



MAYOR
JON MITCHELL

City of New Bedford Department of City Planning

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PLANNING BOARD

March 12, 2021

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

RE: **ORDINANCE TEXT AMENDMENT**
CASE #21-05: Waterfront Mixed Use District

Dear Chairman Dunn:

This is to advise you of Planning Board action on Wednesday, March 10, 2021 regarding the proposed request for amending the City of New Bedford Zoning By-laws, Chapter 9 to include a new Waterfront Mixed Use District¹. **The Planning Board sends a favorable recommendation for this proposal while encouraging engagement between the Planning Department, consultant, and stakeholders prior to a vote by the Council.**

At the hearing, Ms. Emily Innes of Innes Associates presented the request before the Board. She explained how the zoning proposal is related to and a direct result of the Waterfront Redevelopment Plans - Focus Area North and Focus Area South. She provided a history of the Plans' development and explained the vision and goals for both focus areas, which is to promote revitalization and economic development while retaining and supporting existing waterfront uses. She detailed the complexity of the existing zoning in the areas and how the new proposed district would provide better guidance for property owners and developers. Ms. Innes then provided an overview of the Waterfront Mixed Use District four sub-areas; noting the zoning proposal allows for changes to dimensional standards; provides well-defined flexibility for the Planning Board and incentives for developers to provide or contribute to public amenities. The zoning includes design principles, standards, and guidelines; as well as compliance alternatives.

At the conclusion of the presentation Chair Duff read into the record a letter from SRTA administrator Erik Rousseau requesting that the ordinance language be amended so that streetscaping would also incorporate bus stops. Ms. Innes commented that there was no issue with establishing bus stops in general, but that the establishment of bus stops in the public right way would be outside of the scope of zoning. She suggested that language could be added that "encourages the use of public bus routes." Shayne Trimbell spoke as a representative from SRTA and stated that the intent of the letter was to

ensure that access to public transit was being considered in addition to other portions of public infrastructure.

Hearing no further comment from the Board, Chair Duff opened the floor for comments in favor or opposition of the proposal. Six people spoke in opposition to the proposal, including Attorney John Whiteside who represented East Coast Seafood and other seafood companies in the proposed overlay area. Comments in opposition focused on two areas. First, what the speakers felt was a lack of public engagement in the process. Ms. Innes, Planning Department staff, and Associate Solicitor Lydon responded that the ordinance was based on the multi-year development of the Waterfront Redevelopment Plan, which itself involved one-on-one and joint meetings with key stakeholders, Steering Committee meetings, public meetings, and on-line outreach.

Second, waterfront industrial users and property owners expressed concerns regarding ordinance language associated with “public access” to areas of the overlay district. Based on the discussion between the members of the public and Ms. Innes and Associate Solicitor Lydon, it appears that there is confusion among waterfront stakeholders as to the intent of this language and related regulatory requirements under the Designated Port Area (DPA) and General Laws, Chapter 91 (Waterways Act).

Based on this input, Board members discussed favorably recommending the amendment, but also recommending that additional efforts be made to educate the public and clarify the City’s intentions, especially relative to public access, prior to the City Council hearing this matter.

After closing the public hearing, a motion was made in the affirmative to recommend 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 Board encourages meetings between Focus Area South and Focus Area North stakeholders and the consultant and Planning Department prior to this matter being acted on by the City Council. The Board also recommends that the ordinance be amended to include language that encourages access to designated bus stops.

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

As such the **Planning Board sends a favorable recommendation for this proposal, while encouraging engagement between the Planning Department, consultant, and stakeholders prior to a vote by the Council.** Please find enclosed a copy of the presentation given to the Planning Board, the letter from SRTA, and the Department of City Planning Memo regarding this matter for the Council's convenience and reference.

Sincerely,



Anne Louro

Acting Director, Department of City Planning

encl.

- Presentation -City of New Bedford Proposed Zoning Changes- New Bedford Planning Board, dated March 10, 2021
- Department of City Planning Memo, dated March 5, 2021
- Letter from SRTA, dated March 10, 2021

cc. John Mitchell, Mayor

Danny Romanowicz, Building Commissioner

Mickaela McDermott, City Solicitor

Dennis Farias, City Clerk

ⁱ 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-2021/