



MAYOR
JON MITCHELL

City of New Bedford Department of City Planning

133 William Street · Room 303 · New Bedford, Massachusetts 02740
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PLANNING BOARD

October 8, 2020

Councilor Hugh Dunn, Chairman
Committee on Ordinances
133 William Street
New Bedford, MA 02740

RE: ORDINANCE TEXT AMENDMENT
CASE #20-29: Waterfront Mixed Use District (WMU)

Dear Chairman Dunn:

This letter is to advise you of Planning Board action on Wednesday, October 7, 2020 regarding the proposed request for amending the City of New Bedford Zoning By-laws, Chapter 9 to include a new Waterfront Mixed Use District¹ (WMU). **The Planning Board sends a favorable recommendation for this proposal.**

At the hearing, Ms. Emily Innes of Harriman presented the request before the Board. Ms. Innes detailed the components of the zoning proposal, and its relationship to the proposed Waterfront Redevelopment Plans - Focus Area North and Focus Area South. She provided a history of the Waterfront Redevelopment Plan(s) and Zoning project and explained the vision and goals for both of the plans' focus areas. Ms. Innes detailed the complexity of the existing zoning in both focus areas and explained how the proposed zoning district would be more efficient in its application for property owners and developers. Ms. Innes then provided an overview of the Waterfront Mixed Use District's four sub-areas. She noted that the zoning proposal allows for changes to dimensional standards, provides well-defined flexibility for the Planning Board. Ms. Innes added that the proposed zoning includes incentives for developers that provide or contribute to public amenities. The zoning includes design principles, standards, guidelines, and compliance alternatives.

At the conclusion of the presentation Chair Duff opened the floor for comments in favor or opposition of the proposal. No one spoke or was recorded in favor or opposition of the request.

Board members briefly discussed and sought clarification on various elements of the proposed amendment and the process for final adoption.

After closing the public hearing, a motion was made in the affirmative to recommend the amending City of New Bedford Zoning Bylaws, Chapter 9- Comprehensive Zoning Section 2110 (Districts), Section 4600 - (Working Waterfront Overlay District), Section 4661(B) Hicks Logan Sawyer IPOD, Section 4100A

Wamsutta Mill Overlay District (WMOD), Section 4700A (WEDROD District) and 4700A - Waterfront Mixed Use District (WMU) to include a new Waterfront Mixed Use District. The proposed Waterfront Mixed Use District (WMU) would create four, zoned subareas along the waterfront with associated mixed-use development and design guidelines to promote and support economic revitalization while retaining existing industry and water dependent uses. The district includes Subarea A, 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; Subarea B, 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; Subarea C, bound by MacArthur Drive to the south and east and JFK Memorial Highway to the north and west; and, Subarea D, bound by MacArthur Drive and Leonard's Wharf to the north, New Bedford Harbor to the east, the Cannon Street Power Plant to the south, and MacArthur Drive to the west. The establishment of the WMU is intended to maintain the historic character of the district and enhance public access to and within the waterfront. In addition, the proposed zoning would consolidate overlay zoning by removing portions of the Hicks-Logan-Sawyer Interim Planning Overlay District (HLS IPOD) south of I-195, the Waterfront Economic Development & Revitalization Overlay District (WEDROD) and the Wamsutta Mills Overlay District (WMOD); the WMU zoning is intended to replace a portion of the aforementioned overlay districts. The new WMU district includes proposed changes to allowed land uses in each subarea; incentives to support new development in each subarea, while encouraging public enhancements; and proposes development standards and design guidelines to control the integration of new development within the existing built environment within the existing areas.

The motion passed on a vote of 5-0, with board members A. Kalife, P. Cruz, A. Glassman, S. Trimbell, and K. Duff recorded in favor; no board members recorded in opposition.

As such the **Planning Board sends a favorable recommendation for this proposal**. Please find enclosed a copy of the presentation given to the Planning Board and the Department of City Planning Memo regarding this matter for the Council's convenience and reference.

Sincerely,



Kirsten Bryan
Deputy Director, Department of City Planning
encl.

- Presentation -New Bedford Proposed Waterfront Mixed Use District New Bedford Planning Board, dated October 7, 2020
- Staff Report (Case 20-29), dated 10/16/2020
- Memo: "Changes to plans post-June 2020 draft" from Harriman to Department of City Planning dated 9/4/2020

cc. John Mitchell, Mayor
Danny Romanowicz, Building Commissioner

Mikaela McDermott, City Solicitor
Dennis Farias, City Clerk

¹ The full text of the proposed amendment and maps of the WMU district are available for review at the Planning Office, Room 303 of City Hall, 133 William Street, New Bedford, MA by appointment or on the website: www.newbedford-ma.gov/planning/planning-board-agenda-info-2020/



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PLANNING BOARD

STAFF REPORT

REPORT DATE
October 16, 2020

PLANNING BOARD MEETING
October 7, 2020

Case #20-29: Ordinance Amendment – Waterfront Mixed Use District
Petitioner: Office of Mayor Jon Mitchell
133 William Street, Rm 312 New Bedford, MA

Proposal: Request by the City Council’s Ordinance Committee for the Planning Board to review and make a recommendation to the Ordinance Committee for its consideration of amending the City of New Bedford Zoning By-laws, Chapter 9 to include a new Waterfront Mixed Use District . **At a meeting of the Planning Board of October 7, 2020, the Planning Board rendered a unanimous, favorable recommendation for this proposal.**

Case 20-29:

Proposes Amending the Current ordinance sections:

City of New Bedford Zoning Bylaws, Chapter 9- Comprehensive Zoning Section 2110 (Districts), Section 4600 - (Working Waterfront Overlay District), Section 4661(B) Hicks Logan Sawyer IPOD, Section 4100A Wamsutta Mill Overlay District (WMOD), Section 4700A (WEDROD District) and 4700A - Waterfront Mixed Use District (WMU) to include a new Waterfront Mixed Use District.

Amendments to the aforementioned section would incorporate the following:

The proposed Waterfront Mixed Use District (WMU) would create four, zoned subareas along the waterfront with associated mixed-use development and design guidelines to promote and support economic revitalization while retaining existing industry and water dependent uses. The district includes Subarea A, 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; Subarea B, 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; Subarea C, bound by MacArthur Drive to the south and east and JFK Memorial Highway to the north and west; and, Subarea D, bound by MacArthur Drive and Leonard’s Wharf to the north, New Bedford Harbor to the east, the Cannon Street Power Plant to the south, and MacArthur Drive to the west.

The establishment of the WMU is intended to maintain the historic character of the district and enhance public access to and within the waterfront. In addition, the proposed zoning would consolidate overlay zoning by removing portions of the Hicks-Logan-Sawyer Interim Planning Overlay District (HLS IPOD) south of I-195, the Waterfront Economic Development & Revitalization Overlay District (WEDROD) and the Wamsutta Mills Overlay District (WMOD); the WMU zoning is intended to replace a portion of the aforementioned overlay districts. The new WMU district includes proposed changes to allowed land uses in each subarea; incentives to support new development in each subarea, while encouraging public enhancements; and proposes development standards and design guidelines to control the integration of new development within the existing built environment within the existing areas.

I. PURPOSE

a. Waterfront Redevelopment Plans North and South, and Zoning

The general purpose of these Redevelopment Plans is to undertake certain public actions to support private investment in an area that contains blighted physical and economic conditions that have made it difficult for the private market to act. These Plans identify current conditions that have been obstacles to private investment, determines the needs of the waterfront and the goals for its redevelopment, and defines those actions that will create incentives for the private market, over time, to address the existing conditions.

The two New Bedford Waterfront Redevelopment Plans (Focus Area North and Focus Area South) provide summaries of current conditions, visions for future uses, and detail the tools needed to accomplish this vision for the waterfront area bordering the downtown industrial waterfront.

b. Waterfront Mixed Use District (WMU) Zoning

The Waterfront Redevelopment Plans are accompanied by the Waterfront Mixed Use District (WMU) zoning proposal, which includes zoning and design guideline recommendations to create tailored zoning subdistricts that will support growth and expansion of desired uses within the redevelopment areas. In response to market conditions over time, the redevelopment zones will transform to a mixed-use area that combines support for water-dependent commercial uses with a growing neighborhood of residential uses, local retail, and services.

II. PARTNERSHIPS, HISTORY AND TIMELINE

There were many partners involved in the each component of the Waterfront Redevelopment Plan and Zoning project, including the Department of City Planning, the Port of New Bedford and its Commissioners, the Office of Housing and Community Development, the New Bedford Economic Development Council, the New Bedford Redevelopment Authority, City Councilors, and many other Steering Committee members.

The City of New Bedford began drafting plans for the Waterfront in 2015, beginning with an initial engagement of Sasaki Associates, APEX Companies LLC, FXM Associates and the Cecil Group, who collaborated to develop the study area boundaries, evaluate existing conditions of the waterfront, explore potential changes, and highlight development opportunities. This work led to a contract with the planners at Harriman, who have worked with the City departments, Port Authority, boards, and stakeholders extensively to draft the final Waterfront Redevelopment Plan and Zoning that is being put forth at this time.

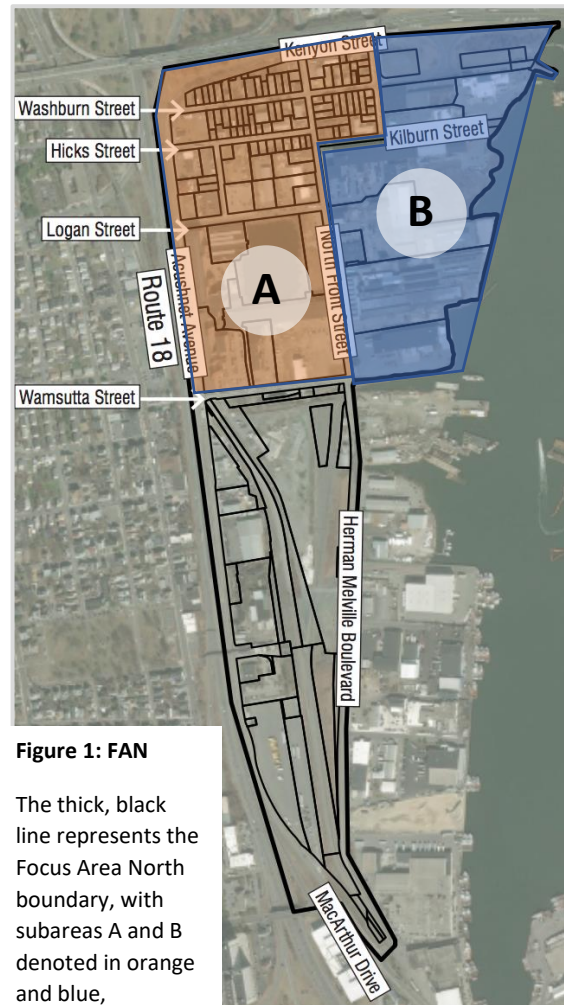


Figure 1: FAN

The thick, black line represents the Focus Area North boundary, with subareas A and B denoted in orange and blue,

III. WATERFRONT REDEVELOPMENT PLANS: FOCUS AREA NORTH AND FOCUS AREA SOUTH

In an otherwise thriving waterfront, there are two areas that are not economically vibrant: Focus Area North and Focus Area South.

a. 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.

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. Plans for the Revere Copper site are moving forward.

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 icehouse, are in disrepair.

b. 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. These Plans identify 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.

c. Waterfront Redevelopment Plan Boundaries

There are two Waterfront Redevelopment Plans; each plan covers one of the waterfront study areas; **Focus Area North (FAN)** and **Focus Area South (FAS)** as shown in the diagrams attached.

IV. WATERFRONT MIXED USE DISTRICT (WMU)

a. Waterfront Mixed Use (WMU) Subareas

In the proposed waterfront zoning, these focus areas merged into one Waterfront Mixed Use (WMU) district¹, with four subareas.

Subareas A, B, and D will include zoning and design guidelines, while subarea C will include design guidelines without zoning, as the geography falls outside of the redevelopment plan boundary. The design guidelines associated with Subarea D will promote continuity and connectivity among the Waterfront Redevelopment Areas.

- i. **Subarea A (Wamsutta):** 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. Located within FAN, Subarea A will include zoning to promote opportunities for housing and mixed-use development as well as incentives for investments in capital improvements, such as pedestrian pathways and creation of passive recreation space, particularly surrounding the fire pond.
- ii. **Subarea B (Revere Copper):** 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. Located within FAN, Subarea B will be geared towards attracting commercial, and waterfront industrial development.
- iii. **Subarea C (Fairfield Inn and Eversource):** Subarea C is bound by MacArthur Drive to the south and east and JFK Memorial Highway to the north and west. Subarea C is zoned to promote opportunities for mixed-use development and contemporary accessory uses as well as incentives for investments in capital improvements, such as pedestrian pathways and creation of passive recreation space.
- iv. **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 47-181, 47-241 and 42-287 at the southern end of the subarea. Subarea D will aim to attract water-dependent development opportunities.

b. Relationship to Existing Zoning

The WMU supersedes all other zoning district regulations for this area, except the Flood Hazard Overlay District (FHOD). The WEDROD and portions of the Hicks Logan Sawyer IPOD are being eliminated in lieu of this zoning.

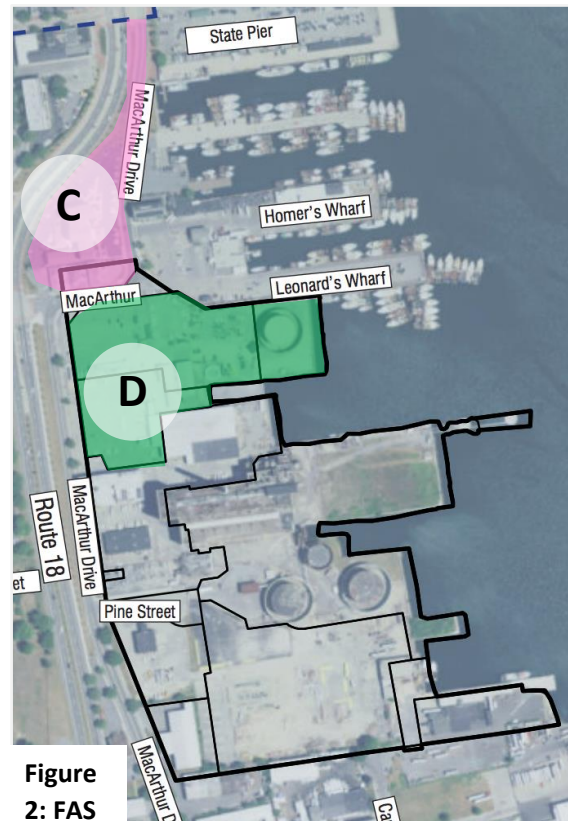


Figure 2: FAS

The thick, black line represents the Focus Area South boundary, with subareas C and D denoted in green and pink, respectively.

¹ See Waterfront Redevelopment Plan – Proposed Waterfront Mixed Use District map, attached

c. Development Incentives and Design Guidelines

The zoning includes a set of development incentives and specific design principles emphasizing public access to the waterfront, pedestrian oriented building treatments, and landscaping improvements to balance commercial interest with good design and walkable development.

V. Next Steps

The NBRA endorsed the Waterfront Redevelopment Plans in their meeting on April 22, 2020. The Planning Board determined that redevelopment plans were consistent with Master Plan in a meeting on May 13, 2020 and were provided with the draft zoning associated with the study area. At a meeting on October 7, 2020 the Planning Board issued a favorable recommendation to be sent to the Ordinance Committee on the draft zoning; the Ordinance Committee is scheduled to address the matter at a meeting to be held on October 26, 2020. City Council will subsequently be petitioned to adopt the zoning via a vote. After that, the plan will require sign-off from the Mayor's Office, approval by the State's Department of Housing and Community Development (DHCD) and Executive Office of Energy and Environmental Affairs (EEOEA) through the Massachusetts Environmental Policy Act Office (MEPA) process. An Environmental Notification Form (ENF) for each plan will be filed with MEPA at the same time the plans are filed with DHCD.

VI. Updates

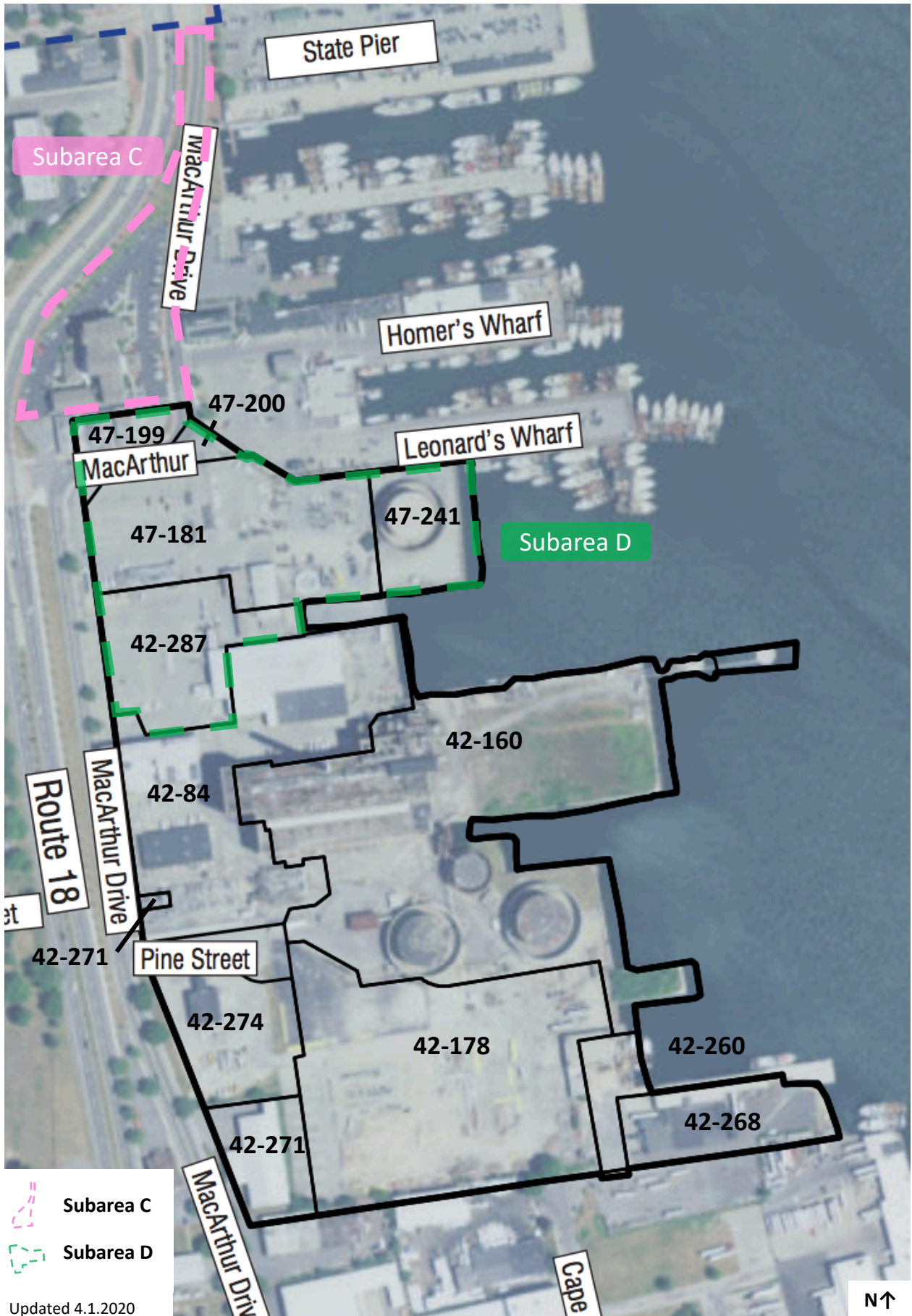
To ensure that the technical analysis underlying both plans is relying on recent data, the City is working with Harriman to review the data in the plans and either update it or provide supplemental information, as necessary. We anticipate that this update will be complete prior to the City Council's hearing and that the update will not materially alter the findings of the plan with respect to the existing conditions. The visions, goals, and implementation plans for each waterfront plan will not change.



City of New Bedford
 Department of City Planning

Focus Area North (FAN) Parcels





City of New Bedford
 Department of City Planning

Focus Area South (FAS) Parcels





Updated 4.13.2020

City of New Bedford
 Department of City Planning

Waterfront Redevelopment Plan – Proposed Waterfront Mixed Use (WMU) District





MEMORANDUM

To	Tabitha Harkin, Director of City Planning, New Bedford Kirsten Bryan, Deputy Director of City Planning, New Bedford
From	Emily Keys Innes, AICP, LEES AP ND, Director of Planning
Date	September 4, 2020
Project	16508 New Bedford Redevelopment Plans: Focus Area North and Focus Area South
Subject	Changes to plans post-June 2020 draft
CC:	

The purpose of this memorandum is to outline the changes proposed for the draft Redevelopment Plans (*New Bedford Redevelopment Plan: Focus Area North* and *New Bedford Redevelopment Plans: Focus Area South*) since we submitted the drafts to you in June 2020.

Certain changes will occur after the approval process.

1. Any changes requested by the City Council.
2. Changes to the following appendices for both plans to update them through the City Council’s final vote:
 - a. Appendix A: Municipal Approvals
 - b. Appendix F: Meeting notes
 - c. Appendix G: Media Reports
 - d. Appendix H: Notifications

AUBURN

BOSTON

PORTLAND

PORTSMOUTH

Known changes to be made include the following:

1. Request from Liz Lydon, the City Solicitor to provide additional detail about the data from the City Assessor’s office; clarify changes to the zoning regarding fish processing; and address some references.
2. Changes to Appendix I: Environmental Notification Form for both plans to include comments from the Department of City Planning and the City Solicitor’s Office.
3. Final proof of both plans for typographical errors prior to submission to Massachusetts DHCD.