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# City of New Bedford

## Department of Planning, Housing & Community Development

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# STAFF REPORT

## NEW BEDFORD HISTORICAL COMMISSION MEETING

May 1, 2017

**Case #2017.08:**     **CERTIFICATE OF  
APPROPRIATENESS**  
35 Union Street  
New Bedford, MA 02740

**Applicant/  
Owner:**           Cultivator Shoals  
Jason Lanagan  
35 Union Street  
New Bedford, MA 02740

**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.



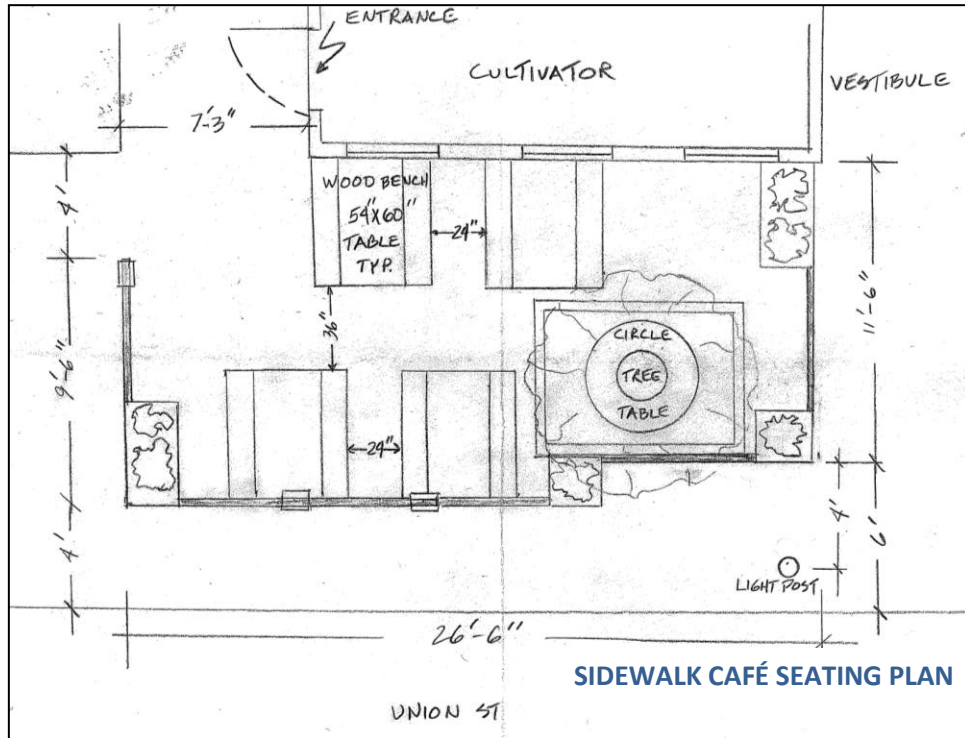
**Existing Conditions:** The site is located on the north side of Union Street, between Front and Water Streets. The proposed café seating area will be located along the Cultivator portion of the building façade which has a brick paved sidewalk area approximately 17'-6" in depth.

**Proposal:** The proposed seating area is approximately 26'-6" X 13'-6" in dimension and would include seating to accommodate 16-20 people. Specific designed elements would include:

- **Seating:** The applicant proposes four (4) hand-crafted picnic style tables having attached seating designed to accommodate the slope of the site. A fifth circular table encircling the existing street tree to accommodate those who prefer to stand while dining is also included in this proposal. The picnic tables will be hand-crafted of quality wood and would be 54" X 60" in dimension, including the attached bench seating.
- **Barrier:** In an effort to mitigate the traffic noise, the applicant has proposed 42" high custom-made solid barriers to separate the private dining area from the public walkway. Although a solid vertical plank fence barrier was proposed, staff consulted with the applicant to consider the use of more context-sensitive materials that better relate to the property and the District. The resulting design

incorporating 42" solid panels would be off-set and softened by the use of planters with bamboo. Due to the temporary nature of the café seating, the planters, along with temporary fence posts, would support the barrier.

- **Sail Shades:** In place of table umbrellas or an attached building awning, the applicant is proposing the use of sail shades which would attach to the storefront cornice and to temporary poles on the sidewalk. The proposed sail shade would be installed by a professional sail company and is currently being designed and engineered. The current conceptual design has the sails attached to the buildings storefront cornice with the use of hooks. The proposed color(s) of the sails are off white and dark green to match the building façade.



Cultivator Shoals Sidewalk Seating  
Materials & Finishes



Corrugated Panel  
Proposal



Wood & Metal Planters (from Cork)



Horizontal Wood Slat Panel Proposal



PROPOSED CAFÉ SEATING BARRIER MOCK-UP





**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:

- 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 appurtenant to a licensed restaurant facility located on a street level. The sidewalk 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.

- Table umbrellas, if used, shall not impede pedestrian flow. The design of and the use of advertising on table umbrellas are subject to the approval of the planning board and, where appropriate, the historic commission.
- The historic commission shall have aesthetic review responsibility for café enclosures, tables, chairs and accessories in areas under their jurisdiction. All proposals shall be subject to City of New Bedford Planning Board Design Review. It shall be the applicant's responsibility to provide to the planning board, written proof that it has obtained all requisite permits, approval from relevant agencies and boards.
- Length of license agreement. The license agreement for the use of the public space shall be seasonal from May 1st through October 30th, of each year.

**Staff Recommendation:**

The proposed sidewalk café falls not only within the local historic district but also along a main corridor and gateway for the downtown. The location is a highly visible stretch of sidewalk connecting commercial areas with the waterfront and thus its design is of particular importance within the District and to the downtown.

TABLES: The grade change in front of the Cultivator Shoals measures approximately 18"; making difficult the use of standard table bases and chairs. Although the use of a picnic-style table is not typical within the District, the presence of an incline presents a hardship that necessitates this type of table. Because of this, and given that the tables would not be highly visible to anyone driving by the site as they would be located behind solid barriers, staff recommends approval of this style table in this location provided a dark stain is used (to achieve the look depicted in the noted illustration).



**EXAMPLE OF A STAINED PICNIC TABLE**

BARRIER: In an effort to mitigate the traffic noise along the cobblestones of Union Street the applicant is proposing 42" high solid panels. The proposed solid panels and planters are aesthetically pleasing, and being sensitive to the need to bot accommodate the site slope and the adjacent traffic, staff reccomends their approval.

SAIL SHADE: The use of a sail shade rather than an awning or umbrellas will be unique to the downtown and to the District. Increasingly, sail shade structures have been used as part of the urban placemaking language and the City is currently developing its use for other areas in the downtown. Staff recommends the use of a temporary sail shade in this location and further recommends that the Commission consider conditioning this allowance upon the following: that the applicant secure any other permitting needed for the sailshade, that the applicant work with staff to ensure installation methods do not harm the historic resource and that staff shall act on the Commission's behalf in approving the final sailshade design.

For the reasons so noted, staff therefore recommends the approval of the application and the issuance of a Certificate of Appropriateness with the conditions so noted.