



## City of New Bedford Department of City Planning

133 William Street • Room 303 • New Bedford, Massachusetts 02740  
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**MAYOR**  
JON MITCHELL  
**DIRECTOR**  
JENNIFER CARLONI

### PLANNING BOARD

October 14, 2021

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

RE: REZONING REQUEST  
CASE #21-36: Rezoning Request – Potomska Street, South Water Street, South Front Street, and Rivet Street

Dear Chairman Dunn:

This is to advise you of the Planning Board's action on Wednesday, October 13, 2021 regarding the request by City Councilor Joseph P. Lopes for the Planning Board to review and make a recommendation to the City Council for its consideration regarding the rezoning from Industrial-B (IB) to Mixed-Use Business (MUB) of the properties shown on the Assessor's Map as Map 31, Lot 142 (13 Rivet Street); Map 31, Lot 143 (1 Rivet Street); Map 31, Lot 197 (371, 383 R South Front Street); Map 31, Lot 232 (756 South Water Street); and Map 31, Lot 239 (56 Potomska Street). **The Planning Board sends a favorable recommendation for the rezoning request.**

At the hearing, Planning Board Chair Kathryn Duff read the request and explained to the Board that they recently approved this same request unanimously. She then asked if there was anyone present to speak on the matter. Attorney Marc Deshaies introduced himself as the representative for the owner of a subject parcel and discussed the history behind the rezoning request. Attorney Deshaies explained that his client owned several Dunkin Donuts franchises throughout the city and that they were pursuing new locations on property that they own, such as the location adjacent to the gas station. He concluded by saying that the rezoning proposal was not spot zoning as it would create a unified district on the easterly side of JFK Boulevard and support economic development.

The Board discussed the previous approval and determined that no changes had been made in the request before them. Chair Duff opened the floor to public comments, and hearing none, asked for a motion.

Board member Glassman made a motion **to affirmatively recommend that the City Council consider the rezoning request** by City Councilor Joseph P. Lopes seeking to rezone the properties shown on the Assessor's

Map as Map 31, Lot 142 (13 Rivet Street); Map 31, Lot 143 (1 Rivet Street); Map 31, Lot 197 (371, 383 R South Front Street); Map 31, Lot 232 (756 South Water Street); and Map 31, Lot 239 (56 Potomska Street) from Industrial-B (IB) to Mixed-Use Business (MUB).

**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**. Please find enclosed a copy of the Department of City Planning Staff Report regarding this matter.

Sincerely,

A handwritten signature in black ink that reads "Jennifer Carloni". The script is cursive and fluid.

Jennifer Carloni  
Director, Department of City Planning

encl.

- Department of City Planning Staff Report, dated 9/14/2021

cc.	Jon Mitchell, Mayor	Mikaela McDermott, City Solicitor
	Danny Romanowicz, Building Commissioner	Dennis Farias, City Clerk
	Joseph Lopes, Council President	



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# STAFF REPORT

#### REPORT DATE

September 14, 2021

#### MEETING DATE

OCTOBER 13, 2021

#### Case #21-25: REZONING REQUEST

56 Potomska Street, 756 South Water Street, 1 & 13 Rivet Street, and 371 & 383 R South Front Street

Map: 31 Lots: 142, 143, 197, 232, & 239

#### Overview of Request

On September 9, Ward Six Councilor and City Council President Joe Lopes requested that the Planning Board review and make a recommendation on a rezoning request from Industrial B (IB) to Mixed-Use Business (MUB) for following parcels: Map 31, Lot 142 (13 Rivet Street); Map 31, Lot 143 (1 Rivet Street); Map 31, Lot 197 (371, 383 R South Front Street); Map 31, Lot 232 (756 South Water Street); Map 31, Lot 239 (56 Potomska Street).

#### Existing Conditions

The table below outlines the current use and zoning of the subject parcels

Map & Lot	Address	Current Use	Current Zoning	Proposed Zoning
<b>31-142</b>	13 Rivet Street	Multifamily home	IB	MUB
<b>31-143</b>	1 Rivet Street	Multifamily home	IB	MUB
<b>31-197</b>	371-383R S. Front Street	Warehouse/Retail	IB	MUB
<b>31-232</b>	756 S. Water Street	Warehouse (vacant)	IB	MUB
<b>31-239</b>	56 Potomska Street	Gas station & convenience store	IB	MUB

The subject parcels comprise one block bound to the north by Potomska Street, to the east by South Front Street, to the west by JFK Memorial Highway, and to the south by Rivet Street. All the parcels are currently zoned IB.. The surrounding neighborhood to the east and north is zoned IB or Waterfront Industrial and is primarily composed of businesses engaged in or supporting the seafood industry. Further south, the neighborhood is zoned IB and remains a mix of residential buildings and industrial uses. West of JFK Highway/Route 18 is MUB district that consists of a mix of multifamily housing and businesses.

For reference purposes Exhibit B provided at the end of the report outlines the subject parcels on the existing City zoning map. Exhibit C identifies the parcels on an aerial image.

## Background

The subject parcels have benefitted from recent streetscape improvements to Route 18. These infrastructure improvements to the southern section of the roadway have improved the walkability of the area and created additional connections to the neighborhoods on the east side of the highway. In particular, Rivet Street, which previously ended in a cul-de-sac on the east side of the highway, now connects across Route 18 with a traffic light and crosswalks.

In 2019, the owner of 56 Potomska Street and 756 South Water Street received site plan approval (Case #19-01) and a special permit for a reduction in parking (Case #19-02) from the Planning Board.

An appeal was filed for Case #19-02 on the grounds that the Planning Board did not consider all uses of the property when issuing a reduction in parking. The appeal was subsequently dismissed when the Court determined that the plaintiff did not qualify as an “aggrieved party.”

The approvals for Cases #19-01 and #19-02 have since lapsed.

A similar rezoning request was submitted in March requesting a neighborhood-wide rezoning. The request was withdrawn to refine the request and avoid potential use conflicts identified at that time. The current proposal is more limited in the number of parcels requested to be rezoned.

## Input from other City Departments

The rezoning request was distributed to relevant City departments. No comments have been received as the writing of this memo. Any comments subsequently received will be provided at the Planning Board’s public hearing.

**New Intersection at Rivet Street and Route 18 intersection adjacent to residential properties included in the rezoning request.**

Looking west from South Front Street.



**Streetscaping improvement along Potomska Street near the Mutual Oil gas station property.**

Looking east from Route 18.



### For Board Member Consideration

The Planning Board has previously relied on the criteria below in its evaluation of other rezoning requests to ensure its action is consistent with case law.

Criteria
<b>Uniformity:</b> the extent to which the zoning change would resemble the surrounding zoning.
<b>Consistency:</b> whether the parcel is being singled out for a zoning change.
<b>Surroundings:</b> how the proposal would change the neighborhood?
<b>Fiscal Impact:</b> what impact on local/city economic development the rezoning would have?
<b>Discriminating Benefit:</b> assess whether the reclassification of a single parcel that allows a use beneficial to the property owner is made to the detriment of the neighbors or community-at-large.

The table below (Exhibit A) compares current IB uses to proposed MUB uses. Uses highlighted in **green** will be newly permitted in the subject parcels, while uses highlighted in **grey** will no longer be permitted. **If the proposed rezoning is approved, there will be 25 newly permitted uses for the subject parcels**, which include residential and commercial uses. **Rezoning will eliminate 16 uses that are currently allowed**, including motor vehicle body repair and most industrial uses, such as manufacturing and warehousing. All marijuana-related uses will also be zoned out, but the subject parcels fall within a buffer zone and therefore none could be permitted as a marijuana establishment.

The requested rezoning would allow for more uses and flexibility for development that aligns with the goals of recently completed Route 18/JFK Boulevard project and would not constitute spot zoning as the request contains multiple parcels bordering an existing Mixed-Use Business zoned district.

### EXHIBIT A - Zoning Comparison Table

The table below compares current IB uses to proposed MUB uses. Uses highlighted in **green** will be newly permitted in the subject parcels, while uses highlighted in **grey** will no longer be permitted.

<b>A. Residential</b>	<b>IB</b>	<b>MUB</b>
1. Single-family dwelling	N	Y
2. Two-family dwelling	N	Y
3. Multi-family townhouse (3 stories)	N	Y
4. Multi-family garden style (4 stories)	N	N
5. Multi-family mixed use (6 stories)	N	PB
6. Multi-family mid-rise (12 stories)	N	N
7. Multi-family high-rise (18 stories)	N	N
8. Boarding house	N	BA
9. Group residence	BA	BA
10. Assisted or Independent living facility	BA	BA
11. Nursing or Convalescent home	BA	BA
12. Trailer camp or park	N	N
13. Hoofed animals	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... (See Ordinance for full text)	N	Y
<b>B. Exempt and Institutional Uses</b>	<b>IB</b>	<b>MUB</b>
1. Use of land or structures for religious purposes	Y	Y
2. Use of land or structures for educational purposes on land owned or leased by the commonwealth or any of its agencies... (See Ordinance for full text)	Y	Y
3. Child care facility (in existing building)	Y	Y
4. Child care facility (not in existing building)	Y	Y
5. Use of land for the primary purpose of agriculture, horticulture, floriculture, or viticulture on a parcel of more than five acres in area	Y	Y
6. Facilities for the sale of produce, and wine and dairy products... (See Ordinance for full text)	Y	Y
7. Municipal facilities	Y	Y
8. Essential services	BA	BA
9. Cemeteries	N	Y
10. Hospital	N	Y
<b>C. Commercial</b>	<b>IB</b>	<b>MUB</b>
1. Nonexempt agricultural use	BA	BA
2. Nonexempt educational use	BA	Y
3. Animal clinic or hospital; with ancillary animal boarding	BA	SP
4. Adult day care	BA	BA
5. Family day care	N	BA



6. Large family day care	N	BA
7. Club or lodge, nonprofit	N	CC
8. Funeral home	N	BA
9. Adult entertainment establishment	CC	CC
10. Bed & Breakfast	N	BA
11. Motel, hotel or inn	Y	Y
12. Retail stores and services not elsewhere set forth	Y	Y
13. Grocery stores	BA	Y
14. Big Box Retail (60,000 Sq. ft. or greater)	N	BA
15. Health clubs	Y	Y
16. Mixed use	N	Y
17. Live /work	N	BA
18. Motor vehicle sales and rental	CC	CC
19. Motor vehicle general repairs	CC	CC
20. Motor Vehicle body repairs	CC	N
21. Motor vehicle light service	CC	CC
22. Restaurant	N	Y
23. Restaurant, fast-food	N	BA
24. Business or professional office	N	Y
25. Medical offices, center, or clinic	N	BA
26. Bank, financial agency	N	Y
27. Indoor commercial recreation	N	Y
28. Outdoor commercial recreation	N	BA
29. Wireless Communications Facilities	PB	PB
30. Theatres and auditoriums	N	PB
31. Convention Centers	PB	PB
32. Marijuana Retailer	PB	N
<b>D. Industrial</b>	<b>IB</b>	<b>MUB</b>
1. Earth removal	N	N
2. Manufacturing	Y	N
3. Light manufacturing	Y	N
4. Research, development or testing laboratories and facilities	Y	Y
5. Biotechnology facilities	Y	N
6. Medical devices manufacturing	Y	N
7. Fish processing	N	N
8. Wholesale, warehouse, self-storage mini-warehouse, or distribution facility	Y	N
9. Transportation terminal	Y	N
10. Water freight terminal	N	N

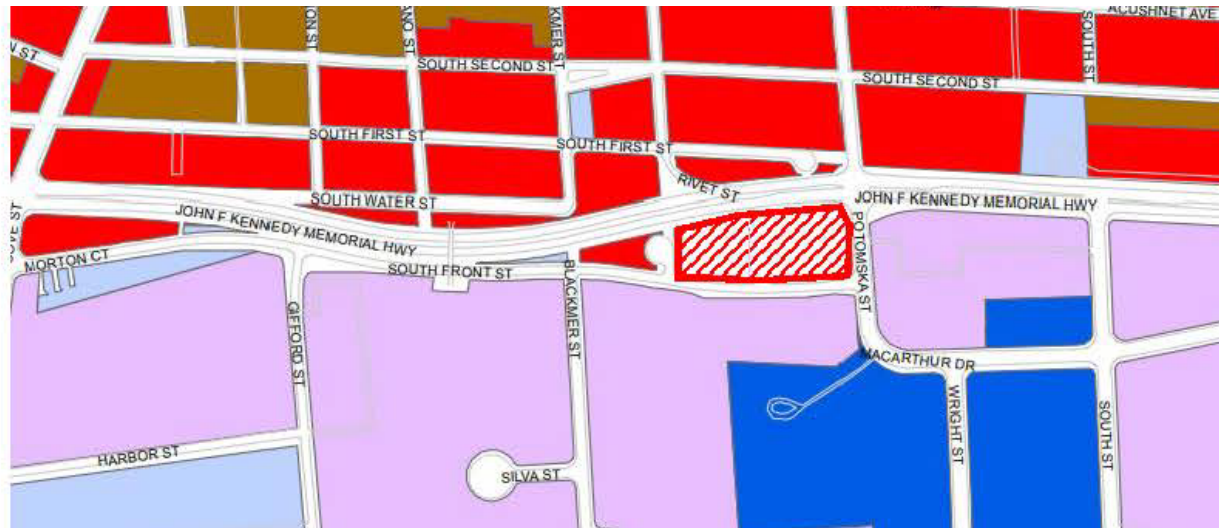
11. Businesses engaged in the sale, distribution or storage of grain, petroleum products, building materials and industrial machinery provided that such businesses shall be primarily reliant upon a waterfront location or shall be in direct support of an industrial use which requires a waterfront location	N	N
12. Businesses engaged in the sale, distribution or storage of grain, petroleum products, building materials and industrial machinery	N	N
13. Businesses engaged in salvaging, dismantling and reprocessing of scrap and waste materials... (See Ordinance for full text)	N	N
14. Junkyard or automobile graveyard	N	N
15. Contractor's yard	Y	N
16. Low-level radioactive or nuclear waste facility	N	N
17. Tire recycling & re-treading	N	N
18. Batch asphalt & concrete plants	CC	N
19. Craft Marijuana Cooperative	PB	N
20. Independent Testing Laboratory	PB	N
21. Marijuana Cultivator	PB	N
22. Marijuana Product Manufacturer	PB	N
23. Marijuana Research Facility	PB	N
24. Medical Marijuana Treatment Center	PB	N



## EXHIBIT B – Existing Zoning Map with Subject Parcels Identified

### Zoning

-  Residential A
-  Residential AA
-  Residential B
-  Residential C
-  Mixed Use Business
-  Planned Business
-  Industrial A
-  Industrial B
-  Industrial C
-  Waterfront Industrial
-  Proposed zoning change from IB to MUB



## Exhibit C – Aerial Image of Area of Rezoning Request

