



CITY OF NEW BEDFORD
JONATHAN F. MITCHELL, MAYOR

August 31, 2020

City Council President Joseph P. Lopes and
Honorable Members of the City Council
133 William St.
New Bedford, MA 02740

Dear Council President Lopes and Honorable Members:

At the request of the City Planning Department and the New Bedford Redevelopment Authority (NBRA), I am submitting for your consideration a proposed Order approving the *New Bedford Waterfront Redevelopment Plan: Focus Area North* and the *New Bedford Waterfront Redevelopment Plan: Focus Area South*, which can be found at <https://www.newbedford-ma.gov/planning/strategic-plans-initiatives/>, along with financial plans for these areas and amendments to current zoning.

I request that the City Council hold a public hearing on the *New Bedford Waterfront Redevelopment Plan: Focus Area North* and the *New Bedford Waterfront Redevelopment Plan: Focus Area South* as required by Massachusetts General Laws Chapter 121B, Section 48. A notice of this public hearing and a map of the urban renewal boundaries for Focus Area North and Focus Area South must be sent to the Massachusetts Historical Commission. MHC has already received a draft copy of both plans.

Both plans have been prepared according to the requirements of 760 CMR 12.00. Under 760 CMR 12.02(14), the NBRA made its **declaration of necessity** (M.G.L. c. 121B § 45) for both plans on April 14, 2020 and approved the plans for continuation in the municipal approval process. On May 13, 2020, the New Bedford Planning Board determined that both plans were based on a local survey and conform to the City's comprehensive plan, as required by M.G.L. c. 121B § 48.

Should the City Council approve both plans after the public hearing, counsel to the NBRA will provide an opinion certifying that both plans were adopted in accordance with M.G.L. c. 121B § 48 and are in compliance with applicable laws. The City Planning Department will submit both plans to the Commonwealth of Massachusetts Department of Housing and Community Development for their review and approval. At the same time, an Environmental Notification Form (ENF) for each plan will be submitted under the Massachusetts Environmental Policy Act.

Financial Plans

A financial plan for each of the two Redevelopment Plans is provided under 760 CMR 12.02(12). The NBRA has no immediate plans to undertake a specific project as the first implementation action is the adoption of the Waterfront Mixed Use District (WMU). This zoning change provides the regulatory requirements to encourage new development that meets the goals described in the plans for both Focus Area North and Focus Area South. Please see attached pages for the extracts of the financial plans for each redevelopment area.

Zoning

In accordance with the Plan, attached are proposed amendments to Chapter 9 Section 1200 of the City's Code of Ordinances, replacing the Wamsutta Mill Overlay District and WEDROD District with a Waterfront Mixed Use District and amending the Working Waterfront Overlay District and Hicks Logan Sawyer IPOD.

Thank you for your consideration of these matters.

Sincerely,



Jonathan F. Mitchell
JFM/el



City of New Bedford Department of City Planning

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MEMO

MAYOR
JON MITCHELL
PLANNING DIRECTOR
TABITHA HARKIN

TO: Mayor Jonathan Mitchell
FROM: Tabitha Harkin, Director of New Bedford Department of City Planning
DATE: August 25, 2020
RE: Mayors Papers- New Bedford Waterfront Redevelopment Plan, Focus Areas North/South

The City Planning Department is requesting, on behalf of the New Bedford Redevelopment Authority (NBRA), that the City Council hold a public hearing on the *New Bedford Waterfront Redevelopment Plan: Focus Area North* and the *New Bedford Waterfront Redevelopment Plan: Focus Area South* as required by Massachusetts General Laws Chapter 121B, Section 48.

A notice of this public hearing and a map of the urban renewal boundaries for Focus Area North and Focus Area South must be sent to the Massachusetts Historical Commission. MHC has already received a draft copy of both plans.

Both plans have been prepared according to the requirements of 760 CMR 12.00.

Under 760 CMR 12.02(14), the NBRA made its **declaration of necessity** (M.G.L. c. 121B § 45) for both plans on April 14, 2020 and approved the plans for continuation in the municipal approval process. On May 13, 2020, the New Bedford Planning Board determined that both plans were based on a local survey and conform to the City's comprehensive plan, as required by M.G.L. c. 121B § 48.

Should the City Council approve both plans after the public hearing, counsel to the NBRA will provide an opinion certifying that both plans were adopted in accordance with M.G.L. c. 121B § 48 and are in compliance with applicable laws. The City Planning Department will submit both plans to the Commonwealth of Massachusetts Department of Housing and Community Development for their review and approval. At the same time, an Environmental Notification Form (ENF) for each plan will be submitted under the Massachusetts Environmental Policy Act.

Background

Phase I

This planning process began in 2015 with the entire waterfront. Sasaki Associates led a consultant team that produced the *New Bedford Waterfront Framework Plan* in 2016. This process developed a vision for the entire waterfront:

New Bedford's waterfront vision links its strong history with the continued success of existing and future waterfront industries and increased public access, anchoring the city's role as the economic and cultural hub for the greater South Coast region.

The framework plans provided actions for supporting economic development along the entire waterfront and evaluated State Pier as a center of public access.

Phase II

The focus of the planning process of this phase, led by Harriman, was on the areas of the waterfront that were not as economically viable as the remainder: Focus Area North, most of Hicks-Logan-Sawyer area plus the Whale's Tooth, and Focus Area South, the Sprague/Eversource sites. The two redevelopment plans focus on actions that the NBRA can take, in partnership with the City, the NBEDC, and the Port Authority, to create incentives for private development and revitalization of these two areas. These two redevelopment plans are the subject of this proposed public hearing.

Phase III

The third phase of this planning process will be an update to the *New Bedford/Fairhaven Municipal Harbor Plan*. This plan was last updated in 2010, and the state has extended its deadline for renewal for another year. State-approved municipal harbor plans can modify certain requirements of Chapter 91, the Waterways Act, allowing for a more flexible application of the law to meet local needs for economic development while still preserving the public rights with respect to access to the water. The two earlier phases identified areas where the flexibility allowable by a municipal harbor plan would be of benefit to the future development of the waterfront, and the current *New Bedford/Fairhaven Municipal Harbor Plan* should be updated to reflect these recommendations. As part of the update, the NBPA will request the reinstatement of the Supporting DPA Use Eligibility Credit Program (ECP), established in the 2002 Municipal Harbor Plan. This program allows the transfer of development rights within a Designated Port Area (DPA) and was originally set up to allow public access to the waterfront within well-defined sections of the DPA, which requires water-dependent industrial uses.

Summary of the Plans

The New Bedford Waterfront is a complex area of significant economic value to the City of New Bedford, the Greater New Bedford region, the Commonwealth of Massachusetts, and, as the largest commercial fishing port in the country, to the nation as a whole.

The New Bedford Port Authority (NBPA), with the full cooperation of the City, the New Bedford Economic Development Council (NBEDC), and the New Bedford Redevelopment Authority (NBRA), obtained a grant to create two redevelopment plans under Chapter 121B that would unlock the NBRA's ability to address conditions of physical and economic blight. These conditions include the presence of environmental contaminants on certain key parcels and substandard public infrastructure relative to the City's goals of public access for the working waterfront and redevelopment of parcels that have remained underutilized relative to the rest of the Waterfront for significant periods of time.

These Redevelopment Plans provide a description of the current conditions, the vision for future uses, and the tools needed to accomplish the visions for Focus Area North and Focus Area South.

Purpose of the Plans

Focus Area North

While there are some thriving businesses, including Kyler's Seafood and several marine industrial businesses south of Hervey Tichon Avenue, much of the area is either a mix of residential and small industrial businesses, or underutilized or vacant mill complexes, such as the Revere Copper site.

This area has shown evidence of vitality. The relatively recent conversion of Wamsutta Mills into residential apartments and plans for additional dwelling units in that complex are signs of a demand for housing stock that is not otherwise provided. Dredging activities within the Acushnet River have the potential to open up additional watersheet uses. A significant portion of the waterfront land is not within the New Bedford-Fairhaven DPA, which allows for some flexibility in land uses along the waterfront not available further south. Finally, both the owners of Revere Copper and the Massachusetts Clean Energy Center (MassCEC) have explored and identified potential uses for the vacant Revere Copper site; in July 2020, the Revere Copper site received a grant from MassDevelopment to support a commercial shipyard on the site.

However, significant barriers to redevelopment remain. Known and unknown releases of hazardous materials may make certain types of rehabilitation and redevelopment difficult for the private market. The public infrastructure is not adequate to serve all of the users, including trucks, cars, buses, pedestrians, and bicyclists. Public access to the waterfront, required under Chapter 91, the Massachusetts Public Waterfront Act, is marginal to nonexistent. Historic buildings, including the Benjamin Rodman ice house, are in disrepair.

This Plan identifies those actions the NBRA can undertake to improve these conditions, working in partnership with other agencies and City departments and with private developers to encourage the private market to, over time, invest in the empty lots and underutilized buildings in this area. The NBRA will use a combination of public actions to support the vision and design guidelines to control the public streetscape and waterfront access, ensuring a public realm that supports all uses.

In response to market conditions over time, the redevelopment area in Focus Area North will transform to a mixed-use area that combines support for water-dependent commercial uses with a growing neighborhood of residential uses and local retail and services.

Vision

The vision for this redevelopment area is to develop, over time, a vibrant mixed-use district that allows water-dependent uses along the water's edge, higher density residential further inland, neighborhood goods and services to support the residential uses, and public access to the waterfront. Proposed rail service to Boston from the expansion of the South Coast Rail commuter service will support additional residential development.

Improvements to the existing circulation system will allow residents to travel from abutting neighborhoods to waterfront jobs as pedestrians, cyclists, or by bus, while trucks and cars can travel efficiently between the businesses along the waterfront, and connect to other local destinations and Route 18 and Interstate-195 (I-195). Additional freight rail service will support industrial uses in both this area and further south, and access to the rail spur north of Hervey Tichon Avenue must be considered along with other uses.

In this redevelopment area, a vibrant mix of uses will support public access and enjoyment of the water's edge, except for the small portion to the south-east located in the DPA. Those uses will support the overall mix of uses in the entire redevelopment area. These uses should include those on the watersheet itself – access to

slips for boats visiting for a few hours or a few days could support additional activity. The area close to Kyler's Seafood could also support kayaks or other small boats to allow direct access to the water without interfering with the fishing fleet and other industrial uses further south.

Goals

1. Help advance and integrate maritime development projects, notably a new commercial shipyard at the Revere Copper site.
2. Support a mix of land uses including water-dependent and supporting uses that also require excellent highway access, higher density residential, and neighborhood retail and services.
3. Implement infrastructure improvements that support multimodal users: trucks, pedestrians, bicyclists, cars, and the rail spur to the waterfront.
4. Provide amenities to support private development such as recreational areas and restoration of the fire pond.
5. Provide public access to the waterfront, link that access back to the street network, and establish areas for public access to the watershed.
6. Establish design guidelines for new construction to reinforce public access to the waterfront, create an active streetscape to reinforce walkability within the redevelopment area, and create a clear identity for this redevelopment areas in contrast to rest of the New Bedford waterfront.

Focus Area South

Within this redevelopment area, the majority of the land is underutilized given the vitality of the adjacent water-dependent uses. Existing infrastructure related to gas supply and the transmission of electricity must remain in place, limiting surrounding development. The Cannon Street Power Station is a large, vacant power plant that contains hazardous materials; two Area Use Limitations (AUL) also exist within the area, as shown in Section 3. Plan Eligibility. Finally, several tanks of significant size would need to be decommissioned and removed to allow addition redevelopment.

This area has shown evidence of vitality. The surrounding businesses are vibrant elements of New Bedford's working waterfront. The economic analysis shows demand for additional land for the expansion of existing businesses and for new business opportunities.

However, significant barriers to redevelopment remain. The Cannon Street Power Station is a large building that may be difficult to rehabilitate for the needs of water-dependent businesses. The parcels owned by Eversource and Sprague are large and may be difficult for a single entity to purchase and redevelop. The assessed value of these parcels per square foot is higher than that of the waterfront as a whole; the valuations may not be an accurate reflection of the value of the land given the potential cost of environmental mitigation. A full appraisal of these sites may provide a different picture of their value.

This Plan identifies those actions the NBRA will undertake to improve these conditions, working in partnership with other agencies and City departments and with private developers to encourage the private market to, over time, invest in the empty lots and underutilized buildings in this area.

The NBRA will use a combination of public actions to support the vision and design guidelines to control the public streetscape, access, and safety within the working waterfront.

In response to market conditions over time, the redevelopment area will be dedicated to marine industrial uses appropriate for its location within a Designated Port Area (DPA). A public gateway will create an attractive mixed-use corridor for safe access to the water, providing a public vantage point adjacent to the southern edge of Leonard's Wharf (owned by the NBPA) that is tied back to the downtown by improvements to pedestrian and bicycle infrastructure. Other supporting uses will be consistent with the needs of the growing Blue Economy and Blue Urbanism, two concepts that promote building a more sustainable, inter-connected relationship with the ocean.

Vision

This redevelopment area, centered on the Sprague/Eversource parcels, will support the existing water-dependent commercial and industrial businesses that form the backbone of New Bedford's waterfront economy. These businesses include traditional business, such as fishing, cargo handling, and boat repair, as well as emerging industries, such as off-shore wind.

In addition to providing room for existing businesses to expand and new businesses to establish themselves, this redevelopment area will provide a critical connection between New Bedford's historic downtown and the vibrant working waterfront. Members of the public will have a designated way to access to the working waterfront on municipal piers, including a new public walkway adjacent to the southern edge of Leonard's Wharf. Public access to the waterfront will allow members of the public to appreciate the fishing industry that defines the New Bedford waterfront, while experiencing the new industries, such as off-shore wind and marine sciences, that coexist with the traditional water-dependent uses. A new seafood offloading facility or other active use will act as a draw to visitors, providing additional services to the fishing industry while supporting New Bedford's tourism industry.

An area contiguous with the Fairfield Inn and Suites will be designed as a gateway area to continue the transition from New Bedford's downtown to the waterfront. Restaurants, retail, parking, and other services will provide amenities for those working in the area and support additional tourism opportunities in specific locations within the area.

Goals

1. Support water-dependent, industrial uses within the DPA boundary, integrating them with the existing waterfront economy.
2. Identify and support activities that draw people to experience and support the waterfront, such as the seafood off-loading facility and restaurants that serve locally caught seafood.
3. Create public access to the waterfront to promote greater understanding of the traditional working waterfront and the new marine-related industries.
4. Establish a gateway area outside of the DPA that provides a transition to the downtown and parking for both waterfront businesses and the public.
5. Establish design guidelines for new construction to reinforce the public access to the waterfront and create a clear identity for those public areas in contrast to the industrial areas.

Financial Plans

A financial plan for each of the two Redevelopment Plans is provided under 760 CMR 12.02(12). The NBRA has no immediate plans to undertake a specific project as the first implementation action is the adoption of the Waterfront Mixed Use District (WMU). This zoning change provides the regulatory requirements to encourage new development that meets the goals described in the plans for both Focus Area North and Focus Area South. Please see attached pages for the extracts of the financial plans for each redevelopment area.

12. Financial Plan

The estimated revenues and expenditures in this section are based on estimates applicable as of the writing of this Redevelopment Plan. It is important to note that over the twenty-year life of this Redevelopment Plan, costs will shift based on the economic and market conditions at the time of implementation.

This section contains a series of three tables. *Table 12-1* identifies funding sources that are available to the New Bedford Redevelopment Authority (NBRA) and the City to implement the recommendations of this Redevelopment Plan. These funding sources and the amounts available for each type will also change in response to both economic and political conditions over the next twenty-years. In particular, grant programs that exist now may not be available in the future. Certain sources of revenue have a specific purpose which has been identified. Others, such as historic tax credits, have specific restrictions on use and eligibility. This list of revenue sources is not meant to be a comprehensive list but indicates the types of resources available. As noted in the *Executive Summary*, most of these sources are for capital-related costs, not ongoing operating or maintenance costs.

Of the funding sources identified in *Table 12-1* that are currently available to the City, the City would expect to draw on a portion of the following three funds to support the goals of this Redevelopment Plan over the twenty-year life of the plan:

- HOME Investment Partnerships Program: average annual funding of \$900,000
- Community Development Block Grant CDBG: average annual funding of \$2.6 million
- Chapter 90 Program: average annual funding of \$.2 million

The NBRA anticipates using surface parking in the short- to mid-term and structured parking in the long-term to raise revenue. Assuming 144 surface parking spaces, the NBRA would raise approximately \$0.75 million in annual revenues. Construction costs are included in the project budget.

Table 12-2 lists the parcels identified for acquisition in this Plan and provides the current assessed value (as of 2018). This assessed value is used as the basis for the cost of acquisition in the project budget, provided in *Table 12-3*.

The project budget in *Table 12-3* estimates the potential costs over the twenty-year life of this Redevelopment Plan. The current assessed value of the properties to be acquired is known and is summarized below. Market conditions over the acquisition period may increase or decrease the value of those properties. Certain parcels may be acquired only in part or the rights may be acquired by easement (for example, the improvements to public infrastructure may require an easement rather than the acquisition of a full parcel).

As described in *Section 6. Relocation*, no relocations of either residents or businesses are anticipated by this Plan.

The project expenditures detailed below are related to the specific actions of the NBRA to implement the recommendation of this Redevelopment Plan. Not all actions proposed in this Redevelopment Plan will be undertaken by the NBRA. The NBRA expects to work with developers using a Land Disposition agreement (LDA) to control the terms of the development. Demolition, construction, and rehabilitation activities will be the responsibility of the developer after the LDA is executed. For this reason, those costs have not been included. The NBRA does not anticipate undertaking spot clearance and site preparation prior to disposition.

The NBRA and/or the City will fund those costs related to the public improvements listed in *Section 4. Plan Objectives*, including the testing and environmental remediation of the fire pond and the proposed streetscape improvements to the existing public street network. The extension of Logan Street from North Front Street to the waterfront is anticipated to be part of a private development project. Note that these order-of-magnitude estimates will change based on the type and volume of development over time.

TABLE 12-1: GENERAL SOURCE OF FUNDING

GENERAL SOURCES FOR DEVELOPMENT ACTIVITIES	PURPOSE
Commonwealth of Massachusetts	
Legislative Appropriations	Restricted by purpose of related legislation
MassWorks	Public infrastructure
Chapter 90	Public roadway/Streetscape
MassHousing Workforce Housing Fund	Workforce housing
New Market Tax Credits, Historic Tax Credits	Development
Historic Tax Credits	Development
Brownfields Redevelopment Fund	Development
Commonwealth Places (MassDevelopment)	Place-making
MassHousing	Affordable housing
Federal Sources	
TIGER	Public infrastructure
Historic Tax Credits	Development
Brownfield Grants	Development
HOME	Affordable housing
CDBG Funds	Housing, Infrastructure, Streetscape, Jobs

TABLE 12-2: ASSESSED VALUE OF IDENTIFIED ACQUISITIONS

PARCEL ID	ADDRESS	OWNER	PROPERTY SIZE (ACRES)	ASSESSED VALUE (2017)
78-122	ONE LOGAN ST	CITY OF NEW BEDFORD	0.68	\$130,900
85-104	0 R NS WASHBURN ST	CITY OF NEW BEDFORD	0.01	\$1,000
85-167	0 SS WASHBURN ST	CITY OF NEW BEDFORD	0.12	\$56,100
85-199	0 SS HICKS ST	CITY OF NEW BEDFORD	0.74	\$101,400
85-205	0 SS HICKS ST	CITY OF NEW BEDFORD	0.10	\$24,900
86-13	0 ES BELLEVILLE AVE	CITY OF NEW BEDFORD	0.79	\$143,500
78-216	0 WS N FRONT ST	WAMSUTTA WAREHOUSE CO INC	1.69	\$230,300
78-220	0 SS LOGAN ST	WAMSUTTA POND CORP	4.3	\$38,400
Total			8.43	\$726,500
	Frontage along all streets in area	Various	Unknown	Unknown

TABLE 12-3: FINANCIAL PLAN

	EXPENDITURES 000s	SALE/LEASE OF LAND 000s	FEDERAL BROWNFIELDS GRANTS 000s	
Project Costs				
• Purchase of Land (see Table 12.2)	\$730			
• Appraisals (per parcel \$5,000-12,000)	\$120			
• Planning, legal, financial, and administrative costs (per project \$25,000-\$100,000)	\$750			
Relocation (No relocations are anticipated)	\$0			
Total Project Costs	\$1,600	\$1,600		
Public Improvements				
• Streetscape Improvements to existing public streets, including demolition of existing paved surfaces (estimated at \$700 per linear foot)	\$10,000			
• Phase I and Phase II Testing of Fire Pond	\$25			
• Clearance, environmental remediation, and clean-up of fire pond; amenities	\$5,000		\$4,000	
• Paving and striping surface parking lots (144 spaces): Phase I	\$750			
• Construction of structured parking (288 spaces): Phase III	\$8,640			
Total Public Improvements	\$24,415			
Total Expenditures	\$26,015			
Contingency (20%)	\$5,203			
Total Redevelopment Budget	\$31,218	\$1,600	\$4,000	
* Includes crowdfunding match.				
** Assumed DIF/TIF program to offset bond payments. Bonds for parking offset by parking fees. Additional grants may cover a portion of the cost.				

SOURCES OF REVENUE

	PARC 000s	CHAPTER 90 000s	MASSWORKS 000s	MASSDEVELOPMENT		LOANS/ BONDS** 000s
				BROWNFIELDS 000s	PLACEMAKING* 000s	
						\$1,
		\$2,000	\$8,000			
				\$25		
	\$400			\$500	\$100	
						\$750
						\$8,640
						\$5,203
	\$400	\$2,000	\$8,000	\$525	\$100	\$14,593

12. Financial Plan

The estimated revenues and expenditures in this section are based on estimates applicable as of the writing of this Redevelopment Plan. It is important to note that over the twenty-year life of a Redevelopment Plan, costs will shift based on the economic and market conditions at the time of implementation.

This section contains a series of three tables. *Table 12-1* identifies funding sources that are available to the New Bedford Redevelopment Authority (NBRA) and the City to implement the recommendations of this Redevelopment Plan. These funding sources and the amounts available for each type will also change in response to both economic and political conditions over the next twenty years. In particular, grant programs that exist now may not be available in the future. Certain sources of revenue have a specific purpose which has been identified. Others, such as historic tax credits, have specific restrictions on use and eligibility. This list of revenue sources is not meant to be a comprehensive list, but indicates the types of resources available. As noted in the *Executive Summary*, most of these sources are for capital-related costs, not ongoing operating or maintenance costs.

Table 12-2 lists the parcels identified for acquisition in this Plan and provides the current assessed value (as of 2018). This assessed value is used as the basis for the cost of acquisition in the project budget, provided in *Table 12-3*.

The project budget in *Table 12-3* below estimates the potential costs over the twenty-year life of this Redevelopment Plan. The current assessed value of the properties to be acquired is known and is summarized below. Market conditions over the acquisition period may increase or decrease the value of those properties. Certain parcels may be acquired only in part or the rights may be acquired by easement (for example, the improvements to public infrastructure may require an easement rather than the acquisition of a full parcel). As described in *Section 6. Relocation*, no relocations of either residents or businesses are anticipated by this Plan.

Of the funding sources that are currently available, the City would expect to draw on a portion of the following three funds to support the goals of this urban renewal plan over the twenty-year life of the plan:

- HOME – average annual funding of \$900,000
- CDGB – average annual funding of \$1.5 million
- Chapter 90 – average annual funding of \$2 million



The NBRA anticipates using surface parking in the short- to mid-term and structured parking in the long-term to raise revenue. Assuming 270 surface parking spaces, the NBRA would raise approximately \$1.4 million in annual revenues. Construction costs are included in the project budget.

The project expenditures detailed below are related to the specific actions of the NBRA to implement the recommendation of this Redevelopment Plan. Not all actions proposed in this Redevelopment Plan will be undertaken by the NBRA. The NBRA expects to work with developers using a Land Disposition agreement (LDA) to control the terms of the development. Demolition, construction and rehabilitation activities will be the responsibility of the developer after the LDA is executed. For this reason, those costs have not been included. The NBRA does not anticipate undertaking spot clearance and site preparation prior to disposition.

The NBRA and/or the City will fund those costs related to the public improvements listed in *Section 4. Plan Objectives*, including the proposed streetscape improvements to existing public streets, the extension of Cape and/or Pine Streets, and the public vantage point. The public vantage point will be accomplished in partnership with a developer as part of an LDA that addresses demolition of the unused oil tank on that site.

Environmental remediation of the parcels owned by Eversource will be completed by Eversource as noted in *Section 3.2*. The extent of environmental conditions of the Sprague sites are not known; however the costs anticipated by KG Urban for environmental remediation for their proposed casino project were \$40 million. This cost includes the remediation and redevelopment of the Cannon Street Power Station. This plan anticipates that the NBRA may assist with the cost of remediation, and the \$50 million estimate is included in the project budget. Note that these order-of-magnitude estimates will change based on the type and volume of development over time.



TABLE 12-1: GENERAL SOURCES OF FUNDING

GENERAL SOURCES FOR DEVELOPMENT ACTIVITIES	PURPOSE
Commonwealth of Massachusetts	
Legislative Appropriations	Restricted by purpose of related legislation
MassWorks	Public infrastructure
Chapter 90	Public roadway/Streetscape
MassHousing Workforce Housing Fund	Workforce housing
New Market Tax Credits, Historic Tax Credits	Development
Historic Tax Credits	Development
Brownfields Redevelopment Fund	Development
Commonwealth Places (MassDevelopment)	Place-making
MassHousing	Affordable housing
Federal Sources	
TIGER	Public infrastructure
Historic Tax Credits	Development
Brownfield Grants	Development
HOME	Affordable housing
CDBG Funds	Housing, Infrastructure, Streetscape, Jobs

TABLE 12-2: ASSESSED VALUE OF IDENTIFIED ACQUISITIONS

PARCEL ID	ADDRESS	OWNER	PROPERTY SIZE (ACRES)	ASSESSED VALUE (2018)
42-151	MacArthur Drive	Commonwealth Electric Co (NSTAR/Eversource)	0.1	\$34,000
42-160	1 Pine Street	Sprague Massachusetts Properties LLC	9.7	\$5,335,700
42-178	Leonard's Wharf	Commonwealth Electric Co (NSTAR/Eversource)	6.3	\$1,119,400
42-274	140 Pine Street	Commonwealth Electric Co (NSTAR/Eversource)	1.6	\$516,800
42-84	180 MacArthur Drive	Commonwealth Electric Co (NSTAR/Eversource)	4.8	\$3,193,100
47-181	MacArthur Drive	Commonwealth Gas Co (NSTAR/Eversource)	3.5	\$1,141,700
47-199	5 Water Street	Commonwealth Gas Company (NSTAR/Eversource)	0.4	\$511,100
42-287	MacArthur Drive	Commonwealth Gas Co (NSTAR/Eversource)	2.0	\$560,400
47-241	MacArthur Drive	Sprague Massachusetts Properties LLC	1.3	\$506,600
Total			29.7	\$12,919,000

TABLE 12-3: FINANCIAL PLAN

	EXPENDITURES 000s	SALE/LEASE OF LAND* 000s	FEDERAL BROWNFIELDS GRANTS 000s	CDBG 000s	
Project Costs					
• Purchase of Land (see Table 12.2)	\$12,900				
• Appraisals (per parcel \$5,000-12,000)	\$100				
• Planning, legal, financial, and administrative costs (per project \$25,000-\$100,000)	\$1,000				
• Relocation (No relocations are anticipated)	\$0				
Total Project Costs	\$14,000	\$14,000			
Public Improvements					
• Installation of pedestrian access adjacent to the southern edge of Leonard's Wharf	\$500				
• Installation of vantage point for viewing harbor and informational signage	\$1,000			\$210	
• Installation of landscaped buffer along the southern edge of MacArthur Drive	\$500				
• Construction of the extension of Cape Street and/or Pine Street at \$500 per linear foot; subdivision of land to accommodate extension	\$500				
• Environmental testing and remediation of the parcels owned by Sprague	\$50,000	\$7,000	\$4,000		
• Paving and striping surface parking lots (270 spaces): Phase I	\$1,350				
• Construction of structured parking (540 spaces): Phase III	\$16,200				
Total Public Improvements	\$70,050				
Total Expenditures	\$84,050				
Contingency (20%)	\$16,810				
Total Redevelopment Budget	\$100,860	\$21,000	\$4,000	\$210	
<p>* Assumed that land value will increase after environmental remediation.</p> <p>** Includes crowdfunding match.</p> <p>*** Assumed DIF/TIF program to offset bond payments. Bonds for parking offset by parking fees. Additional grants may cover a portion of the cost.</p>					

SOURCES OF REVENUE

MASSDEVELOPMENT

PARC
000s

MASSWORKS
000s

BROWNFIELDS
000s

PLACEMAKING**
000s

TDI CREATIVE
CATALYST
000s

CULTURAL
FACILITIES
FUND
000s

LOANS/
BONDS***
000s

\$500

\$400

\$100

\$40

\$250

\$500

\$500

\$600

\$38,400

\$1,350

\$16,200

\$16,810

\$400

\$1,500

\$600

\$100

\$40

\$250

\$72,760



CITY OF NEW BEDFORD

CITY COUNCIL

September 10, 2020

Ordered, that the City of New Bedford approves the *New Bedford Waterfront Redevelopment Plan: Focus Area North* in accordance with Massachusetts General Laws Chapter 121B, Section 48.



CITY OF NEW BEDFORD

CITY COUNCIL

September 10, 2020

Ordered, that the City of New Bedford approves the *New Bedford Waterfront Redevelopment Plan: Focus Area South* in accordance with Massachusetts General Laws Chapter 121B, Section 48.



CITY OF NEW BEDFORD

In the Year Two Thousand and Twenty

AN ORDINANCE

Amending Chapter 9 Zoning

31- 509

Be it ordained by the City Council of the City of New Bedford as follows:—

SECTION 1. Chapter 9, Section 2110 (Districts) is amended by striking "Wamsutta Mill Overlay District (WMOD)" and inserting the following:

Waterfront Mixed Use District (WMU)

Section 2. Chapter 9, Section 4600 (Working Waterfront Overlay District) is hereby amended by striking the phrase "and Interstate Route I-195" and inserting "Wamsutta Street" in place thereof, so the section reads as follows:

4600. - WORKING WATERFRONT OVERLAY DISTRICT.

There shall be a Working Waterfront Overlay District, comprising the waterfront area between Gifford Street and Wamusutta Street. A fish fillet or fish processing plant shall only be allowed in Industrial "B" Zones that are located within the Working Waterfront Overlay District.

Section 3. Chapter 9, Section 4661(B) Hicks Logan Sawyer IPOD is hereby amended by striking the following language:

- Mills within the proposed Wamsutta Mill National Register Historic District
- Ice House within the Former Revere Copper Site
- #26 North Front Street within the Former Revere Copper Site
- #122-124 North Front Street
- A portion of the Kilburn Mill

so the subsection reads as follows:

(B) Historic Context. The HLS District contains mill buildings dating from the Nineteenth and early Twentieth Centuries, when the District was a center of textile and metals manufacturing. Some of these buildings may be "Brownfields" containing toxic contaminants. The City wishes both to encourage adaptive reuse of existing mill buildings and to encourage redevelopment of Brownfield Sites.

- Where relevant and feasible, the adaptive reuse of some or all of existing historic buildings should be considered, especially in the case of buildings deemed preferably preserved by the New Bedford Historical Commission. The HLS District Master Plan recommends the preservation of the following mills:
- Fairhaven Mills
- Infill development near historic structures and new construction attached to historic structures should be compatible with the historic context. However, new construction should not attempt to be a copy of existing structures.

Section 4. Chapter 9, Section 4100A Wamsutta Mill Overlay District (WMOD) through 4170A shall be struck in entirety and inserting in place thereof, "4100A – 4199A. RESERVED."

Section 5. Chapter 9, Section 4700A (WEDROD District) is amended by striking Section 4700A (WEDROD District) in its entirety and inserting the following in place thereof:

4700A - Waterfront Mixed Use District (WMU).

4710A. Purpose.

The Waterfront Mixed Use District (WMU) was established to promote and support economic revitalization by retaining existing and supporting uses. In Subarea A, Subarea B (along North Front Street), and Subarea C, the focus will be to attract new multifamily residential, multifamily mixed use, and neighborhood business uses into the district. Mixed use development should include a balance of development types and uses, including water-dependent uses where appropriate and neighborhood business uses that provide retail and personal services catering to the needs of local residents (e.g. coffee shops, convenience stores, dry cleaners, food establishments, and other small businesses).

In Subarea B (along the waterfront and including the Revere Copper site) and Subarea D, the focus will be to retain and expand existing water-dependent, water-related and supporting uses, and attract new, sustainable businesses into the District that may benefit from its prime waterfront access and visibility. Uses in Subarea D are subject to the restrictions of the Designated Port Area (DPA), Chapter 91, and the Massachusetts Environmental Policy Act (MEPA), along with the requirements of the municipal harbor plan in effect at the time of application. In Subarea D, only the identified design guidelines apply. The City may adjust the DPA boundary to remove it from

remove Subarea D from the DPA in the future. If this occurs, the regulations for Subarea C would automatically apply to any portion of Subarea D that is no longer designated as DPA.

The establishment of the WMU is also intended to maintain the historic character of the district and enhance public access to and within the waterfront.

4720A. Location and Boundaries.

The boundaries of the WMU are shown on the following maps, as may be subsequently amended by vote of the City Council. These maps are on file with the City Clerk.

- Waterfront Mixed Use District, Subarea A, April 2020
- Waterfront Mixed Use District, Subarea B, April 2020
- Waterfront Mixed Use District, Subarea C, April 2020
- Waterfront Mixed Use District, Subarea D, April 2020

The WMU District includes four subareas with different permitted uses and development standards, which are located within the following boundaries:

A. Subarea A (Wamsutta)

WMU Subarea A is bound by Interstate 195 to the north, Belleville Avenue and North Front Street to the east, Wamsutta Street and Kilburn Street to the south, and Route 18 to the west.

B. Subarea B (Revere Copper)

WMU Subarea B is bound by Kilburn Street and Interstate 195 to the north, the New Bedford Harbor to the east, the Wamsutta Street outflow to the south, and North Front Street and Belleville Avenue to the west.

C. Subarea C (Fairfield Inn and Eversource)

WMU Subarea C is bound by MacArthur Drive to the south and east and JFK Memorial Highway to the north and west.

D. Subarea D (Sprague/Eversource)

Subarea D is bound by MacArthur Drive and Leonard's Wharf to the north, New Bedford Harbor to the east, MacArthur Drive to the west, and comprised of parcels 42-287 and portions of parcels 47-181 and 47-241 .

4730A. Relationship to Existing Zoning.

The WMU supersedes all other zoning district regulations for this area, except the Flood Hazard Overlay District (FHOD). In the case of any potential discrepancy between the WMU and the FHOD regulations, the FHOD regulations shall apply.

4740A. Definitions

The following terms and constructions shall apply unless a contrary meaning is required by the context:

Arena: Enclosed area designed to showcase theatre, musical performances or sporting events, sometimes circular or oval-shaped, and allowing maximum visibility.

Artist Studio: An artist or worker's workroom, designed and equipped with the necessary equipment and fittings an artist or worker would use to create art, teach lessons, or record music.

Brewery: A place or building where beer is made commercially and sold. A brewery may also include a taproom in which beer that is made on premises and food may be sold directly to the consumer.

Distillery: A place where alcoholic drinks are made by distillation. A distillery may also include a tasting room in which products that are made on premises and food may be sold directly to the consumer.

Farmers Market: An indoor or outdoor marketplace where farmers sell fruit, vegetables, and often meat, cheese and bakery products directly to consumers.

Flat Floor Event Space: A one-story space flexible enough to host a multitude of different events, allowing for different seating configurations.

Food Hall: An indoor food court or space where food products made by local artisans, local kitchens, and food vendors are marketed and sold.

Makerspace: A place in which people with shared interests, especially in computing or technology, can gather to work on projects while sharing ideas, equipment, and knowledge.

Multi-family Mixed Use: A building or development that combines residential dwelling units with commercial, cultural, institutional, or entertainment uses in the same building, or in a group of interconnected buildings.

Parking Garage: A building, often of several stories, that provides parking space.

Shipyard, shipbuilding: A yard, place, or enclosure where ships are designed, built, and/or repaired.

Wholesale: A building or place where goods are sold in large quantities to be retailed by others.

4750A. Table of Principal Use Regulations

Abbreviations:

Y = Permitted (by right)

YA**= Permitted as Accessory Use Only per Special Permit from the Zoning Board of Appeals

SP = Site Plan Review

PB = Special Permit from the Planning Board

BA = Special Permit from the Zoning Board of Appeals

CC = Special Permit from the City Council

N = Prohibited Use

Parcels situated in applicable subareas are subject to their own table of permitted uses as contained in this section. This table shall supersede Appendix A, Table of Uses for WMU district uses.

Principal Use	WMU Subarea A	WMU Subarea B	WMU Subarea C	WMU Subarea D
A. Residential				
1. Single-family dwelling	Y	N	N	N
2. Two-family dwelling	Y	N	N	N
3. Multi-family townhouse	Y	N	N	N
4. Multi-family garden style (4 stories)	Y	N	N	N
5. Multi-family mixed use (6 stories)	Y	N	N	N
6. Multi-family mid-rise (12 stories)	N	N	N	N

Principal Use	WMU Subarea A	WMU Subarea B	WMU Subarea C	WMU Subarea D
7. Multi-family high-rise (18 stories)	N	N	N	N
Attached Dwelling -Single Family*	Y	N	N	N
Attached Dwelling – Mixed Use*	Y	N	N	N
8. Boarding house	BA	BA	N	N
9. Group residence	BA	BA	BA	N
10. Assisted or Independent living facility	BA	BA	BA	N
11. Nursing or Convalescent home	BA	BA	BA	N
Nursing Home/Assisted Living/Independent Living Facility*	SP	N	SP	N
Dormitory, Fraternity or Sorority*	Y	N	SP	N
Homeless Shelter and Service Center	SP	N	SP	N
Single Room Occupancy Housing (SRO)*	PB	N	N	N
12. Trailer camp or park	N	N	N	N
13. Hoofed animals	N	N	N	N
14. Animals or head of poultry, not to exceed one animal or head of poultry per one thousand (1,000) square feet of net area of the lot. Net area shall be determined by subtracting the gross ground floor area of all buildings and structures on the lots from the gross area of the lot plus any contiguous lots owned by the same party.	N	N	N	N
B. Exempt and Institutional Uses				
Religious Assembly/Establishment*	Y	Y	Y	N
1. Use of land or structures for religious purposes	Y	Y	Y	N
Educational Facility*	Y	Y	Y	N
2. Use of land or structures for educational purposes on land owned or leased by the commonwealth or any of its agencies, subdivisions or bodies politic or by a religious sect or denomination, or by a nonprofit educational corporation	Y	Y	Y	N
3. Childcare facility (in existing building)	Y	BA	Y	N
4. Childcare facility (not in existing building)	Y	BA	Y	N
5. Use of land for the primary	Y	N	N	N

Principal Use	WMU Subarea A	WMU Subarea B	WMU Subarea C	WMU Subarea D
purpose of agriculture, horticulture, floriculture, or viticulture on a parcel of more than five acres in area				
6. Facilities for the sale of produce, and wine and dairy products, provided that during the months of June, July, August, and September of every year, or during the harvest season of the primary crop, the majority of such products for sale, based on either gross sales dollars or volume, have been produced by the owner of the land containing more than five acres in area on which the facility is located	Y	Y	N	N
7. Municipal facilities	Y	Y	Y	Y [†]
8. Essential services	Y	Y	Y	Y [†]
Utility Services Facility*	N	SP	N	N
9. Cemeteries	N	N	N	N
10. Hospital	N	N	N	N
Museum*	SP	SP	SP	N
C. Commercial				
1. Nonexempt agricultural use	BA	BA	BA	N
2. Nonexempt educational use	BA	BA	BA	YA**
3. Animal clinic or hospital; with ancillary animal boarding	BA	BA	N	N
Pet Grooming*	SP	Y	SP	N
Pet Training, Care, or Shelter*	SP	Y	SP	N
Commercial Kennel*	SP	Y	SP	N
Veterinarian*	SP	Y	SP	N
Household Pet Crematory Service*	N	SP	N	N
Taxidermy*	N	SP	N	N
4. Adult day care	BA	BA	N	N
Adult Day Care Home*	BA	BA	N	N
5. Family day care	SP	N	SP	N
Child Day Care Center*	SP	N	SP	N
Child Day Care Home*	SP	N	SP	N
6. Large family day care	N	BA	N	N
7. Club or lodge, nonprofit	CC	N	N	N
8. Funeral home	BA	N	N	N
9. Adult entertainment establishment	N	N	N	N

Principal Use	WMU Subarea A	WMU Subarea B	WMU Subarea C	WMU Subarea D
Adult entertainment retail establishment*	N	N	N	N
10. Bed & Breakfast	BA	N	N	N
11. Motel, hotel or inn	Y	Y	Y	N
Extended Stay Motel and Hotel*	Y	Y	Y	N
Hostel*	SP	N	SP	N
Youth Hostel	SP	N	SP	N
12. Retail stores and services not elsewhere set forth	Y	Y	Y	YA**
Weaponry Store*	N	N	N	N
Packaged Liquor Store*	SP	SP	SP	N
Pet Store*	SP	Y	SP	N
13. Grocery stores	Y	BA	N	N
Fresh Food Market or Grocery Store*	SP	SP	SP	N
14. Big Box Retail (60,000 Sq. ft. or greater)	N	N	N	N
Building/Home Supplies & Equipment*	N	Y	SP	N
15. Health clubs	Y	Y	N	N
16. Mixed use	Y	Y	Y	N
17. Live /work	Y	Y	Y	N
18. Motor vehicle sales and rental	N	N	N	N
19. Motor vehicle general repairs	N	N	N	N
20. Motor Vehicle body repairs	N	N	N	N
21. Motor vehicle light service	N	N	N	N
Motor Vehicle Light Service Station & Convenience Store*	N	SP	N	N
Property Repair and Maintenance Service*	N	Y	N	N
Maintenance & Repair of Consumer Goods*	SP	SP	SP	N
Dispatch Service*	N	SP	YA	N
Towing Service and Vehicle Storage*	N	SP	N	N
Commercial Parking Facility*	SP	SP	SP	YA**
22. Restaurant	Y	Y	Y	YA**
Restaurant, Café, Bakery*	Y	Y	Y	YA**
23. Restaurant, fast-food	BA	BA	BA	N
Bar or Tavern*	SP	SP	SP	N
Brew Pub*	SP	SP	SP	N
Brewery, Distillery, Winery*	Y	Y	Y	N
Microbrewery/Craft Brewery*	SP	SP	SP	N

Principal Use	WMU Subarea A	WMU Subarea B	WMU Subarea C	WMU Subarea D
Fast Food or Take Out Restaurant*	BA	BA	BA	N
Food hall, farmers market*	Y	Y	Y	YA**
Caterer/Wholesale Food Production*	SP	SP	SP	N
24. Business or professional office	Y	Y	Y	YA**
25. Medical offices, center, or clinic	BA	BA	BA	N
26. Bank, financial agency	Y	Y	Y	N
Data Center*	SP	SP	SP	N
Personal Services*	SP	SP	SP	N
Body-Art Establishment*	SP	SP	SP	N
Business Support Services*	YA	Y	YA	N
Broadcast and/or Recording Studio*	SP	Y	YA	N
Co-Working Space*	Y	Y	Y	N
27. Indoor commercial recreation	Y	Y	Y	N
28. Outdoor commercial recreation	BA	BA	BA	N
Marine Recreation*	SP	SP	SP	Y [†]
Maritime Trade*	Y	Y	Y	Y [†]
Maritime Education*	Y	Y	Y	Y [†]
29. Wireless Communications Facilities	PB	PB	PB	N
30. Theatres and auditoriums	PB	PB	PB	N
31. Convention Centers	PB	PB	PB	N
Flat floor event, arena space*	SP	SP	SP	N
Sports Complex*	N	N	SP	N
Community Center*	SP	SP	SP	N
32. Marijuana Retailer	N	N	N	N
Medical Marijuana Facility*	N	SP	N	N
Recreational Marijuana Facility*	N	SP	N	N
Drug Paraphernalia Store*	N	N	N	N
Artisan Production & Creative Studio*	SP	SP	SP	N
Shared Creative Workspace & Arts Education*	SP	SP	SP	N
Work/Live Artist Cooperative*	SP	SP	SP	N
Work/Live Shophouse*	SP	SP	SP	N
Work/Live Creative Studio*	Y	Y	Y	N
D. Industrial				
1. Earth removal	N	SP	N	N
2. Manufacturing	N	SP	N	Y [†]
3. Light manufacturing	SP	SP	SP	Y [†]
4. Research, development or testing laboratories and facilities	SP	SP	SP	Y [†]
5. Biotechnology facilities	SP	SP	SP	Y [†]

Principal Use	WMU Subarea A	WMU Subarea B	WMU Subarea C	WMU Subarea D
Biomass Recycling Facility*	N	N	N	N
6. Medical devices manufacturing	SP	SP	SP	N
7. Fish processing	N	Y	Y	Y [†]
8. Wholesale, warehouse, self-storage mini-warehouse, or distribution facility	N	N	N	Y [†]
9. Transportation terminal	N	SP	SP	Y [†]
10. Water freight terminal	N	SP	N	Y [†]
11. Businesses engaged in the sale, distribution or storage of grain, petroleum products, building materials and industrial machinery, provided that such businesses shall be primarily reliant upon a waterfront location or shall be in direct support of an industrial use which requires a waterfront location	N	N	N	Y [†]
12. Businesses engaged in the sale, distribution or storage of grain, petroleum products, building materials and industrial machinery	N	N	N	N
Heavy Materials Sales and Distribution*	N	N	N	Y [†]
13. Businesses engaged in salvaging, dismantling and reprocessing of scrap and waste materials including building materials, motor vehicles, machinery and equipment, paper, rags or any other discarded material, provided that such business shall be primarily reliant upon a waterfront location	N	N	N	Y [†]
14. Junkyard or automobile graveyard	N	N	N	Y [†]
15. Contractor's yard	N	N	N	Y [†]
16. Low-level radioactive or nuclear waste facility	N	N	N	N
17. Tire recycling & re-treading	N	N	N	N
Recycling Collection Facility*	N	N	N	N
18. Batch asphalt & concrete plants	N	N	N	N
19. Craft Marijuana Cooperative	N	N	N	N
20. Independent Testing Laboratory	N	N	N	N
21. Marijuana Cultivator	N	N	N	N
22. Marijuana Product	N	N	N	N

Principal Use	WMU Subarea A	WMU Subarea B	WMU Subarea C	WMU Subarea D
Manufacturer				
23. Marijuana Research Facility	N	N	N	N
24. Medical Marijuana Treatment Center	N	N	N	N
Shipyard, shipbuilding*	N	Y	Y	Y [†]
Wholesale, warehouse or distribution facility*	N	SP	YA	YA**
Businesses engaged in the sale, distribution or storage of building materials and industrial machinery*	N	SP	SP	Y [†]
Parking garage*	YA	YA	YA	YA**
Commercial Dry Cleaning & Laundry Services*	N	SP	N	N
Moving Services*	N	Y	SP	N
Self-Storage Facility*	YA	Y	YA	N
E. Agriculture				
Commercial Farming	N	N	N	BA
Community Garden Plots	Y	N	N	N

Accessory Use	WMU Subarea A	WMU Subarea B	WMU Subarea C	WMU Subarea D
A. Accessory Residential				
Accessory Dwelling Unit*	Y	N	N	N
B. Home Occupations				
Home Office*	Y	Y	Y	N
Home-Based Business*	Y	Y	Y	N
Hobby Kennel*	N	SP	N	N
C. Accessory Lodging				
Short Term Rental of a Dwelling Unit*	Y	Y	N	N
Tourist Home*	N	N	N	N
D. Accessory Commercial				
Off-Site Accessory Parking Facility*	SP	SP	SP	YA**
Car Share Parking Facility*	YA	YA	YA	YA**
Moving-Vehicle Share Parking Facility*	N	YA	SP	YA**
Drive Thru Facility*	N	SP	N	N
Food Trucks, Vendors and Mobile Food Markets*	SP	SP	SP	N
Farmer Market and Vendor Court*	SP	SP	SP	YA**
Bike-Share Facility*				
Motorized Single-User Shared-Transport (Scooter/Moped)*	SP	SP	SP	N

Accessory Use	WMU Subarea A	WMU Subarea B	WMU Subarea C	WMU Subarea D
Aquatic Equipment Rental*	N	SP	SP	YA**
Parklet*	SP	SP	SP	YA**
Outdoor Merchandise Display*	N	N	N	YA**
E. Accessory Agriculture				
Apiculture*	SP	SP	N	N
Aviculture*	SP	SP	N	YA**
Farm Stand*	Y	Y	Y	YA**

* Single asterisk indicates proposed new uses that are not listed in the Code of Ordinances as of the adoption of this code.

Subarea D is currently restricted by DPA and Ch. 91 Regulations. Uses in this area are listed as representative and subject to legal opinion. Uses marked Y† in Subarea D are allowed subject to a determination by CZM of Water-dependency as defined in 310 CMR 9.12 or by a state-approved municipal harbor plan for the New Bedford /Fairhaven Harbor in effect at the time of application.

Subarea D is currently restricted by DPA and Ch. 91 Regulations. Uses in this area are listed as representative and subject to legal opinion. Uses marked YA** in Subarea D are allowed subject to a determination by CZM that they are accessory to a Water-dependent Use as defined in 310 CMR 9.12(3) or by a state-approved municipal harbor plan for the New Bedford /Fairhaven Harbor in effect at the time of application.

4760A. *Table of Dimensional Regulations*

Requirement	WMU Subarea A	WMU Subarea B	WMU Subarea C	WMU Subarea D
Minimum Lot Size (sq. ft.)	8,000 for single family; 10,000 for two family units; 15,000 for 3 or more family units	0	0	0
Density of Dwelling Units per Lot	1 per 10,000 sq. ft. for single family; 1 per 5,000 sq. feet for two family; 1 per 1,000 sq. feet for three or more family	0	0	N/A
Lot Frontage (ft.)	75 for single family; 100 for two family; 150 for 3 or more family; 20 for other allowed uses	20	20	20
Height of Buildings (ft.)¹	45 for single or two family; 60 for other allowed uses	60	60	60
Height of Buildings (# stories)¹	2.5 for single and two family; 4 for other allowed uses	4	4	4
Front Yard (ft.)	10 for single and two family; 0 for other allowed uses	0	0	0
Side Yard (ft.)	10 on one side, 12 on the other for single and two family; for other uses, 10 on any side where adjacent lot is used for residential purposes	10	10	10
Rear Yard (ft.)	30 for residential uses; for other uses, 10 for 1-2 story buildings; 20 feet for 3 or more stories	20	20	10 for 1-2 stories; 20 feet for 3 or more stories
Lot Coverage by Buildings (%)¹	40 for residential uses; 60 for other uses	60	60	60
Green Space (%)¹	35 for residential uses; 10 for other uses	10	10	10

1 See Section 4770A. Development Incentives.

4770A. Development Incentives

The height of buildings may be increased to 75 feet and the requirements for residential density, maximum lot coverage and minimum green space may be waived by the Zoning Board of Appeals as part of a Special Permit or Variance application. Requirements may be waived in exchange for significant public benefit to allow the maximum flexibility for accommodating such public benefit on the site:

- In WMU Subarea A, such benefit would include one or more in the following: development of a plaza or pocket park open to the public and fronted by active uses on the ground floor along Logan Street or North Front Street and improvements to the easement of surroundings to the fire pond area.
- In WMU Subarea B, such benefit would include one or more of the following: an easement to allow the extension of Logan Street from North Front Street to the water's edge; an expanded public walkway and/or plaza of 25 feet or more from the water's edge; and a pocket park on Logan Street between Acushnet Avenue and North Front Street open to the public and connected to the public sidewalk.
- In WMU Subarea C, the significant public benefit would include one or more of the following: a public plaza and/or public pocket park along MacArthur Drive and coordinated street trees, street furniture, and other pedestrian amenities in the private front yard setback along MacArthur Drive.
- In WMU Subarea D, the significant public benefit would include one or more of the following: a park along the water's edge at Leonard's Wharf; a public plaza and/or public pocket park along MacArthur Drive; and coordinated street trees, street furniture, and other pedestrian amenities in the private front yard setback along MacArthur Drive.

Green space requirements may also be fulfilled by incorporating permeable hardscape, tree canopy, and roof decks integrated into the onsite stormwater management program. Public amenities (e.g. public sitting areas including benches, lighting, bike racks, and trash receptacles, public viewing decks or terraces, public parking spaces, and/or landscaped green space in addition to the required 10% minimum) require maintenance agreements to be established with the owner/developer to maintain these amenities in good, safe, and usable conditions, consistent with the purpose of these regulations and *Section 7. Development Standards*.

4780A. Development Standards

Development Standards will be applicable to all projects in the WMU District that qualify for Site Plan Review and/or a Special Permit. These standards are intended to regulate the physical appearance of buildings and sites, and the relationship of new or rehabilitated structures to the existing structures. In addition, design guidelines are included with the intent to provide guidance for integration of the most appropriate design solutions for individual projects. Both standards and guidelines are based on general design principles, which support the long-term vision for the district as outlined in *Section 1. Purpose*, above.

A. Criteria for Approval

Compliance with development standards is mandatory, while design guidelines are advisory in character. Determination of a project's degree of compliance with the design guidelines is at the

discretion of the Special Permit Granting Authority (SPGA), as established in 5300. *Special Permits* (via the SPGA), and 5400. *Site Plan Review* (via the Planning Board) within the City's Code of Ordinances.

In addition to the criteria identified within *Section 5470. Site Plan Review, Approvals*, criteria for review and approval of development via the Special Permit and Site Plan Review processes include the following, respectively:

- 1) Special Permits (per Section 5320, Special Permits, Criteria):
 - a) Social, economic, or community needs which are served by the proposal
 - b) Traffic flow and safety, including parking and loading
 - c) Adequacy of utilities and other public services
 - d) Neighborhood character and social structures
 - e) Impacts on the natural environment
 - f) Potential fiscal impact, including impact on City services, tax base, and employment
- 2) Site Plan Review (per Section 5470. Site Plan Review, Approvals):
 - a) Minimize obstruction of scenic views from publicly accessible locations
 - b) Minimize visual intrusion by controlling the layout and visibility of parking, storage, or other outdoor service areas viewed from public ways or premises which are residentially used or zoned
 - c) Minimize glare from vehicle headlights and lighting fixtures
 - d) Ensure compliance with the provisions of this Zoning Ordinance
 - e) Minimize damage to existing adjacent public ways

For conversions of existing structures, the Planning Board must find that the proposal protects the City's heritage by minimizing removal or disruption of historic, traditional or significant uses, structures or architectural elements, whether these exist on the site or adjacent properties.

B. Design Principles

These design principles focus on four key aspects to the physical experience of the WMU District:

- 1) Public access to the waterfront – Public access to the waterfront and pedestrian access along the water should be provided by properties with water frontage. In the WMU Subarea B, private access points should connect with streets and public sidewalks to ensure a continuous pedestrian network that allows access to public amenities along the waterfront. In the WMU Subarea D, public access to the waterfront should only be provided at single points that will not interfere with the safe operation of water-dependent uses, vehicles, boats, or machinery.
- 2) Treatment of buildings – New buildings should be oriented to face the street, serving to define space for public and private activities. Existing buildings should be rehabilitated to the same principles, to the greatest extent possible.
- 3) Treatment of the site and landscape – Sites should be landscaped to provide a buffer between incompatible uses and to define spaces for public and private activities. Landscaping should be consistent with Site Plan Review requirements.
- 4) Public and private infrastructure – Streetscapes should incorporate pedestrian and bicycle amenities throughout the district including shared use paths, encouraging on-street parking, designated ride share zones, and designated areas for ride hailing. Green

infrastructure/Low Impact Development (LID) should be considered for every project. Overhead utility lines should be relocated underground or to the rear of buildings to improve the visual quality of the streetscape and to reduce conflicts between sidewalks, plantings, and utility poles.

C. Standards and Guidelines

1) Public Access to the Waterfront

a) Development Standards

- 1) In WMU Subarea B, public access requirements along the water shall be met by a continuous public walkway running from Washburn Street to the intersection of North Front Street and Wamsutta Street. Public access shall consist of a landscaped area with a minimum width of twenty-five (25) feet from the project shoreline and include a designated walking/biking area with a minimum width of twelve (12) feet. For water-dependent industrial uses in WMU Subarea B and WMU Subarea D, public access shall be consistent with safety requirements and the need for industrial operations to access the water directly. The public walkway must terminate with access to a public right-of-way.
- 2) Public amenities (including benches, lighting, bike racks, and trash receptacles) and landscape materials (planting choices, paving materials) shall be consistent in quality and appearance throughout the district and are subject to Administrative Review to align with City standards.

b) Design Guidelines

- 1) In WMU Subarea B, priority should be given to the creation of a pedestrian connection from Logan Street to a public park along the waterfront and to connections at Washburn and Wamsutta Streets.
- 2) In WMU Subarea D, public access should be designed to improve walkability to the State Pier and other waterfront industries, the regional road network, and the downtown.
- 3) Property owners should work with the city to install paved or other hardscape pedestrian and bicycle connections from the public walkway to the city's public sidewalk and street network.
- 4) Property owners should follow the design guidelines for plantings and hardscape materials provided below in 3) *Treatment of the Site and Landscape*, using plants and materials that are appropriate to the waterfront environment.

2) Treatment of Buildings

a) Development Standards

- 1) Buildings shall be oriented with their main entrance and elevation facing the street.
- 2) New buildings along Logan Street and North Front Street and buildings with frontage on MacArthur Drive shall have ground floors with active uses. Active uses include office, educational, service, retail, restaurant, makerspace, and artist studios.
- 3) At least 60% of the ground floor façade of buildings along Logan Street, Washburn Street, and Hicks Street shall have storefronts, doors, windows, or fenestration that allow clear views from the street to the active uses inside the building. The use of reflective or tinted glass shall not be permitted on the ground floor.
- 4) Construction materials shall be durable, resilient and of high quality, and materials

traditional to the waterfront area are preferred (e.g., brick, stone, steel, wood, shingles or clapboard finishes). The use of vinyl siding or Exterior Insulation and Finish Systems (EIFS) shall not be permitted on the ground floor.

Building signs shall be located within a sign-band between the ground floor and the second floor, including projecting/blade signs. All signs are subject to Planning Department administrative review and *Section 3200. Sign Regulations* of the City's Code of Ordinances.

b) Design Guidelines

- 1) Building frontage shall be designed to include a clearly defined building entrance, architectural details, alcoves, covered walkways, awnings, windows, public seating, bicycle amenities, and other small-scale features that relate to pedestrians.
 - 2) Façades should be treated with similar care on all sides of the building visible from a public right-of-way.
 - 3) Parking garages should be integrated with the bulk and architecture of the main building, to enhance the design of the garage façade and reduce negative visual impacts from the street or the water.
 - 4) Pedestrian entry points should be clearly identified and ADA accessible.
 - 5) Windows should not be blocked by signage, blinds, or permanent materials that hinder visual access.
 - 6) Historic buildings should be rehabilitated, and the historic elements preserved.
 - 7) When historic preservation is not feasible, new construction or the adaptive reuse of old buildings should incorporate façade and roof articulation, window and door patterns, and building materials that establish a compatible design character with neighboring buildings.
- 3) Treatment of the Site and Landscape

a) Development Standards

- 1) Projects shall implement low-impact stormwater management techniques to control runoff and manage stormwater on-site, such as the use of structured soils, engineered tree wells, biofiltration swales, or other best management practices suited to an urban environment. Stormwater management practices should be consistent with Article VIII Stormwater Management of the City's Code of Ordinances; any alteration of land will require a stormwater management permit unless such alterations meet the exemptions in the ordinance. Stormwater shall not be permitted to drain into the City's sewer system, onto other properties, into surface waters or into New Bedford Harbor.
- 2) Parking areas contiguous with a public sidewalk shall provide a landscaped buffer between the parking and the public sidewalk with a minimum width of five (5) feet.
- 3) Healthy mature trees and vegetation shall be maintained and incorporated into the new site plan to the greatest extent possible.
- 4) Invasive species included in the *Massachusetts Prohibited Plant List* are prohibited.
- 5) Hardscape materials that connect to public infrastructure shall smoothly connect to ensure public safety and mobility and shall be consistent or compatible with the public infrastructure in terms of material type and durability. (e.g. a concrete public

sidewalk shall be matched with either a concrete private sidewalk or decorative pavers, private asphalt sidewalks should not overrun public sidewalks).

b) Design Guidelines

- 1) Where possible, curb cuts should be minimized, and property owners are encouraged to share access from the public right-of-way to contiguous parking lots and service areas to adjacent buildings.
- 2) Clear signage should be provided to direct drivers to private parking. All signs are subject to Planning Department administrative review and *Section 3200. Sign Regulations* of the City's Code of Ordinances.
- 3) Access to parking for buildings with their principal frontage on Logan Street should be located on Howe Street or Hicks Street to preserve the proposed pedestrian and bicycle connections from Purchase Street to the waterfront.
- 4) Parking lots should be located behind or to the side of buildings to effectively screen them and maintain the character of the streetscape.
- 5) Plants should be native or adapted to coastal conditions.
- 6) To supplement 3(a)(1) above, the use of vegetated buffers, rain gardens, bioswales, and wetlands restoration to control runoff and manage stormwater on-site is encouraged.
- 7) The visual impact of wide expanses of parking should be reduced with large landscaped islands and planting strips.

4) Public and Private Infrastructure

a) Development Standards

- 1) Public amenities (including benches, lighting, bike racks, and trash receptacles) and landscape materials (planting choices, paving materials) shall be consistent in quality and appearance throughout the district and are subject to Administrative review to align with City standard.
- 2) Bicycle parking and storage facilities shall be incorporated into all new facilities and waterfront access points. Bike racks shall be U frame or similar, as directed by planning staff.

b) Design Guidelines

- 2) Owners and developers of buildings with active ground floor uses should work in concert with the City to ensure that a minimum clear width of six (6) feet for pedestrians is maintained on every sidewalk (not including the space assigned to light poles, hydrants or street trees). If the available sidewalk clear width is less than six (6) feet, new buildings may consider setting back the storefront or ground floor active uses from the front property line as much as needed to achieve the desirable minimum sidewalk clear width.
- 3) Sidewalks should be continuous along all roadways as part of a "complete streets" design approach that allocates right of way access for bicycle lanes, sidewalks, and parked or ride share vehicles. If there is insufficient right of way to accommodate these design solutions, the applicant shall submit a waiver request to the planning department.

D. Compliance Alternative

If the Planning Board and the Applicant jointly agree that a proposed design meets the intent of the Design Principles but does not meet the requirements of the Development Standards, the Planning

Board may accept to review a proposed Compliance Alternative design, provided it meets the public purpose of the stated Development Standards. The Applicant must submit documentation that indicates the specific proposed alternative method or standard that will be used, why the Development Standards are not applicable to the design project, and how the proposed alternative is fully compliant with the Design Principles. Approval by the Planning Board of a Compliance Alternative is discretionary, and it is the Applicant's responsibility to provide accurate and verifiable information to support the proposed alternative. The use of the Compliance Alternative must be by mutual consent between the Planning Board and the Applicant.

Section 6. This ordinance shall take effect in accordance with the provisions of Chapter 40A of the General Laws.