



New Bedford Historical Commission

May 1, 2017 – 6:05 PM – **Minutes**
City Hall, 133 William Street, Ashley Room

May 1, 2017

Ashley Room, City Hall, 133 William Street

Members Present:

Diana Henry, Chair
Bill King, Vice Chair
Bill Barr
Janine da Silva
James Lopes

Secretary and City Planning Staff:

Anne Louro, *Preservation Planner*

Members Absent:

Call to Order:

D. Henry called the meeting to order at 6:04 PM.

Roll Call:

A formal roll call was conducted confirming a quorum of the members present as stated above.

Approval of Minutes:

The minutes of the March 6, 2017 public meeting were approved.

Public Hearings:

CASE #2017.05

4 S Water St (Map 47 Lot 37)

Certificate of Appropriateness: Sidewalk Cafe

David Slutz, President of Moby Dick Brewing Company presented the application for a seasonal outdoor café. He explained that there would be five tables with four chairs each, and a rope stanchion barrier to be located on Union Street, utilizing the Union Street entrance for service. Mr. Slutz referenced the dimensions and the material specifications that were presented as part of the application. He noted that the furniture would be chained at night.

MOTION to open the public hearing. Moved by J. da Silva and seconded by B. Barr.

Motion carried.

There were no public comments offered or recorded in favor of the petition, nor in opposition to the petition.

MOTION to close the public hearing. Moved by J. da Silva, and seconded by B. King.

Motion carried.

B. Barr noted that the materials were appropriate for the District and asked about the chaining of the furniture overnight. A. Louro responded that the ordinance does not prohibit chaining of furniture overnight and in addition to Historical Commission, the petitioner is seeking review by the Planning and Licensing Boards, which may have comments on that matter.

MOTION to approve the Certificate of Appropriateness for Case #2017.05 at 4 Water Street for a Sidewalk Cafe, as presented.

Moved by B. King and seconded by J. da Silva.

Motion passed 4 - 0.

Case #2017.06

90 Front Street (Map 53, Lot 232)

Certificate of Appropriateness: Sidewalk Cafe

Jason Lanagan presented the application and explained that he has been working closely with Commission Staff to develop a new design and layout for Cork's outdoor café located on the very visible Front Street Plaza. He stated that one of the objectives was to create a garden barrier that would block noise and visibility from JFK Boulevard. He explained the continued use of the existing planters with the addition of a cedar fence to shield patrons from wind, noise and dust. He noted the use of a taller, hardier shrub in the planters along with a proposed sail shade to replace the current table umbrellas.

B. Barr asked for the height of the cedar fence and whether patrons could see over it. Mr. Lanagan responded that the proposed fence would be 42" in height and that patrons could see above it while seated. There was discussion regarding the location, height and color of the sail shade. A. Louro indicated that the sail shade would be approximately 12' away from the building and that a red sail to match the building door was being considered. She also indicated that the height of the sail shade structure was not yet determined, as they were still working out the technical design with the manufacturer and that staff would ensure that the height would be sensitive to the building and not interfere with the building signage.

J. Lopes asked about the use of sail shades and the lack of specific reference within the ordinance, as well as the requirement for other City permitting. A. Louro stated that the use of appurtenances associated with café seating is referenced within the City's Sidewalk Café Ordinance, and that the sail shade, like an awning or umbrella, would fall within that category. She also informed the Commission that Sidewalk Café permits are reviewed by the Planning and Licensing Boards, and that the Historical Commission reviews design and materials to ensure sensitivity to the District. A. Louro also noted that the sail shade, although seasonal, would be using poles that would be installed on the Plaza as permanent fixtures. She informed members that the Planning Division had consulted with the Mayor's Office and the Department of Infrastructure (DPI) to seek permission to install the poles within the public way. She added that in addition to other city permitting, Mr. Lanagan would also be required to contact "Dig Safe" to ensure that underground utilities are not disturbed, and would work closely with DPI during installation.

In response to B. Barr, Mr. Lanagan stated that the planters and fence would stay up year round, which is the current situation with the planters. B. Barr asked if planters only had been considered, with Mr. Lanagan responding that some type of barrier is required at that location, and that the continued use of the planters is a means to soften the use of the cedar fence.

MOTION to open the public hearing. Moved by J. da Silva and seconded by B. Barr.

Motion carried.

There were no public comments offered or recorded in favor of the petition, nor in opposition to the petition.

MOTION to close the public hearing. Moved by J. da Silva, and seconded by B. Barr.

Motion carried.

B. Barr asked about the use of cedar fencing as a District material and noted that once the material weathered it would not seem as “new.” J. da Silva noted that the planters have weathered well and that the use of appropriate plant material will be desirable.

MOTION to approve the Certificate of Appropriateness for Case #2017.06 at 90 Front Street for a Sidewalk Cafe with the condition that the applicant secure any other permitting needed for the sailshade, that the applicant work with staff to ensure installation methods do not harm and minimally obstruct the historic resource and that staff shall act on the Commission’s behalf in approving the final sail shade design.

Moved by J. da Silva and seconded by J. Lopes.

Motion passed 4 - 0.

Case #2017.07

31 Union Street (Map 53, Lot 198)

Certificate of Appropriateness: Sidewalk Cafe

Jason Lanagan presented the application and explained that he has recently received approval from the City’s Licensing Board for the proposed sidewalk café, as it is a new permit for that location. He explained that the fence materials were slightly different than that being used at 90 Front Street, but continues the use of planters and a sail shade structure. He noted the challenge of the sidewalk slope which dictated the proposal of a picnic style table to counter anticipated leveling issues and described the proposed tables as being stained black or dark green.

B. Barr inquired as to the need for a heavy partition; Mr. Lanagan responded that the seating proximity to the street and heavy traffic necessitates the need of the fencing and with the addition of a sail shade structure, the overall the design provides an adequate barrier between the street and the patrons.

J. da Silva asked about the distances between the edge of the sidewalk and the seating barrier. Mr. Lanagan explained the ordinance and the requirement for the seating to be continuous with the property, forcing pedestrians to walk around the seating enclosure. J. da Silva voiced her concern regarding the impediment that the seating may present to pedestrians. B. King inquired the distance of the planters from the sidewalk edge at Pier 37, with A, Louro responding that it was the minimum 48”, similar to the current proposal.

There was brief discussion regarding the sail shade and its attachment to the building.

MOTION to open the public hearing. Moved by B. King and seconded by J. da Silva.

Motion carried.

There were no public comments offered or recorded in favor of the petition, nor in opposition to the petition.

MOTION to close the public hearing. Moved by J. da Silva, and seconded by B. Barr.

Motion carried.

B. Barr stated that the proposed fencing was too great of a barrier that separated the seating from the public realm. He stated his appreciation for wanting to protect patrons from noise and traffic but was concerned about

the “heaviness” of the barrier and sought an alternate. Mr. Lanagan stated that he initially proposed a 42” vertical plank fence, stained dark green.

There was brief discussion amongst members regarding the inconsistency of café seating design throughout the District, with members conceding that each property was distinct in its design, but that there should be some sensitivity to the respective building. B. Barr stated that a vertical plank fence, stained dark green would better suit the property and the District, more so than the proposed corrugated panel. B. King agreed.

A. Louro asked if the applicant was agreeable to amending the application to reflect the use of a 42” vertical plank fence with a cap moulding, stained dark green to match the building trim. Mr. Lanagan agreed to the application’s amendment.

B. Barr voiced his concern regarding the use of a sail shade structure on the narrow corridor of Union Street, the use of a modern aesthetic, and suggested the use of umbrellas. Mr. Lanagan spoke to the site slope and the function of the sail shade versus the logistics of constantly leveling umbrellas. J. da Silva noted that historic images of Union Street depict large awnings attached to storefronts and asked if an awning would be considered in place of the sail shade. Mr. Lanagan spoke to the numerous obstructions in front of the building, such as the tree and street lights, which the sail shade could be designed in such a manner to avoid. He also noted that the sail shade was relatively small in scale and that the proposed color would be off-white to blend with the building color. B. King voiced his approval for the use of a sail shade in this location. J. da Silva inquired how the sail shade would be installed with A. Louro noting that there would be two connections to the storefront cornice and the use of temporary poles within the sidewalk.

MOTION to approve the Certificate of Appropriateness for Case #2017.07 at 31 Union Street for a Sidewalk Cafe with an amended application to reflect the use of a 42” vertical plank fence with a cap moulding, stained dark green, and with the condition that the applicant secure any other permitting needed for the sailshade, that the applicant work with staff to ensure installation methods do not harm and minimally obstruct the historic resource and that staff shall act on the Commission’s behalf in approving the final sail shade design and to implement the recommendations made today.

Moved by J. Lopes and seconded by B. King.

Motion passed with B. Barr dissenting.

Case #2017.08

18 Johnny Cake Hill (Map 53, Lot 161)

Certificate of Appropriateness: Expansion of Paul Cuffe Park

James Russell, President and CFO of the Whaling Museum, was accompanied by the Civitects architectural team of Jane Gleason and Michael Keane to present a design for the expansion of Paul Cuffe Park at the corner of Union Street and Johnny Cake Hill. Mr. Russell explained that their intent was to come before the Commission with a final design and for a Certificate of Appropriateness, however high cost estimates have made them reevaluate certain aspects of the project and they were seeking the Commission’s input relative to those anticipated changes, particularly as it pertained to material choices.

Mr. Russell stated that the overall design, consisting of a large flat surface and retaining walls, would remain as what was reflected in the initial concept and that material choices may require change. He also noted that the steps to the Bourne Building and the service area near the Sundial Building were separate phases of the project that would seek review and approval at a later date.

Jane Gleason oriented members to the large scale drawings she was presenting, beginning with the elevation drawings of the principle facades of the retaining walls along Union Street and Johnny Cake Hill. She noted that the intent of the design for the Union Street façade was to activate the streetscape and to introduce a

pedestrian scale. She also noted that the scale, massing and materials of the façade reflect the nearby buildings, such as the Sundial Building.

Ms. Gleason described the initial choice of materials for the retaining walls to consist of brick panels, pre-cast concrete piers and black metal harpoon fencing. She described the “windows” along the Union Street façade as perforated metal panels which would depict a historic image. Ms. Gleason described the challenges of the steep slope of Johnny Cake Hill and described the vehicle, ADA, and general entrances to the site along Johnny Cake Hill.

The site plan was reviewed with Ms. Gleason briefly describing the challenge of the existing transformers, which require clearances and a pervious material such as pea stone, and the need to fortify the existing rubble wall on the north side of the site. The interpretive panels which exist within the current Cuffe Park will be relocated to the new site. Ms. Gleason noted that the initial site plan was complex with a system of paving materials and a pergola, however due to cost concerns; it had been revised to consist primarily of sod and the removal of the pergola structure.

The service area was described as having three recessed bays to accommodate the dumpster and outdoor equipment which the Fire Department no longer wishes to be stored indoors. Ms. Gleason noted that the recesses may require elimination from the design due to budget concerns.

Ms. Gleason noted the budget challenges related to the current proposal and stated that a revision to the materials choices would be an avenue to lower costs. She went on to describe the proposal of switching the use of pre-cast concrete to ground face concrete masonry units (CMU) for use in the wall piers. She provided members a sample of the pre-cast concrete used in the existing Wattles Jacobs Education Center (WJEC) along with various samples of CMU for comparison purposes. She noted that the quoins and pier caps would retain as pre-cast concrete, with the rest of the wall utilizing the CMU. The brick panels and metal railing would remain unchanged.

Mr. Russell reiterated the need to simplify the design due to budgetary restraints and stated that the use of CMU would allow the wall to be engineered as a single wall, versus a structural and added decorative wall, therefore being more cost effective. He asked members to consider whether the CMU was a suitable material, otherwise an alternate solid wall design, without decorative elements would be considered; although that was not a preferred approach. Mr. Russell noted that throughout the design process there has been a balance between the programmatic use of the site and the Union Street aesthetic. He believed the use of CMU would retain the original design concept, while solving the cost issue.

There was brief discussion regarding the need to address the service areas, with Mr. Russell noting that the existing air conditioning units and dumpster could be screened with trellis and plantings. Additional plantings which would soften the hardscapes of the site had not yet been determined and the use of the site as a public space was discussed, with Mr. Russell stating that the final use and programming of the site had not yet been determined, however the museum envisioned the site as a public space during the day and closed at night for security purposes.

Members discussed the removal of the dentil cornice from the Union Street wall as an effort to better align itself with the Sundial Building façade, while also being a cost saving measure. Members reviewed the CMU samples but did not definitively comment whether they felt the material was suitable to replace the initially proposed pre-cast concrete.

A. Louro explained that although the applicant was currently seeking Commission comments and input, the application was part of a public hearing and acknowledged that there was a person present who wished to comment on the project.

MOTION to open the public hearing. Moved by J. da Silva and seconded by J. Lopes.
Motion carried.

Paul Pawlowski addressed the Commission and the Civitect design team, stating that he was neither in favor nor in opposition to the project, but wished to comment on the proposal. He described his credentials as being an architect and designer who had an interest in the project. He acknowledged the challenges of the project and applauded the design approach, as he initially had concerns with the anticipation of a blank wall along Union Street. He commented on the desire to not use the dentil cornice as well as the concern with the use of CMU, as it has limited sizes and numerous mortar joints would negatively impact the design of the facades. He suggested animating the Union Street wall with the installation of an ATM machine within a recess which would activate the site and bring financial support to the Museum.

MOTION to close the public hearing. Moved by J. da Silva, and seconded by B. Barr.
Motion carried.

There was discussion regarding the need to continue the public hearing for the Cuffe Park proposal and keeping the public hearing open for the continuance.

MOTION to reopen the public hearing. Moved by J. da Silva, and seconded by J. Lopes.
Motion carried.

Motion to continue Case #2017.08 - 18 Johnny Cake Hill to July 10, 2017. Moved by J. da Silva, and seconded by J. Lopes.
Motion carried.

Old Business:

Amendment to the Code of Ordinances

Chapter 2, Article XI New Bedford Historical Commission; Historical Districts

Chapter 17 Concerning disposition of violations of certain ordinances, rules and regulations

Jennifer Clarke, Deputy Director of Planning and Community Development, addressed the Commission so as to address previously expressed concerns regarding the proposed ordinance related to District violations. She briefly reviewed the process in which the initial ordinance language was developed through the Department of Planning, Housing and Community Development (DPHCD), then provided to the City Solicitor to create the legal language. The proposed language will be provided to the Mayor's Office to forward to the City Council. She noted that it would be appropriate, and that she was seeking, a letter of endorsement from the Commission to the City Council to accompany the ordinance proposal.

Ms. Clarke addressed the previously stated concerns of the Commission related to the ordinance language being specific to the Bedford Landing District, and not addressing future Districts. She noted that the Solicitor advised keeping the current language singular with respect to referencing a single "District" rather than multiple "Districts", and to make future amendments to accommodate additional Districts if and when they are accepted. She also addressed the concern related to the placement of the ordinance within the City's Table of Ordinances. She recognized the challenges of the City Code construct, but advised members that the DPHCD would provide alternate and additional methods of outreach and education to ensure property owners understand and are aware of the violation ordinance.

There was brief discussion regarding the proposed penalty amount of \$100 per day, per violation, as well as portraying the goal of the ordinance as a deterrent, and not a means to financially penalize a property owner. Enforcement policy and procedures were discussed with the acknowledgement that communication between

the Commission and the Enforcement Officer would be key to successful enforcement of the proposed ordinance.

The protocol of submitting a support letter to the City Council or to the Mayor was discussed with the consensus that staff would draft a letter for the Chair to review and approve for sending to the City Council, and to copy the Mayor.

Motion to empower staff to draft a letter addressed to the City Council with the Chair's review, with a copy to the Mayor, in support of the violation ordinance, and such letter to include a reference to the Commission's desire for this ordinance to apply to future Districts as well. Moved by J. Lopes, and seconded by B. Barr.

Motion carried with a roll call vote:

B. Barr	AYE
J. da Silva	AYE
D. Henry	AYE
B. King	AYE
J. Lopes	AYE

Other:

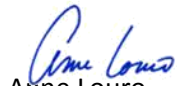
There was no discussion regarding the matters listed.

Adjourn

There being no further business, a motion to adjourn was moved by J. Lopes and seconded by J. da Silva. The motion carried. The meeting was adjourned at 8:34 p.m.

NEXT MEETING Monday, June 5, 2017

Respectfully submitted,



Anne Louro

Secretary to the Historical Commission

Preservation Planner

Approved: 06.15.17