



# City of New Bedford

## Department of Planning, Housing & Community Development

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DIRECTOR

# STAFF REPORT

## NEW BEDFORD HISTORICAL COMMISSION MEETING

May 1, 2017

**Case #2017.05: CERTIFICATE OF APPROPRIATENESS**  
4 S Water Street

**Applicant:** Moby Dick Brewery Company, Inc.  
David Slutz  
4 S Water Street  
New Bedford, MA 02740

**Owner:** Marder Management Corp.  
22 So Water St  
New Bedford, MA 02740



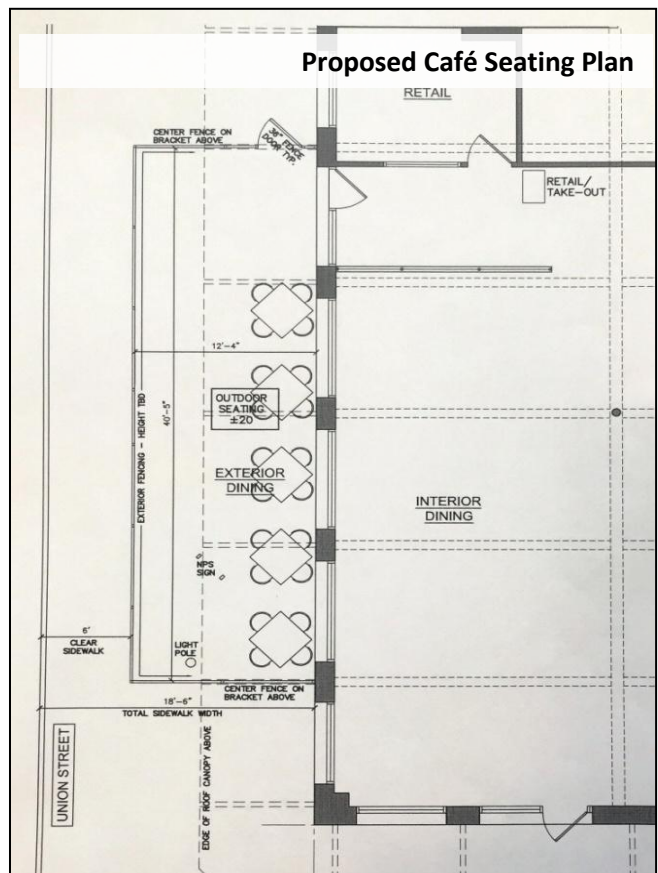
Proposed Location of Café Seating on Union Street

**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.

**Existing Conditions:** The subject restaurant is located at the intersection of Union and S. Water Streets. The proposed café seating area would be located along the Union Street façade of the building, which has a brick paved sidewalk area approximately 18'-6" in depth.

**Proposal:** The proposed seating area is approximately 40' X 12' in dimension and consists of five (5) 32" square top tables which each seat four (4) guests of the restaurant. A rope stanchion will provide the barrier to separate the private dining area from the public walkway.

**Furniture Finishes:** The proposed table tops are a wood grain laminate and table bases would be a black powder coated aluminum and weighted for stability. The chairs are proposed as black aluminum. The rope stanchion is a natural 1.5" hemp. The rope end clasp and stanchion post was not specified within the application.



**Statement of Applicable Guidelines:**

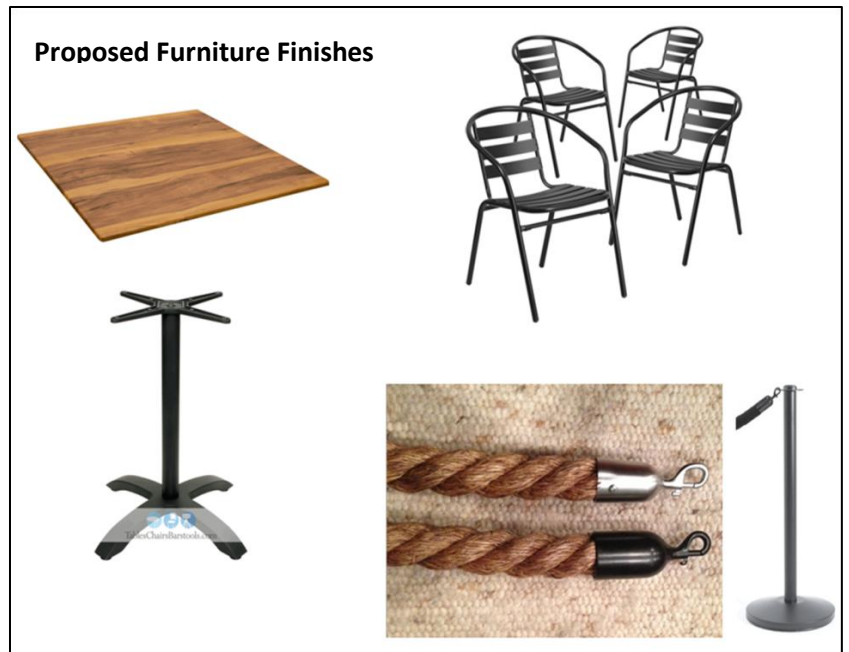
*The Bedford Landing District Design Guidelines* state the following relative to this proposal:

**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 CODE OF ORDINANCES**

*The City of New Bedford's Code of Ordinances §15-100* states 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.

*Additional Requirements:* Just as a reminder to the Commission, this proposal will also necessitate additional city review including planning board approval and licensing board approval.

**Staff Recommendation:** There are no proposed umbrellas due to the existence of a canopy. Staff recommends that the commission may wish to specify or recommend the rope end clasps and stanchion posts be a black finish to match the table base and chairs.

The proposed café seating does not detract from the District in its size, location or furniture finishes, and for these stated reasons staff recommends the application's approval and the issuance of a Certificate of Appropriateness.