



City of New Bedford

Department of Planning, Housing & Community Development

608 Pleasant St, New Bedford, Massachusetts 02740

Telephone: (508) 979.1500 Facsimile: (508) 979.1575

PATRICK J. SULLIVAN
DIRECTOR

STAFF COMMENTS

PLANNING BOARD MEETING

April 6, 2016

Case # 10-16: SPECIAL PERMIT
89 North Water Street
(a/k/a 22 Elm Street)
Map: 53 Lot: 102

Applicant: Amelia Ruvich
67 Mechanics Lane
New Bedford, MA 02740

Owner: Everett D. Mills, Jr &
Claudia L. Mills
5 Torrington Road
Fairhaven, MA



Looking west at the intersection of North Water Street & Elm Streets

Overview of Request

Request to consider an application under Chapter 9 Comprehensive Zoning, Sections 3000-General Regulations, 3100-Parking & Loading, 3110-Applicability, and 3120-3125-Special Permit for reduction of off-street parking located at 89 North Water Street (Map 53, Lot 102), on a 13, 018+/- SF lot, in the Industrial A and Downtown Business Overlay (DBOD) zoning districts.

Restaurant use is permitted by right in the Industrial A zoning district. The overlay DBOD is comprised of the area between the east side of County Street, the north side of School Street, the west side of Route 18 and the south side of Kempton Street. The purpose of the DBOD is to provide adequate, minimum standards and procedures for the construction of new and rehabilitation of existing structures so as to promote economic and cultural development in the city's downtown area.

Existing Conditions

dNB Burgers is a downtown restaurant located within the National Historic District. The applicant states dNB currently leases approximately 1200+/- SF of the 19,230+/- SF four-story brick exterior structure located within the Downtown Business Overlay District.

The historical edifice, constructed at the turn of the century, is an existing, non-conforming structure occupying a land parcel consisting of 13,018 +/- SF located at the south side of Elm Street between North Water and Bethel Streets. This business location is under a tenant lease agreement with property owners Everett D. Mills, Jr. and Claudia L. Mills (Attachment 5).

The subject lot has a slight slope in grade with low point at Elm Street. Roof runoff is directed by gutters and four (4) downspouts toward the existing landscaping which will remain. Pack lighting is noted at the west elevation, along the east side of the building, providing a level of safety for the parking area. Washingtonian lighting, characteristic of the New Bedford Historical area, enhances the area streetscape. Currently, there is no marked handicap parking on site, as the threshold for compliance under MA 521 CMR 23.00: PARKING AND PASSENGER LOADING ZONES is 15 (fifteen) spaces. The more stringent American for Disabilities Act (ADA) stipulates one (1) accessible space for one (1) to fourteen (14) total spaces.

This application for a special permit for parking reduction does not trigger review by the New Bedford Historical Commission.

Site visit by staff observed the existing tenant mix at this 19,230 +/-s SF building to include Skips Marine, AestheticsRN, and B Leger Studio Gallery. There is a temporary banner sign advertising space available for lease by 22Elm.com. The building is across Elm Street from the Standard Times/BayCoast Bank redevelopment location and is 90 feet from the Elm Street parking garage. Across North Water Street is the Candleworks Ventures, LLC parking lot.



The Department of Inspectional Services notes that one (1) parking space per 200 SF is required for this business use. Minimum parking space requirements for the shared parking area total 97 spaces. Number of available parking spaces noted in the application packet is thirteen (13). The applicant requests Special Permit

for relief from the parking requirement from the Planning Board so the destination restaurant may better serve its growing cliental.

Proposal Conditions:

The applicant proposes a 504+/- SF interior expansion to the restaurant dining space increasing the guest seating capacity from 19 to 44, which includes a second bar/counter serving area to seat seven (7) patrons. Presently, dNB serves 200 diners per day; the expansion anticipates doubling that number. The number employed by dNB is currently 25; the business expects to add five (5) new staff members for an increase to 30. Hours of operation remain constant at 11:00 a.m. to 2:00 a.m. Sunday thru Saturday. Hours for vendor delivery have not been identified on the Special Permit application; as such, the Board may wish to ask for clarification regarding hours and location of loading/unloading.



The applicant has advised staff that they find that in practice, though not signed in this way, most vehicular traffic enters from Elm Street and exits onto North Water Street. The site plan illustrates an aisle width of 28 feet, meeting the threshold for standards set by city ordinance of 22 feet. Although twelve (12) parking places are shown on the plan (all measuring and meeting the ordinance dimension of 9 feet by 20 feet) case submittal documents (narrative, etc.) reflect thirteen off-street parking spaces are to be provided.

Special Permit for Parking Reduction:

When considering an application for Special Permit, the Board must take into account the characteristics of the site and of the proposal in relation to that site, in addition to any specific factors that may be set forth under Section 5300 of the zoning ordinance. As to those thresholds, staff offers the following considerations:

- **Social, economic, or community needs which are served by the proposal.**

This independent, local business is approaching its second anniversary. dNB has a growing clientele that has created a demand for expanded interior restaurant space and has contributed to the growing restaurant base within the downtown. Located at one of the gateways to the city's harbor and waterfront, support of dNB Burgers business growth strengthens pedestrian-friendly neighborhood commercial districts and continues to create new job opportunities for New Bedford families. The proposed expansion of the restaurant will promote a public benefit by stimulating activity that provides an economic gain to the immediate neighborhood and beyond.

- **Traffic flow and safety, including parking and loading.**

Traffic calming measures have been introduced to JFK Boulevard, fostering pedestrian connectivity between the harbor and adjacent downtown neighborhood of which dNB Burgers plays a significant and connective role. Urban diners, in general, largely expect that parking is not provided on the restaurant's site, but rather, within walking distance and/or on-street. In this respect, the proposal for the provision of reduced on-site parking is consistent with this kind of anticipated dining experience.

- **Adequacy of utilities and other public services.**

Whereas the applicant is renovating an existing structure within an area with complete utility and public services, there is no issue with this adequacy.

▪ **Neighborhood character and social structures.**

The historic fabric of the immediate neighborhood will not be compromised by the proposed reduction in parking. It could be argued that the applicant's request to reduce the parking requirement actually enhances rather than detracts from the character of the neighborhood in which it sits by promoting greater pedestrian activity and eliminating the prospect of increased impervious area.

▪ **Impacts on the natural environment**

The proposal for reduced parking on-site only serves to promote rather than negatively impact the natural environment. Limited on-site parking creates greater opportunity for less vehicular congestion at the site and its immediate environs.

▪ **Potential fiscal impact, including impact on City services, tax base, and employment**

While the actual expansion of this restaurant contributes to the vision of creating a vibrant seaport community, increasing the tax base by fostering the growth of a successful local business model, and providing employment opportunities, the reduction in parking that is proposed does not negatively impact the city's fiscal position. The possibility of restaurant patrons utilizing the public Elm Street Garage could, in fact, positively add to city revenues thus creating a positive fiscal impact.

▪ **Master Plan Goal**

This proposal is consistent with the master plan's goal (of establishing a sound foundation for future growth that builds upon its coastal location, preserves its historic legacy, and expands cultural and workforce opportunities) as it improves the neighborhood, develops strategic sites, and attracts emerging business. In addition, the proposal is aligned with the anticipated form based zoning for the downtown area which will set maximum parking requirements rather than the minimum parking standards currently in place.

Review Comments

Plans were distributed to City Clerk, City Solicitor, Health Department, Inspectional Services, Engineering, Public Infrastructure, Conservation Commission, Fire Department and School Department offices. The Department of Public Infrastructure responded stating it had no remarks or comments for the Planning Board's consideration of this case. The Conservation Commission noted there were no local or State protected wetlands in or within 100' of the subject proposal, therefore no permit was required from the Conservation Commission. Outside of this, no further comments from city offices were received in this matter.

Recommendation

The proposed expansion of the applicant's restaurant and correlating request for relief from parking requirements appears to meet the thresholds for the provision of a special permit both from practical standpoint (economic, pedestrian, environmental and potential fiscal benefits) as well as from a visionary perspective in its consistency with the city's master plan and anticipated shift to form based code. Provided the board is satisfied with the applicant's response regarding deliveries, staff recommends approval of the special permit with the following condition:

- ☐ The applicant shall provide a revised site plan showing thirteen (13) on-site parking spaces to correct submitted plan depicting twelve (12) parking spaces.

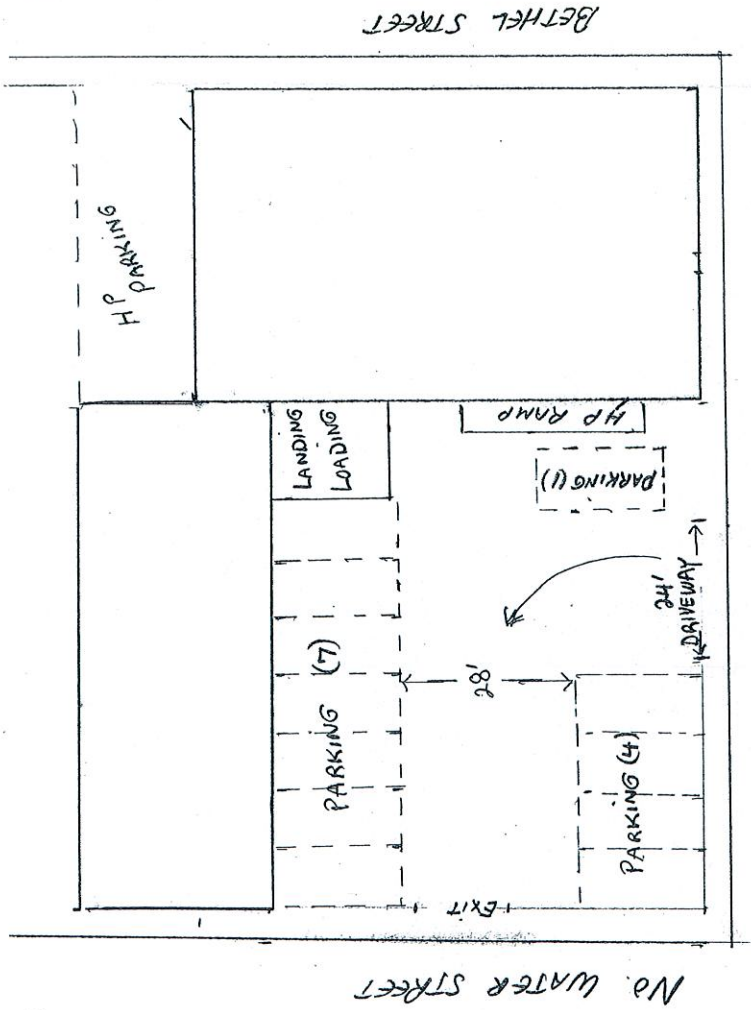
Attachments:

- | | |
|-------------------------------|--|
| 1. Site Plan | 4. Development Impact Statement |
| 2. Special Permit Application | 5. Deed-Bristol county (S.D.) Registry of Deeds Book 3812, Page 91 |
| 3. Project Proposal | 6. Photos |

DNB Burgers Expansion

PARKING
PLAN FOR

89 NO. WATER ST.



ELM STREET

SCALE 1/2" = 10'

BETHEL STREET

PLANNING

MAR 14 2008

DEPARTMENT

CASE 10-16

ATTACHMENT 1



CITY OF NEW BEDFORD
JONATHAN F. MITCHELL, MAYOR

PLANNING BOARD

CITY CLERKS OFFICE
NEW BEDFORD, MA
2016 MAR 14 P 3:11
CITY CLERK

SUBMIT TO:
Planning Department
133 William Street
Room 303
New Bedford, MA 0274

SPECIAL PERMIT APPLICATION

The undersigned, being the Applicant, seeks Special Permit Approval for property depicted on a plan entitled: DNB Burger's Expansion by: Amelia Ruvich dated: 3/12/16

1. Application Information

Street Address: 89 N. Water Street DNB
Assessor's Map(s): 53 ✓ Lot(s) 102 ✓
Registry of Deeds Book: 3812 ✓ Page: 91 ✓
Zoning District: DBOD overlay ✓ INDUSTRIAL A ✓
Applicant's Name (printed): Amelia Ruvich / DNB LLC
Mailing Address: 67 Mechanics Lane NB MA 02740
(Street) (City) (State) (Zip)
Contact Information: (508) 961-8687 ameliaruvich1@gmail.com
Telephone Number Email Address

Applicant's Relationship to Property: ☐ Owner ☐ Contract Vendee ☒ Other tenant

List all submitted materials (include document titles & volume numbers where applicable) below:

see attached

By signing below, I/we acknowledge that all information presented herein is true to the best of my/our knowledge. I/we further understand that any false information intentionally provided or omitted is grounds for the revocation of the approval (s). I/we also give Planning Department staff and Planning Board Members the right to access the premises (both interior and exterior) at reasonable times and upon reasonable notice for the purpose of taking photographs and conducting other visual inspections.

3/12/16

Date

[Signature]
Signature of Applicant

City Hall • 133 William Street • Room 303 • New Bedford, MA 02740 • www.newbedford-ma.gov PH: (508)979-1488 • FX: (508)979-1576

PLANNING
MAR 14 2016
DEPARTMENT
CASE 10-16

2. Zoning Classifications

Present Use of Premises: Mix use

MUB ? INDUSTRIAL A

Proposed Use of Premises: Mix use

? INDUSTRIAL A

Zoning Relief Previously Granted (Variances, Special Permits, with Dates Granted):

RESTAURANT
+ DBOD

n/a - none

Don't know because
overly complex

3. Briefly Describe the Proposed Project and Specify all Requested Special Permits:

use separate sheet
see attached

4. Please complete the following:

1A

	Existing	Allowed/Required	Proposed
Lot Area (sq ft)	13,018 ✓		13,018
Lot Width (ft)	6,509		6,509
Number of Dwelling Units	n/a	n/a	n/a
Total Gross Floor Area (sq ft) <u>(TOTAL BUILDING)</u>	13,018 ²	19,230 SF	13,018 ²
Residential Gross Floor Area (sq ft)	n/a	n/a	n/a
Non-Residential Gross Floor Area (sq ft)	13,018	19,230	13,018
Building Height (ft)	4 stories	7 stories / 00'	
Front Setback (ft)	0	0 25'	0
Side Setback (ft)	10-12 ft	15 10-12 ft	10-12 ft
Side Setback (ft)	10-12 ft	15 10-12 ft	10-12 ft
Rear Setback (ft)	20 ft	15 20 ft	20 ft
Lot Coverage by Buildings (% of Lot Area)	75%	0 50	75%
Permeable Open Space (% of Lot Area)	0	0 20	0
Green Space (% of Lot Area)	1%	0 20	0
Off-Street Parking Spaces	13	1 per 200 sq ft	13
Long-Term Bicycle Parking Spaces	n-a	n-a	n-a
Short-Term Bicycle Parking Spaces	n-a	-	n-a
Loading Bays	1	1	1

1200
504
1704 SF
DNB

5. Please complete the following:

	Existing	Proposed
a) Number of customers per day:	<u>200</u>	<u>400</u>
b) Number of employees:	<u>25</u>	<u>30</u>
c) Hours of operation:	<u>11am</u>	<u>2am</u>
d) Days of operation:	<u>Sun-Sat</u>	<u>Sun-Sat</u>
e) Hours of deliveries:	<u>-</u>	<u>-</u>
f) Frequency of deliveries:	<input type="checkbox"/> Daily	<input type="checkbox"/> Weekly
	<input type="checkbox"/> Monthly	<input checked="" type="checkbox"/> Other: <u>n/A</u>

6. OWNERSHIP VERIFICATION

This section is to be completed & signed by the property owner:

I hereby authorize the following Applicant: DNB LLC

at the following address: 89 North Water St

to apply for: Special permit

on premises located at: 89 N. Water St.

in current ownership since: 1996

whose address is: 4 Old Tree Rd, Mattapoisett MA

for which the record title stands in the name of: E. Douglas Mills

whose address is: 4 Old Tree Rd, Mattapoisett MA

by a deed duly recorded in the:

Registry of Deeds of County: Bristol Book: 3812 Page: 91

OR Registry District of the Land Court, Certificate No.: _____ Book: _____ Page: _____

I/we acknowledge that all information presented herein is true to the best of my/our knowledge. I/we further understand that any false information intentionally provided or omitted is grounds for the revocation of the approval(s). I/we also give Planning Department staff and Planning Board Members the right to access the premises (both interior and exterior) at reasonable times and upon reasonable notice for the purpose of taking photographs and conducting other visual inspections.

3/11/16
Date

E. Douglas Mills
Signature of Land Owner (If authorized Trustee, Officer or Agent, so identify)

DNB Burgers Expansion
Project Proposal

DNB Burgers is a food establishment in downtown New Bedford. Open for one and a half years and happily serving our downtown New Bedford community. We serve scratch made burgers and fries as well as local craft beers. We employ 23 people. We currently have 19 seats and occupy approx. 1200 square feet inside the building located at 89 N. Water Street. We are open 7 days a week. Attached to the business is a private parking lot with 13 existing spots dedicated to dNB Burgers. DNB Burgers proposes to expand the dining area of our restaurant by a total of 504 sq feet to accommodate our ever growing customer base from New Bedford and other surrounding communities. This will allow us to double our seating to approx. 44 seats alleviating some of the stress put on our staff and customers because the demand is so high that we are often turning people away. We will also add a secondary bar that will serve food as well as beer and wine featuring local craft breweries and wineries. The new bar will seat 7. We also plan to add 5 more 2 top tables and 3, 6 top round tables to our seating. By adding this seating to our restaurant we will be able to better serve our existing customers and also keep up with the overwhelming demand created by the community.

PLANNING
MAR 14 2016
DEPARTMENT
CASE 10-16

DNB Burgers Expansion
Developmental Impact Statement

89 N. Water Street sits on lot size 13,018 square feet. DNB Burgers currently rents approximately 1,200 square feet within this building. The lot itself is almost completely covered by the building as well as a parking lot which covers approximately one third of the lot. It sits on a flat plot at the bottom of Elm St. in the historic District of Downtown New Bedford across from the pier. The building was built in 1885 and is considered a historical building. What remains of the lot that isn't paved has existing shrubbery and 2 crab apple trees measuring over 16 inches in diameter, which are all located on the edge of the lot surrounding the parking area. There is no unusual geological or archeological features, significant wildlife or trails that would be affected by our expansion. We plan to make no changes to the outside of the building.

DNB currently rents approximately 1200 square feet inside of 89 N. Water Street. DNB Burgers proposes to expand the dining area of our restaurant by a total of 504 sq feet, totaling 1700 square feet occupied. This will allow us to double our seating to 44 seats. We propose to add a secondary bar that will serve food as well as beer and wine. The new bar will seat 7. We also plan to add 5 more 2 top tables and 3, 6 top round tables to our seating. By adding this seating to our restaurant we will be able to better serve our existing customers and also keep up with the overwhelming demand created by the community. The benefits our business brings to the downtown area; such as job creation, creating city revenue, helping in revitalizing the city, filling currently empty storefronts, and being a destination that brings in diners from all over New England to New Bedford to experience our community. These positives outway any slight impact we may have on the traffic and parking congestion caused by an increase in customers.

None of our projected plans will affect the conditions of the outside of the building including effecting any of the vegetation or the structure of the building itself. Our plans only effect the interior set up of the building. We can foresee a change in the volume of cars coming in and out of the lot which may have an impact on the wear and tear of the lot itself. We plan to show a flow of the parking lot to limit the congestion it may cause. We also plan to clearly define other public areas for customer parking including the Elm St Garage to reduce parking overflow and the congestion it may cause.

We, Raymond H. Drouin and Nazera T. Drouin

of New Bedford, Bristol County, Massachusetts,

~~being married~~, for consideration paid \$ 225,000.00

grant to Everett D. Mills Jr. and Claudia L. Mills as joint tenants

of 5 Torrington Road, Fairhaven, Massachusetts with quitclaim covenants

the land ~~xxx~~ with the buildings thereon, in said New Bedford, Bristol County,

Commonwealth of Massachusetts, bounded and described as follows:

(Describes and encumbrances, if any)

NORTHERLY by Elm Street; 131'

EASTERLY by Water Street, ninety-nine (99) feet; ✓

SOUTHERLY by land now or formerly of David A. Snell; and 132'

WESTERLY by Bethel Street, ninety-nine (99) feet. ✓

Being the same premises conveyed to the grantors in a deed dated December 20, 1993 and recorded at Bristol County S.D. Registry of Deeds in Book 1880, Page 1029.

Subject to the 1997 fiscal year real estate taxes which the grantees assume and agree to pay.

RECORDED AT
BOSTON SOUTH
12/30/97

TAX 1036.00
CRK 1036.00

COMMERCIAL ADT'S
FINGER TAX

1808
936

1560
1967

Witness our hands and seals this 27th day of December 1996

Raymond H. Drouin
Raymond H. Drouin
Nazera T. Drouin
Nazera T. Drouin

The Commonwealth of Massachusetts

Bristol ss. December 27 1996

Then personally appeared the above named Raymond H. Drouin and

Nazera T. Drouin

and acknowledged the foregoing instrument to be their free act and deed, before me,

Gerald R. Pepin
Gerald R. Pepin
My commission expires December 5 1997

FORM 106 LAWYERS STATIONERY CO., INC. BOSTON, MA
A true copy of instrument as recorded in
Bristol County (S.D.) Registry of Deeds
in Book 3812 Page 91
ATTEST:

mready
REGISTER

ATTACHMENT 5

PLANNING
MAR 14 2015
DEPARTMENT
CASE 10-14

DNB Burgers Expansion



Google earth

feet 10
meters 3



PLANNING
MAR 14 2016
DEPARTMENT
CASE 10-16

ATTACHMENT 6

DNB Burgers Expansion



Google earth

feet 10
meters 3



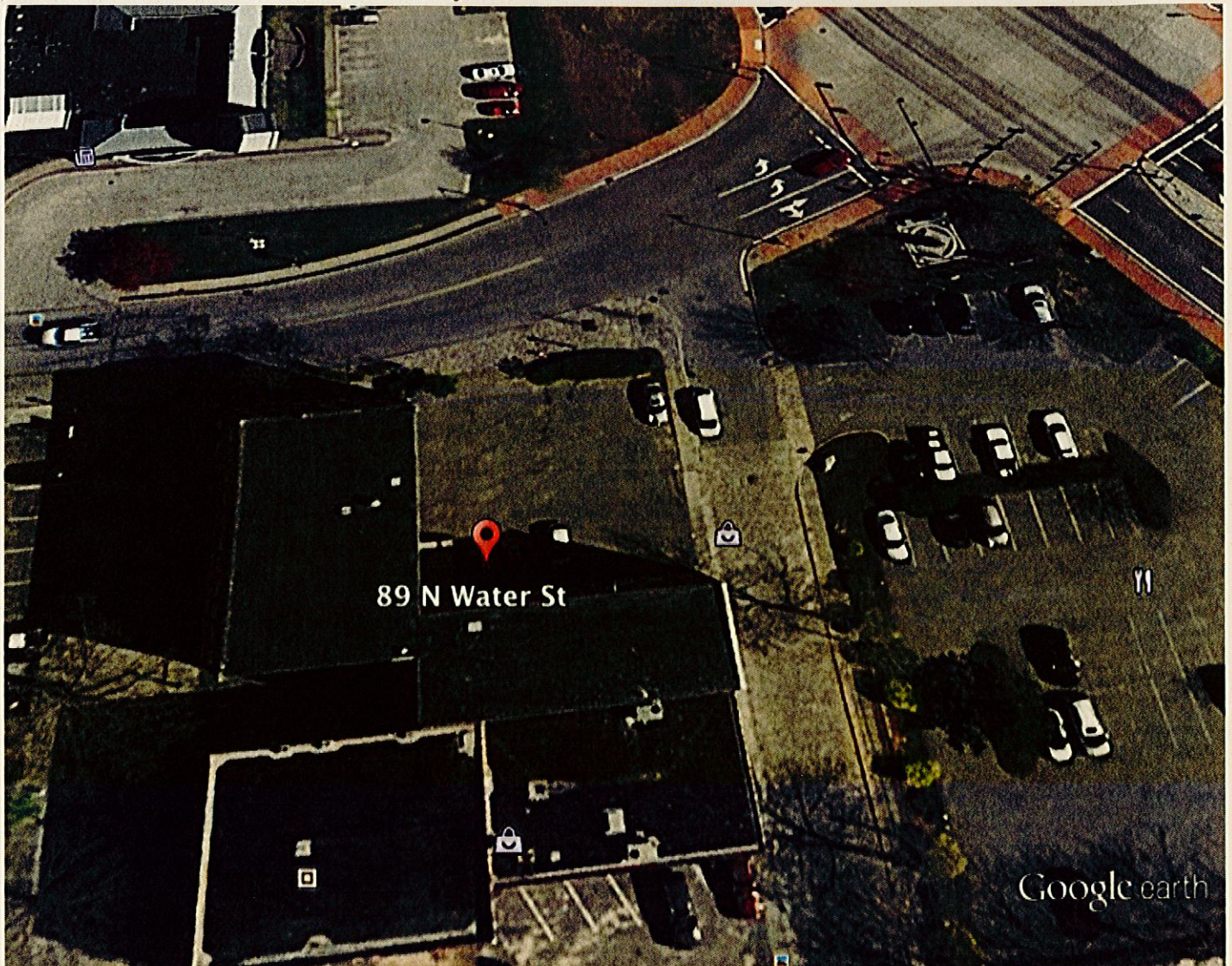
PLANNING

MAR 14 2013

DEPARTMENT

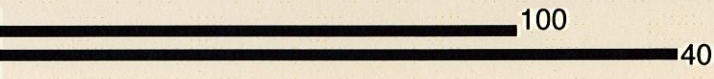
CASE 10-16

DIVB Burgers Expansion



Google earth

feet
meters



PLANNING

MAY 14 2016

DEPARTMENT

10-16