



**PLANNING BOARD**

City Hall, Room 303  
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[www.newbedford-ma.gov](http://www.newbedford-ma.gov)

**CITY OF NEW BEDFORD**  
JONATHAN F. MITCHELL, MAYOR

CITY CLERKS OFFICE  
NEW BEDFORD, MA  
2016 APR 15 P 1:45  
CITY CLERK

**NOTICE OF DECISION**

Case Number:	10-16			
Request Type:	Special Permit			
Address:	89 North Water Street			
Zoning:	Industrial A and Downtown Business Overlay District (DBOD)			
Recorded Owner:	Everett D. Mills and Claudia L. Mills			
Applicant:	Amelia Ruvich			
Applicant Address:	67 Mechanics Lane, New Bedford, MA 02740			
<b>Application Submittal Date</b>	<b>Public Hearing Dates</b>	<b>Decision Date</b>		
March 14, 2016	April 06, 2016	April 15, 2016		
Assessor's Plot Number	Lot Number(s)	Book Number	Page Number	Certificate Number
53	102	3812	91	

Application: **Case 10-16:** Request for Special Permit for reduction of off-street parking located at 89 North Water Street (Map 53, Lot 102), in the Industrial A and Downtown Business Overlay (DBOD) zoning districts.

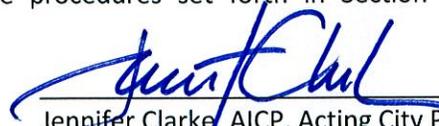
Action for Case 10-16: GRANTED, WITH THE FOLLOWING CONDITIONS:

Special Permit approval granted with the following conditions:

1. The applicant shall provide a revised site plan illustrating and accurately dimensioning the thirteen (13) existing on-site spaces for the Planning Division case file folder.
2. The applicant shall show on the revised site plan a handicap compliant parking area.
3. The parking lot spaces shall be restriped to meet the specifications under Section 3100 of the City of New Bedford Municipal Code.

A copy of this Decision was filed with the City Clerk of the City of New Bedford on April 15, 2016. Any person aggrieved by this decision for Special Permit has twenty (20) days to appeal the decision in accordance with the procedures set forth in Section 17 of Chapter 40A of the General Laws of Massachusetts.

4.15.16  
Date

  
Jennifer Clarke, AICP, Acting City Planner  
Agent for the Planning Board

## **1) APPLICATION SUMMARY**

The petitioner submitted an application for Special Permit 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 necessitated because of the proposed expansion of their existing restaurant.

The Department of Inspectional Services expressed 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, plus one loading space. Number of available parking spaces noted in the application packet is thirteen (13). The applicant requested Special Permit for relief from the parking requirement from the Planning Board so the destination restaurant may better serve its growing clientele.

## **2) MATERIALS REVIEWED BY THE PLANNING BOARD**

### **Plans Considered to be Part of the Application**

The submittal was shown as the Parking Plan for dNB Burgers Expansion located at 89 North Water Street date stamped March 14, 2016.

### **Other Documents and Supporting Materials**

Staff Review Comments were provided for the April 6, 2016 Planning Board meeting with the following attachments:

- Special Permit Application
- Project Proposal
- Development Impact Statement
- Deed – Bristol County (S.D) Registry of Deeds Book 3812, Page 91
- Photos of Site

## **3) DISCUSSION**

Board Members Colleen Dawicki, Arthur Glassman, Peter Cruz and Alternate George Smith were present on the evening of the discussion.

Acting City Planner Jennifer Clarke, AICP and Staff Planner Constance Brawders were present during the proceedings.

Applicant Amelia Ruvich described the proposal for 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.

The availability of on-street parking and close proximity of public parking within the Elm Street Garage were acknowledged in the discussion of parking accessibility for this popular urban restaurant.

Chairperson Dawicki asked for a motion to open the Public Hearing. Board Member P. Cruz moved to open the hearing, seconded by Board Member A. Glassman. Motion carried unanimously Four (4) to Zero (0).

Speaking in favor of the project were Dana Rebeiro, Ward 4 City Councilor, and Naomi Carney, Councilor-at-Large. John Saunders asked to be recorded in favor of the proposal.

No member of the public body spoke or asked to be recorded in opposition of the proposal.

Hearing no further questions or comments, the motion was moved to close the public hearing by Board Member P. Cruz, seconded by Board Member A. Glassman. Motion carried unanimously Four (4) to Zero (0).

In considering this application for Special Permit, the Board took into account the characteristics of the site and the proposal in relation to that site, specific factors set forth under Section 5320 of the zoning ordinance, and the project's consistency in meeting the strategic goals set forth by the city's Master Plan.

**4) THE FOLLOWING CONDITIONS AND RESTRICTIONS SHALL APPLY**

1. The applicant shall provide a revised site plan illustrating and accurately dimensioning the thirteen (13) existing on-site spaces for the Planning Division case file folder.
2. The applicant shall show on the revised site plan a handicap compliant parking area.
3. The parking lot spaces shall be restriped to meet the specifications under Section 3100 of the City of New Bedford Municipal Code.

**5) DECISION**

Board Member A. Glassman made the motion to approve, with conditions, the Special Permit Application for **Case 10-16**: for Special Permit for reduction of off-street shared parking from 97 to thirteen (13) spaces located at 89 North Water Street (Map 53, Lot 102), in the Industrial A and Downtown Business Overlay (DBOD) zoning districts; second by Alternate Board Member G. Smith.

A roll call vote was taken and unanimously approved Four (4) to Zero (0).

Board Member Glassman – Yes	Board Member Cruz – Yes
Alternate Member G. Smith – Yes	Chair Person Dawicki – Yes

Filed with the City Clerk on:

4.15.16  
Date

  
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Jennifer Clarke, AICP, Acting City Planner  
Agent for the Planning Board