

CITY OF NEW BEDFORD

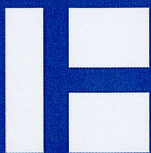
CITY COUNCIL

October 13, 2022

Ordered, that, in accordance with Massachusetts General Laws Chapter 121B, Section 48, the City of New Bedford approves the *New Bedford MacArthur Drive Redevelopment Plan*.



NEW BEDFORD MACARTHUR DRIVE AREA REDEVELOPMENT PLAN
Draft January 2022



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Innes Associates Ltd.

Prepared for the New Bedford Port Authority and the New Bedford Redevelopment Authority
Prepared by Harriman • Innes Associates • Sasaki Associates • APEX Companies LLC • FXM Associates

Plan recognized that within the port there were two areas in particular that did not share in the economic vibrancy of the rest of the port. To address these two under-performing areas, the Framework Plan recommended that a fourth organization join the NBPA, NBEDC, and the City. The NBPA has specific tools, available under Chapter 121B of the Massachusetts General Laws (M.G.L.), that allow it to address the conditions that prevented these two areas from fully contributing to the general economic success of the rest of the port. This second stage of the planning for the port has produced two plans, one for each area identified in the Framework Plan (the Hicks Logan Area and the MacArthur Drive Area). The solutions for each area, as proposed in their respective plans, are different; the overall goal is to integrate both areas into the overall port to create a complete, economically diverse port from I-195 to Cove Street.

As the Framework Plan was the first stage in this planning process, an update to the current *New Bedford-Fairhaven Municipal Harbor Plan* is anticipated to be the next stage in the process. A state-approved Municipal Harbor Plan allows the municipality to define amplification, substitutions, and/or offsets as modifications to certain requirements of Chapter 91, including public access, open space, and dimensional standards. The Municipal Harbor Plan thus allows greater local control to ensure that future development within the port is consistent with local goals and preferences. As part of the update, the NBPA may consider 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) from Sending Zones to Receiving Zones. This requirement reserved approximately 85% of the land for water-dependent industry (Sending Zones) while allowing non-maritime development in a small cluster of sites (Receiving Zones).⁵ While the plan that inspired this structure is no longer relevant, the tool may prove useful in a future update of the municipal harbor plan as a method of prioritizing water-dependent marine industrial and commercial uses while providing appropriate, limited, and safe public access within the DPA.

In addition to the state and federal agencies that govern ports and port development, four local organizations have responsibilities for the continued economic strength of New Bedford's vibrant seaport. Primary responsibility falls

⁵ Commonwealth of Massachusetts Executive office of Environmental Affairs. *Decision on the Joint Request for Approval of the New Bedford/Fairhaven Harbor Plan Pursuant to 301 CMR 23.00*, September 24, 2002, p.14



PUBLIC INFRASTRUCTURE

ACTION	RESPONSIBILITY	PHASE		
		I 1-5 YEARS	II 5-10 YEARS	III 10+ YEARS
Work with City to install defined public access adjacent to the southern edge of Leonard's Wharf with pedestrian and bicycle connections to MacArthur Drive and the Seaport Cultural District/downtown.	NBRA, City Council, Department of Public Infrastructure	●		
Work with City to install landscape buffer along the southern edge of MacArthur Drive to separate the public sidewalk from the parking field.	NBRA, City Council, Department of Public Infrastructure	●		
Enhanced roadway configuration at intersection of MacArthur Drive at Walnut Street and Leonard's Wharf to accommodate port transportation needs.	NBRA, City Council, Department of Public Infrastructure	●		

DISPOSITION

ACTION	RESPONSIBILITY	PHASE		
		I 1-5 YEARS	II 5-10 YEARS	III 10+ YEARS
Reparcelize and dispose of the land acquired from offshore wind developer Cannon Street Holdings, LLC.	NBRA	●		

DEVELOPMENT

ACTION	RESPONSIBILITY	PHASE		
		I 1-5 YEARS	II 5-10 YEARS	III 10+ YEARS
Redevelop land as temporary or permanent parking to support additional businesses within the subarea. Income from the parking (either surface or structure) should be used to fund the operations of the NBRA.	NBRA	●	●	●

surface structured

REGULATORY

ACTION	RESPONSIBILITY	PHASE		
		I 1-5 YEARS	II 5-10 YEARS	III 10+ YEARS
Integrate redevelopment area design guidelines in Section 4.3 into the Planning Board's approval process for site plan review and special permit.	NBRA, Planning Board, CZM, Planning Department, Environmental Stewardship Department	●	●	●
Update the <i>New Bedford-Fairhaven Municipal Harbor Plan</i> , including the reinstatement of the Eligibility Credit Program.	NBPA, City of New Bedford, Town of Fairhaven	●		

The Massachusetts Department of Environmental Protection (MassDEP) will apply the guidance within an approved municipal harbor plan to the discretionary requirements in 310 CMR 9.00 and will allow the use limitations and numerical standards within the municipal harbor plan to supersede certain standards relative to the preservation of shorelands and tidelands for water-dependent uses and public access.

Chapter 91 differentiates between water-dependent uses and nonwater-dependent uses. The definition of water-dependent uses includes water-dependent industrial uses, and requires direct access to or a location within tidal waters. The proposed project must be completely water-dependent to qualify; a nonwater-dependent use as part of the project will result in determination of the entire project as nonwater-dependent. Nonwater-dependent uses must have a proper public purpose, be consistent with the policies of the CZM, and provide public benefits that outweigh the negative effect on the public of the nonwater-dependent use. A MassDEP Waterways License is also required for activities subject to Chapter 91 jurisdiction.

The regulations for a DPA prioritize water-dependent industrial uses. Under 310 CMR 9.36 and 9.51, a structure that is not for a water-dependent industrial use must not preempt a water-dependent industrial use, must not conflict with adjacent water-dependent industrial uses, and must be able to convert to allow future development of water-dependent industrial uses. In addition to water-dependent industrial uses, Temporary and Supporting Uses are allowed within a DPA, but are limited to 25% of the area of the project site, unless otherwise provided in a DPA Master Plan.

Public access and connection to the community is encouraged, as long as it does not interfere with the purposes of the DPA. Within the DPA boundary, certain uses are “presumptively compatible,” such as storefront retail, small-scale, by-appointment administrative offices, and eating and drinking establishments primarily serving patrons of the water-dependent uses on the site; other uses are not allowed, including residential, hotels, new general office buildings, major retail establishments, and large-scale recreational boating facilities. New Bedford had a mechanism for transferring development rights – the Supporting DPA Use Eligibility Credit Program – but it was eliminated in the *New Bedford/Fairhaven Harbor Plan* (2010). MassDEP licenses structures and uses in a DPA.

Economic Issues and Opportunities

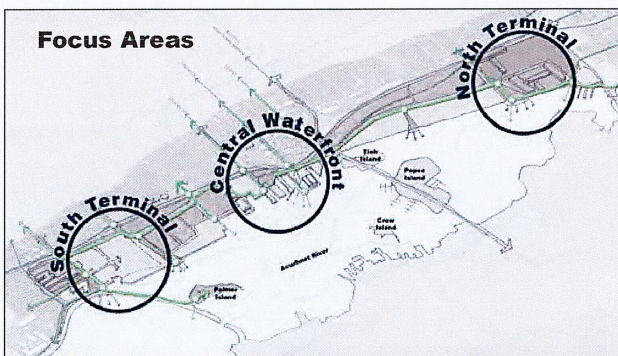
- Redevelopment opportunities at Eversource/Sprague site would be enhanced by re-establishing DPA "eligibility credit trading" mechanism – could allow more than 25% of site for non-water-dependent marine industrial uses.
- Expansion of Pope's Island Marina and aggressive pricing could add new revenues to HDC.
- Attraction of excursion vessels to capture demand for dinner, wedding, music, sightseeing, business events would be enhanced by berthing & parking in the central waterfront.

Summary of Offshore Wind in NB

- US market growth of offshore wind is variable and unknown
- Cluster of offshore wind supply companies have multiple Atlantic seaboard options
- Other states are providing proactive incentives and policies
- Component manufacturing opportunities that require large sites on the waterfront may be constrained

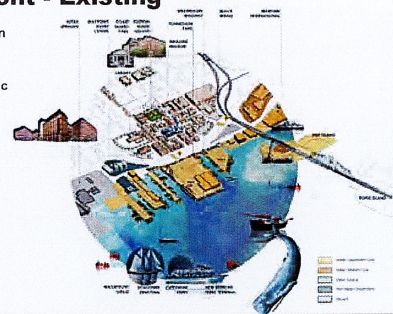
Key Opportunities

- New Bedford's Marine Commerce Terminal and location are assets
- New Bedford and MA advanced manufacturing firms could provide partnerships
- Recent MA auctions of wind energy areas
- MA policy environment (2015 bill) may be improving



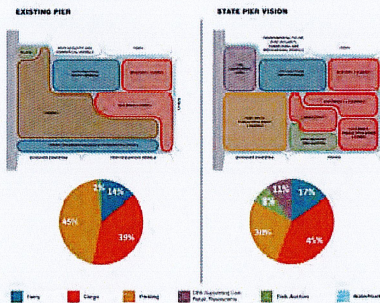
Central Waterfront - Existing

- Critical "hinge point" between waterfront and downtown
- Opportunity to enhance public waterfront access
- Maintain future industrial operations



State Pier

- Eight acre site
- Modest improvements



State Pier Potential Plan

- Improve waterfront tourism experience
- Enhance public awareness of industrial uses
- Incorporate flexible-use public space



State Pier Potential Plan



State Pier Program Zones

- Flexible use zone could facilitate a variety of uses –
 - Fish market
 - Open space
 - Concert/Festival Venue
 - Parking Lot

