



CITY OF NEW BEDFORD
Department of Planning, Housing & Community Development
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STAFF REPORT

NEW BEDFORD HISTORICAL COMMISSION MEETING

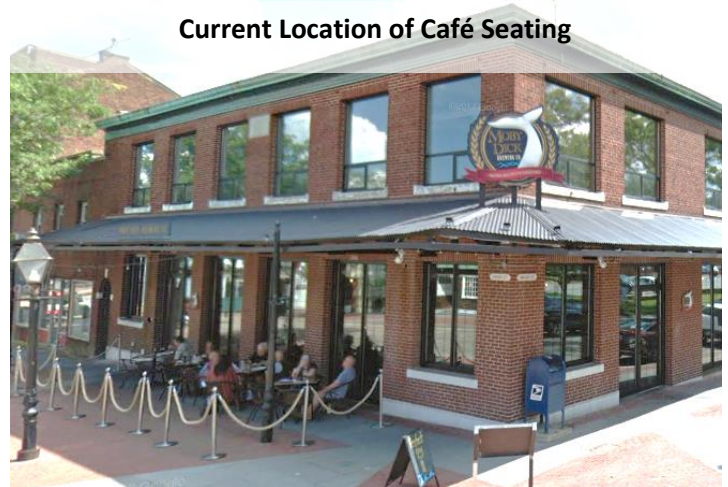
April 1, 2019

Case #2019.05: CERTIFICATE OF APPROPRIATENESS
4 S Water Street (Map 47, Lot 37)

APPLICANT: Moby Dick Brewery Company, Inc.
4 S Water Street
New Bedford, MA 02740

OWNER: Marder Management Corp.
28 Union St
New Bedford, MA 02740

Current Location of Café Seating



OVERVIEW: The applicant is seeking a Certificate of Appropriateness for a sidewalk café pursuant to the City of New Bedford's Code of Ordinances §15-100 granting licenses for the use of city public rights-of-way for outdoor dining, as well as the regulation of the placement of temporary tables, chairs and appurtenant street furniture on public ways by licensed restaurants. Approval by other regulating entities under the city ordinance is also required including Planning Board and Licensing Board.

EXISTING CONDITIONS: The site is located on the southeast corner of Union and S Water Streets. A Certificate for café seating was issued in 2017 for the area located along the Union Street façade of the building, which has a brick paved sidewalk area approximately 18'-6" in depth. The existing café seating area features four (4) 32" square, wood grain laminate top tables with sixteen (16) black aluminum chairs. The barrier consists of stainless steel bollards with hemp rope.

PROPOSAL: The applicant is proposing to expand the footprint of the café seating area, change the current barrier and add three tables with accompanying chairs. The additional furnishings will match the existing.

- **Seating Area:** The café seating area will expand to encompass the full width of the Union Street façade, expanding in length from approximately 40' to 66', with the depth remaining the same; allowing 6' of sidewalk clearance.
- **Barrier:** In an effort to mitigate the traffic noise which emanates from its proximity to busy Union Street, as well as provide a better sense of safety to patrons, the applicant is proposing the addition of portable custom-made 40" high, painted black wood planters. *Please refer to attached Barrier Specifications.*

STATEMENT OF APPLICABLE GUIDELINES:

The Bedford Landing District Design Guidelines state the following relative to this proposal:

SIDEWALK CAFÉ SEATING

Seating arrangement and placement shall be approved by the Historical Commission. Temporary bollards or other means of cordoning off the seating area shall be reviewed and approved by the Commission. A uniform design for cordoning off café seating areas throughout the District is strongly encouraged.

City of New Bedford's Code of Ordinances §15-100 state the following relative to this proposal:

For those within a Historic District. The New Bedford Historical Commission shall have aesthetic review through its Certificate of Appropriateness process for café enclosures, tables, chairs signage, and accessories in areas regulated by Massachusetts General Law Chapter 40C districts. It shall be the applicant's responsibility to provide written proof that it has obtained a certificate of appropriateness and all requisite permits, and/or approvals from relevant agencies and boards to the Department of Inspectional Services, prior to the issuance of a permit.

- Every outdoor café on a city public right-of-way shall be temporary in nature and designed so that the entire café structure and its appurtenances including, but not limited to, chairs, tables, fencing, bollards and planters can be easily removed during periods of non-use. There will be no permanent fixtures in the public right-of-way. Furthermore, the city reserves the right to require the user to remove the sidewalk café if and when it determines it to be necessary, even during the term of the license.
- **Location of sidewalk café.** The sidewalk café must be contiguous to a licensed restaurant facility located on a street level. The outdoor café area may not extend beyond the frontage and or side faces of the licensed restaurant. There must be at least four (4) feet of free unimpeded pedestrian passageway on the sidewalk. However, the city reserves the right to require that more than four (4) feet of sidewalk be made available during certain hours of the day, or days of the week in order to accommodate pedestrian traffic.
- Length of license agreement. The license agreement for the use of the public space shall be an annual license that shall expire December 31st of each year.

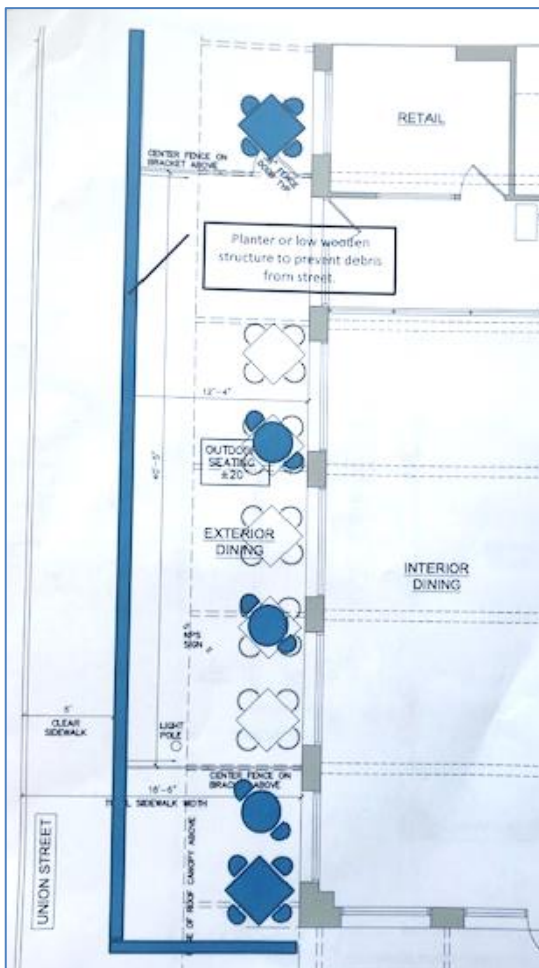
STAFF RECOMMENDATION: The extension of the café seating area complies with the City's Outdoor Café ordinance and does not impede pedestrian access. The reasoning for the proposed use of planters as a barrier echoes past applicant's concerns relative to noise and perceived safety. The proposed planters will be custom built and painted black to match the building's awning and will have casters to allow movement and storage. The proposed café seating does not detract from the District in its size, location or finishes, and for these stated reasons staff recommends the application's approval and the issuance of a Certificate of Appropriateness.

Café Seating Details: 4 & 18 S Water Street- Moby Dick Brewing Company

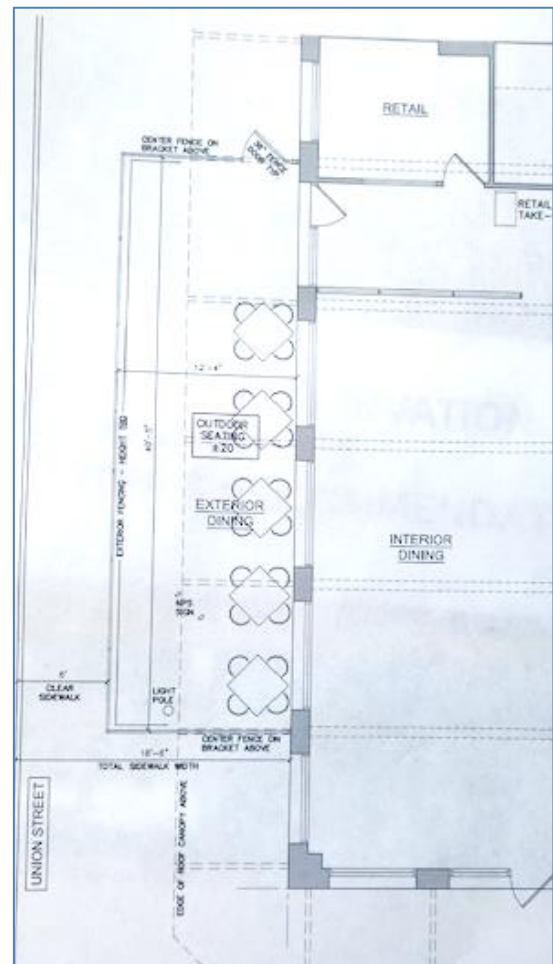
Barrier: The proposed planters will be constructed of wood with the following approximate dimensions:
12" D X 40" H X 72" L.
They will be painted in a semi-gloss black finish and have casters.



Proposed Planter Barrier



Proposed Café Seating Area



Current Café Seating Area