



CITY OF NEW BEDFORD
JONATHAN F. MITCHELL, MAYOR

October 5, 2022

City Council President Ian Abreu and
Honorable members of the City Council
City Hall
133 William Street
New Bedford, MA 02740

Dear Council President Abreu and Honorable Members of the City Council:

On behalf of the New Bedford Redevelopment Authority (NBRA), I am submitting for your consideration a proposed zoning Ordinance amendment and a proposed Order approving the *New Bedford MacArthur Drive Redevelopment Plan*, which is included and which can also be found at: <https://www.newbedford-ma.gov/nbra/plans/>.

I respectfully request that the City Council hold a public hearing on the *New Bedford MacArthur Drive Redevelopment Plan* in accordance with Massachusetts General Laws Chapter 121B, Section 48.

The proposed Ordinance amendment will codify the Plan's updates into the City's municipal code and the proposed Order will provide the approvals necessary under Massachusetts General Laws Chapter 121B, Section 48. Should the City Council approve the plan, the City Planning Department will submit the Plan to the Commonwealth of Massachusetts Department of Housing and Community Development for their review and approval. At the same time, an Expanded Environmental Notification Form (EENF) for the plan will be submitted under the Massachusetts Environmental Policy Act (MEPA).

A financial plan for the Redevelopment Plans is provided under 760 CMR 12.02(12). Please see attached pages for the extracts of the financial plan for the redevelopment area.

This zoning change provides the regulatory requirements to encourage new development that meets the goals described in the plan. In accordance with the plan, and for the Council's consideration, attached is the proposed amendments to Chapter 9 of the City's Code of Ordinances, for the creation of a new zoning district: *MacArthur Drive District*.

Thank you for your consideration of these matters.

Sincerely,


Jonathan F. Mitchell
Mayor

cc: Paul Chasse, Chairman – New Bedford Redevelopment Authority

2022 OCT -6 PM 2:33
OFFICE OF THE CITY CLERK
NEW BEDFORD, MA
CITY CLERK

IN CITY COUNCIL, October 13, 2022

Referred to the Committee on Ordinances and the Planning Board.

Dennis W. Farias, City Clerk

a true copy attest:


City Clerk



MAYOR
JON MITCHELL

City of New Bedford Department of City Planning

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MEMO

TO: Honorable Mayor Jon Mitchell
FROM: Jennifer Carloni, Director – New Bedford Department of City Planning
CC: Paul Chasse, Chairman – New Bedford Redevelopment Authority

DATE: September 9, 2022

RE: Mayor's Papers -*New Bedford MacArthur Drive Area Redevelopment Plan* and associated zoning ordinance amendment

On behalf of the New Bedford Redevelopment Authority (NBRA), the Department of City Planning respectfully requests that the *New Bedford MacArthur Drive Area Redevelopment Plan*, continue through the municipal approval process. The request is for the City Council to hold a public hearing on the plan, which can be found at: <https://www.newbedford-ma.gov/nbra/plans/>, and take up for consideration the associated proposed zoning ordinance amendment.

Once the City Council approves the plan, legal counsel to the NBRA will provide an opinion certifying that the plan was adopted in accordance with M.G.L. c. 121B § 48 and is in compliance with applicable laws. The City Planning Department will submit the plan to the Commonwealth of Massachusetts Department of Housing and Community Development for their review and approval. At the same time, an Expanded Environmental Notification Form (EENF) for the plan will be submitted under the Massachusetts Environmental Policy Act (MEPA).

Attached are:

1. Proposed amendment to Chapter 9 of the City's Code of Ordinances, for the creation of the zoning district: *MacArthur Drive District*
2. A financial plan for the plan is provided, in accordance with 760 CMR 12.02(12).
3. A Frequently Asked Questions (FAQ) – MacArthur Drive District is attached for more information.

Thank you for your consideration.

MacArthur Drive Zoning District



Map drafted by L. Ryan for the Department of City Planning, March 2022

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 and the public vantage point.

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 (2021) |
|--------------|---------------------|---|-----------------------|-----------------------|
| 47-181 | MacArthur Drive | Commonwealth Gas Co (NSTAR/Eversource) | 3.5 | \$1,274,300 |
| 47-199 | 5 Water Street | Commonwealth Gas Company (NSTAR/Eversource) | 0.4 | \$566,900 |
| 42-287 | MacArthur Drive | Commonwealth Gas Co (NSTAR/Eversource) | 2.0 | \$613,200 |
| 42-151 | MacArthur Drive | Commonwealth Electric Co (NSTAR/Eversource) | 0.1 | \$37,600 |
| 42-160 | 1 Pine Street | Sprague Massachusetts Properties LLC | 9.7 | \$5,789,900 |
| 42-178 | Leonard's Wharf | Commonwealth Electric Co (NSTAR/Eversource) | 6.3 | \$1,235,500 |
| 42-274 | 140 Pine Street | Commonwealth Electric Co (NSTAR/Eversource) | 1.6 | \$535,400 |
| 42-84 | 180 MacArthur Drive | Commonwealth Electric Co (NSTAR/Eversource) | 4.8 | \$3,502,800 |
| 47-241 | MacArthur Drive | Sprague Massachusetts Properties LLC | 1.3 | \$541,200 |
| Total | | | 29.62 | \$14,096,800 |

TABLE 12-3: FINANCIAL PLAN

| | EXPENDITURES 000s | REVENUES 000s |
|--|----------------------|---|
| Project Costs | | |
| • Purchase of Land (see Table 12.2) | \$14,097 | NBRA Funds |
| • Appraisals (per parcel \$5,000-12,000) | \$15 | City |
| • Planning, legal, financial, and administrative costs (per project \$25,000-\$100,000) | \$25 | City |
| • Relocation (No relocations are anticipated) | \$0 | Not applicable |
| Total Project Costs | \$14,137 | |
| Public Improvements | | |
| • Installation of pedestrian access adjacent to the southern edge of Leonard's Wharf | \$500 | Commonwealth One Stop for Growth, Complete Streets |
| • Installation of vantage point for viewing harbor and informational signage | \$1,000 | CDBG, PARC, Commonwealth Places, MassCultural |
| • Installation of landscaped buffer along the southern edge of MacArthur Drive | \$500 | Commonwealth One Stop for Growth, Complete Streets |
| • Paving and striping surface parking lots (270 spaces): Phase I | \$1,350 | Loans/Bonds |
| • Construction of structured parking (540 spaces): Phase III | \$16,200 | Loans/Bonds |
| • Enhanced roadway configuration at intersection of MacArthur Drive at Walnut Street and Leonard's Wharf to accommodate port transportation needs. | 10,000 | Seaport Economic Council (\$100,000 for design) Loans/Bonds, Chapter 90, Complete Streets (construction) |
| Total Public Improvements | \$29,550 | |
| Total Expenditures | \$43,687 | |
| Contingency (20%) | \$8,737 | Loans/Bonds |
| Total Redevelopment Budget | \$52,424 | \$52,424 |

MACARTHUR DRIVE REDEVELOPMENT AREA FAQ

What is a Redevelopment Plan?

A Redevelopment Plan describes a focus area that contains blighted physical and economic conditions, identifies its needs, and creates a strategy for change. A Redevelopment Plan states the vision for the area and lays out the roadmap of action to implement the vision.

What are the rules?

Redevelopment within the designated areas must be undertaken in accordance with a Redevelopment Plan, which is adopted by the community and approved by the Massachusetts Department of Housing and Community Development (DHCD).

What is the purpose of a Redevelopment Plan?

- Revitalize disinvested and underutilized neighborhoods.
- Redevelop substandard, decadent, and blighted open areas.
- Create the environment needed to promote sound growth.
- Attract and support private investment in the redevelopment area.

What are the benefits?

- Provide clear neighborhood vision, goals, and expectations for private developers;
- More easily obtain State and Federal funding;
- Allows the community (via the New Bedford Redevelopment Authority) to acquire and dispose of land in accordance with the plan's goals, desired uses, and standards for redevelopment and design

Why the MacArthur Drive area?

While the MacArthur Drive area has seen private sector investments related to maritime industries in the last few years, the area meets the criteria for redevelopment as identified in the plan and the state regulations, including inadequate public infrastructure to serve multiple transportation modes (trucks, cyclists, pedestrians), irregular lots, a large percentage of undeveloped land, and barriers to economic development (outdated buildings, environmental conditions).

What actions are identified in the plan?

The MacArthur Drive Redevelopment Plan classifies six major categories of actions to be taken the MacArthur Drive area:

- **Operational Actions** involve bring the NBRA to full membership and assigning adequate support staff so that NBRA can smoothly review plans and undertake the subsequent action steps necessary.
- **Acquisition Actions** call for the NBRA to assume ownership of specific parcels on the Eversource/Sprague site and secure necessary easements to implement street improvements. *See the map at the end of this document for specific parcels identified for acquisition and photos in page 18 of Appendix C of the plan.*
- **Public Infrastructure Actions** encompass coordinating between the City and the NBRA to create pedestrian access adjacent to Leonard's Wharf; bicycle connections between the seaport, MacArthur Drive, and the downtown; a landscape buffer along MacArthur Drive; and an enhanced roadway configuration to accommodate port transportation needs at MacArthur Drive, Walnut Street, and Leonard's Wharf.
- **Disposition Actions** involve reparcelizing and disposing of the acquired Eversource/Sprague site properties.
- **Development Actions** consist of utilizing City-owned parcels for activities such as parking to support development permanently or temporarily.
- **Regulatory Actions** involve removing outdated zoning overlays, modifying the Planning Board's approval criteria to incentivize development that aligns with the design guidelines in the plan, and reinstating the Eligibility Credit Program.

For more details, including timelines for these actions, see pages 22-23 of the plan.

WHAT'S THE DIFFERENCE BETWEEN THE PLAN AND THE ZONING?

The Plan identifies an area that meets the requirements of state regulations (760 CMR 12). It outlines the characteristics of the redevelopment area, establishes the eligibility of the area, sets plan objectives, identifies the properties for potential acquisition, relocation plans (if needed), any site preparation required to address things like environmental problems, identifies public improvements, outlines disposition plans for each parcel, articulates redeveloper's obligations of disposition parcels, and identifies a financial plan for the actions and goals.

The Plan, once adopted by the City and approved by DHCD, is valid for twenty years. The plan provides the City and the NBRA with a framework to respond quickly and effectively to changing conditions within the area over the twenty year-time period in order to capitalize on development momentum or to incentivize new development and redevelopment.

The Zoning is related to the plan but is separate. An identified action in the plan, the new zoning is designed to support redevelopment within a new district, the MacArthur Drive District (MDD, see the map below). The MDD's boundaries ***are not the same as the plan boundaries***. Once adopted, the zoning is like any other zoning amendment. It is valid until a change is proposed and adopted by the City Council.

Currently, the MacArthur Drive area has an outdated zoning overlay, oddly sized parcels, and a roadway infrastructure in need of modernization. The new zoning seeks to simplify permitting in the MDD, provide clear guidelines for development, and enable the City and the NBRA to coordinate with the private sector on infrastructure improvements. (See the proposed district use table at the end of this document).

PROJECT TIMELINE

2014: Phase I began with a 14-month planning process resulting in the New Bedford Waterfront Framework Plan.



2016: Phase II began and included initial public outreach and participation and a detailed analysis of the study area. The final draft of the plan and the zoning ordinance represent the conclusion of this phase.



2019-2021: The plan and zoning ordinance were presented to the City Council and reviewed by the Planning Board. Following these presentations, the plan and the ordinance were modified to respond to public feedback and recognize circumstances in the plan area had changed.



2022: The modified plan and ordinance incorporating public comments and recent changes to the district. Recent changes are covered in detail on the following page.

HAVEN'T I SEEN THIS BEFORE? WHAT'S CHANGED?

As you can tell from the timeline, this project has had multiple phases and iterations. The most recent (and important) change is we have heard the public's concerns. We summarize recent changes here.

Recent Private Development Proposals on Formerly Inactive Sites

Over the course of the eight years of this Plan development, a significant change we needed to account for was that a large formerly inactive and underutilized site within the redevelopment plan study area, the Eversource/Sprague property, now has a private development proposal in the works.

Changes from Public Feedback

We heard you! Over the course of the last few months, we have been listening to the feedback we received from the City Councilors, Waterfront Stakeholders, and others. We have taken these concerns into consideration and made significant revisions to address them. The result being the revised plan and zoning before you now.

Concerns we heard:

1. Waterfront public access requirements.
2. Boundaries of the proposed zoning district.
3. Concern about uses not included in the new zoning

What changes were made:

- ❖ Reduced the area affected by the proposed zoning, including removing the portions of Eversource/Sprague site planned for development.
- ❖ Reviewed and expanded the proposed uses to ensure appropriate uses currently allowed in the districts weren't inadvertently left out.
- ❖ Eliminated the prescriptive and specific public access requirements.
- ❖ Added design guidelines into the text for ease of use by developers. (Design Guidelines are not required but are provided as guidance, hence "guidelines").
- ❖ Fish processing is now allowed throughout the district. Previous versions had limited where this use was allowed.
- ❖ Made required design standards more flexible.

ZONING ORDINANCE CHANGES:

- Removed the outdated, casino-oriented WEDROD overlay and replaced it with a clearly defined new zoning district, the MDD, that supersedes the underlying zoning.
- The MDD is now one focused subsection of the plan area.
- A use table and dimensional table that apply only to this district.
- Required, yet more flexible, design standards.
- Suggested design guidelines to aid developers in understanding the district's vision and goals.
- A development incentive, where certain dimensional requirements can be waived in whole or part if the desired enhancements are provided in the district or within a site design.

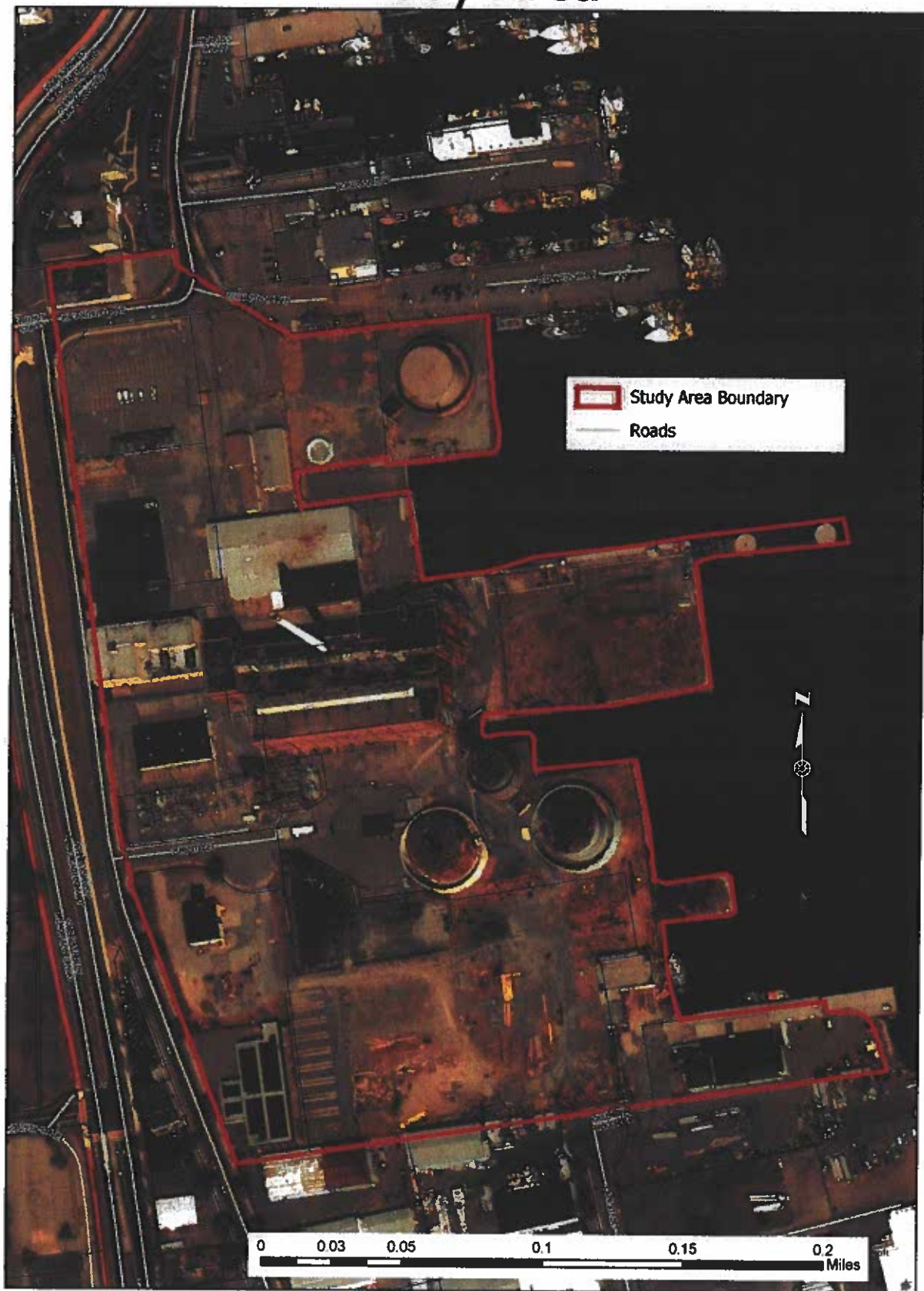
MacArthur Drive Zoning District



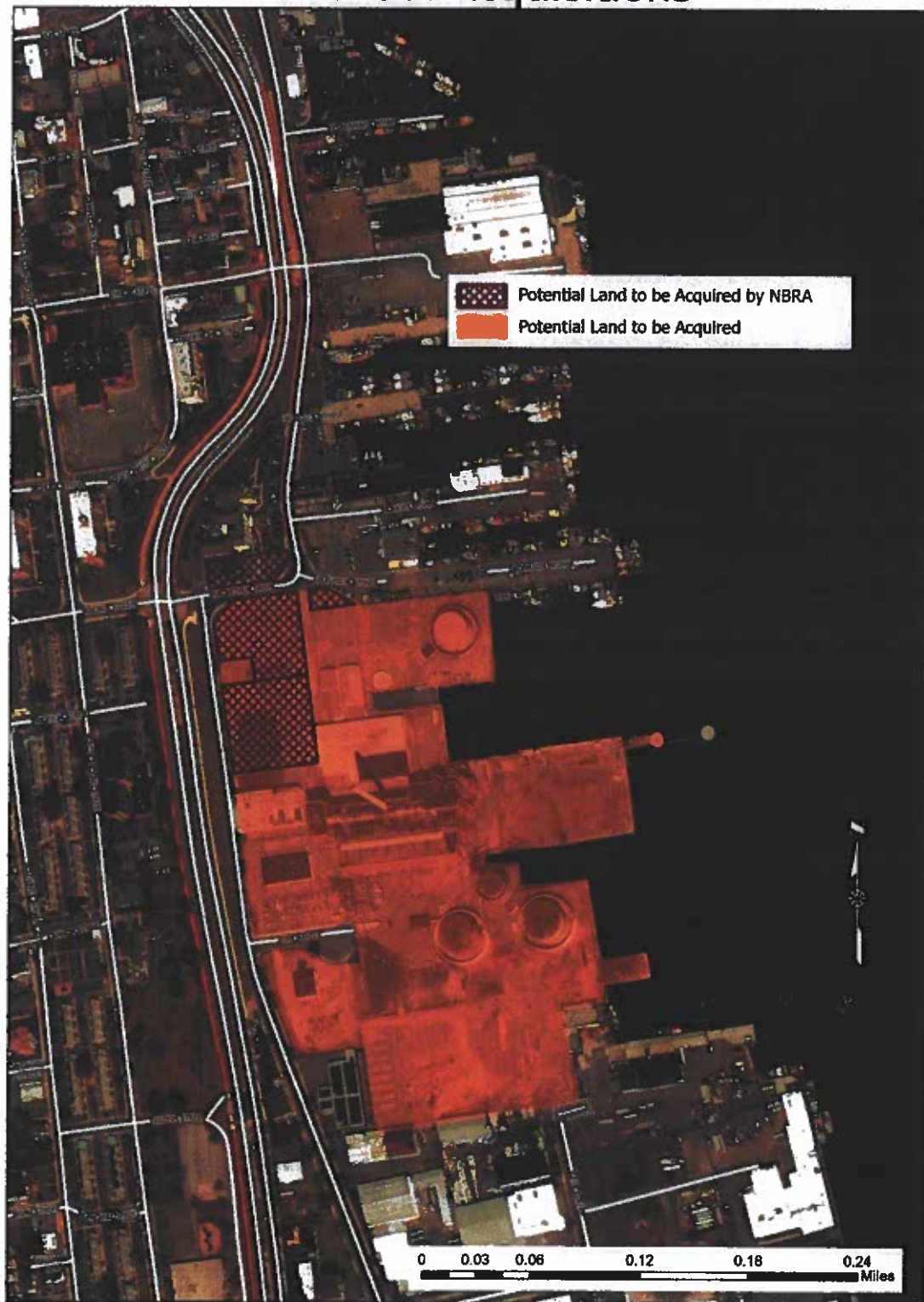
Map drafted by L. Ryan for the Department of City Planning, March 2022

The proposed zoning does not change the Designated Port Area (DPA) boundary. The DPA boundary still exists and can only be amended by a vote of the City Council and approval by Coastal Zone Management. All regulations and restrictions associated with DPA are still in effect.

MacArthur Drive Redevelopment Plan Study Area



MacArthur Drive Redevelopment Plan Potential Acquisitions



Map drafted by L. Ryan for the Department of City Planning, February 2022

Acquisition Actions call for the NBRA to assume ownership of specific parcels on the Eversource/Sprague site and secure necessary easements to implement street improvements.

MACARTHUR DRIVE DISTRICT PROPOSED USE TABLE

| Principal Use | MDD |
|--|-----|
| A. COMMERCIAL | |
| Hotel or Motel | Y |
| Commercial Structured Parking Facility | PB |
| Commercial Surface Parking Facility | PB |
| Restaurant | Y |
| Business or professional office | Y |
| Banking and Financial Services | Y |
| Marine Recreation Facility | Y |
| Maritime Trade | Y |
| Maritime Education | Y |
| Nonexempt educational use | Y |
| Wireless Communications Facilities | PB |
| Convention Centers | PB |
| Flat floor event space | PB |
| Retail stores and services not elsewhere set forth | Y |
| B. INDUSTRIAL | |
| Manufacturing | Y |
| Light manufacturing | Y |
| Research, development or testing laboratories and facilities | Y |
| Warehouse, Wholesale Trade and Distribution | Y |
| Fish processing | Y |
| Transportation terminal | Y |
| Freight terminal | Y |
| Shipyards, shipbuilding | Y |
| Waterfront Storage & Distribution Facility | Y |
| C. AGRICULTURE | |
| Aquaculture | Y |
| Aquaponics | Y |

Y = Use permitted by right; PB = Use permitted via Planning Board Special Permit

Existing uses at properties in the district are allowed to continue as "pre-existing nonconforming" provided they follow Section 2400 of the City's Zoning Ordinance for expansion, alteration, and reconstruction.