building: 4597- PP-Wood/Wood, Sheet A2.1 Elevations
22. 2015 Standard Building: 4597- PP-Wood/Wood, Sheet R1.3 Seating Plan

Other Documents and Supporting Material

Staff Comments with attachments:

1. Notice of Decision for Case #19-15
2. Minutes of Meeting Dated September 9, 2015
3. Letter from Applicant Requesting Modification to Special Permit and Site Plan Approval
4. Development Impact Statement
5. Modification for Special Permit Application
6. Modification for Site Plan Approval Application
7. Letter of Authorization
8. Staff Report Dated September 9, 2015
9. Comments from Ronald Labelle, Commissioner of Department of Public Infrastructure, Dated 09/02/2015
10. Deed – Bristol County (S.D) Registry of Deeds Book 8820, Page 194
11. Photos
12. Lighting Tear Sheet

3) DISCUSSION

Applicant’s agent Eric Dubrule of Bohler Engineering highlighted approved plan site improvements for the Board, which included site traffic circulation, landscaping, and drainage and storm water mitigation. The applicant’s agent described proposed and associated changes to the building footprint, pedestrian access to the restaurant via the associated, underused, shared King’s Highway plaza parking, and shift of parking sites east along the building’s south elevation due to the increase in the building’s footprint to accommodate a children’s play space.

Mr. Dubrule informed the Planning Board of the approved amendment to the existing Conservation Commission Order of Conditions and provided the Board with revised site landscaping plans.

A brief discussion occurred between agent and Board members for clarification of ADA compliant parking spaces, which met with the satisfactory conclusion by the Board.

The Planning Board duly considered the proposed landscaping plan, previously subject to condition of approval under Case #19-15, and accepted the landscaping plan as presented for approval under Case #14-16.

Chair Dawicki requested a motion from the Board to open the public hearing; motion moved by Board Member K. Duff, with second by Board Member A. Glassman by vote of five (5)-zero (0). No one spoke in favor, or against, the project submittal. With no other comments received, motion was made by Board Member K. Duff, with second by Board Member A. Glassman to close the hearing. Motion carried five (5) to zero (0).

4) THE FOLLOWING CONDITIONS AND RESTRICTIONS SHALL APPLY

1. Applicant agrees to donate ten street trees to the City of New Bedford to be planted at the City's discretion.
2. The applicant will agree with the recommendations of DPI and take into account all of DPI's suggested recommendations.
3. The hours of operation are to be 5:00 a.m. to 12 midnight.
4. The illuminated signs shall be turned off no later than one hour after closing.
5. The applicant agrees, if possible, to pull in the flared drain ends away from the City of New Bedford's easement for an existing 36 inch sewer drain.
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7. Application and plans are to be corrected for inconsistencies.

5) DECISION

Chair Dawicki asked for a motion to grant the modified Site Plan approval. Board Member Duff moved to approve Site Plan Modification for **Case #14-16**, with listed conditions from previous approval under Case #19-15, having satisfied the condition for landscape design, for new construction of a 5,202+/- SF fast-food restaurant, with drive thru and indoor play space, as presented by plans, located at 1080 Kings Highway (Map 125, Lot 29), in the Planned Business and Industrial - A zoning districts; seconded by Board Member Glassman. Motion carried unanimously five (5) to zero (0).

Chair Dawicki asked for the motion to grant the modified Special Permit. Board Member Duff made the motion to approve the Special Permit Application for **Case #13-16** for a reduction in parking from sixty-three (63) spaces to thirty-five (35) spaces; seconded by Board Member Glassman.

A vote was taken and unanimously approved five (5) to zero (0).

Board Member Kalife – Yes
Board Member Duff – Yes

Board Member Glassman – Yes
Chair Person Dawicki - Yes

Board Member Cruz – Yes

Filed with the City Clerk on:

5.16.16
Date


Jennifer Clarke, AICP, Acting City Planner, Agent for the Planning Board