



City of New Bedford Department of City Planning

133 William Street · Room 303 · New Bedford, Massachusetts 02740
Telephone: (508) 979.1488 · Facsimile: (508) 979.1576

MAYOR
JON MITCHELL
DIRECTOR
JENNIFER CARLONI

PLANNING BOARD

February 15, 2023

City Council President,
133 William Street
New Bedford, MA 02740

RE: WRITTEN MOTION – REZONING REQUEST FOR 229-241 Coffin Avenue, Map: 104 Lot:43
CASE #23-08: 229-241 Coffin Avenue Rezoning Request

Dear Councillor Pereira:

This is to advise you of the Planning Board's action on Wednesday, February 8, 2023, regarding the request by Attorney Michael Kehoe on behalf of petitioner Parallel Products Solar Energy, LLC, for the Planning Board to review and make a recommendation to the City Council for its consideration regarding 229-241 Coffin Avenue, Map: 104 Lot:43. **The Planning Board does not send a favorable recommendation for the ordinance amendment.**

At the hearing, Planning Board Chair Arthur Glassman read the request and asked if there was anyone present to speak on the matter. Attorney Michael Kehoe introduced himself as the representative of the petitioner. He described the historic use of the building as Sunbeam Bakery and described how the current zoning splits the building. The westernmost portion is zoned Mixed-Use Business (MUB) and the remainder of the building is zoned Industrial A (IA). Attorney Kehoe noted they are not seeking to rezone the abutting lots owned by the petitioner. He said that rezoning would allow his client better opportunity to secure tenants for the building and that the client is seeking to make exterior renovations.

Board member Duff requested the city zoning map be displayed for the benefit of the Board and the general public. Staff displayed the map and City Planner Jennifer Carloni noted the map shows zoning lines, not parcel lines, and identified the subject parcel's location.

Chair Glassman raised concerns that rezoning IA would be spot zoning and asked Board member Duff for her thoughts. Board member Duff indicated she agreed with Attorney Kehoe that the existing zoning of the parcel makes redevelopment difficult and acknowledged other examples in the community.

Board member Duff inquired why the petitioner was seeking to rezone to IA instead of MUB, which she felt would not be spot-zoning and would conform to the master plan for the Acushnet Avenue corridor.

She pointed out that rezoning the parcel IA would create an island of industrial activity in the middle of a mixed-use area and in the middle of the Acushnet Avenue TDI district.

Attorney Kehoe responded that the petitioner intends to reuse the building as warehouse storage and that use is not allowed under MUB, so they'd have to apply for a Special Permit or Variance. He pointed out the majority of the building is zoned IA and it makes sense not to have two zones for one building. Attorney Kehoe referenced the survey plan submitted with the petition and noted the building is built almost lot line to lot line with about 261 feet of frontage along North Front Street. He stated that they would not make changes that would alter the structure of the building and any improvements would be to the façade to improve the neighborhood as well as partition off a section for storage use inside the building.

Chair Glassman requested staff display the use table for the benefit of the Board and the public. Planning staff displayed the staff report with a summary of changes to allowable uses. Chair Glassman noted that this parcel is located in a residential neighborhood, and raised concerns that although the petitioner currently intends to use the site for warehouse storage, the use may change from storage to another industrial use. At the request of the Chair, Assistant City Planner Michael McCarthy reviewed the allowed uses under IA zoning. He noted that some uses currently allowed under MUB would be zoned out.

Board member Duff raised concerns that the predominant zoning throughout the neighborhood is MUB and Residential, and that to rezone the parcel IA would create a spot zone of industrial use. Chair Glassman pointed out that creating a unique use for one entity is also considered spot zoning.

Chair Glassman opened the floor to members of the public wishing to speak in favor or opposition, and hearing none, he reminded the Board and the public that the City Council would make the final determination on the rezoning proposal.

Board member Cruz said he shared Board member Duff's concerns and posed the question of why not rezone MUB to align with the consistency of the neighborhood. He acknowledged Attorney Kehoe's point of rezoning to allow warehouse storage but indicated that would result in spot zoning. Board member Cruz concurred with Chair Glassman and Board member Duff.

Board member Khazan explained she had visited the site and expressed concerns about industrial uses in a residential neighborhood. She questioned whether other uses might be more fitting in such a neighborhood.

Tim Cusson, petitioner and owner of Parallel Products, noted the building has been vacant for over 15 years and that they have explored options for adaptive reuse under MUB. Cusson explained that they could not arrive at a feasible reuse under MUB, but that the building would function quite well for warehouse storage and IA would allow that use. He described the interior of the building and said, in his opinion, existing conditions within the building were not conducive to any allowed use under MUB. He added that the building is contaminated with asbestos and lead, and redevelopment of the site is a heavy

lift. Cusson concluded that they hope to make improvements to the building and provide some employment.

Chair Glassman clarified that the Board's concern was that rezoning IA would permit another, different allowed use in the future with detrimental impacts to the neighborhood. Cusson indicated he understood and noted they are aware of the permitting process.

Board member Khazan inquired whether the petitioner had explored funding assistance for adaptive reuse such as housing. Cusson stated that they had but the site is not appropriate for residential.

Board member Duff confirmed with City Planner Carloni that warehouse storage is not allowed under MUB zoning. Board member Duff reiterated her concerns regarding spot zoning given the context of the existing neighborhood.

Chair Glassman then asked for a motion.

Board member Kalife made a motion, seconded by Board member Khazan, to favorably recommend rezoning parcel 104-43, also known as 229-241 Coffin Avenue.

The motion was denied on a vote of 0-5, with no board member recorded in favor and board members Alexander Kalife, Peter Cruz, Kathryn Duff, Kamile Khazan, and Arthur Glassman recorded in opposition. Board member Khazan explained her no vote was due to spot zoning and the allowable industrial uses that would create within a residential neighborhood.

As such, the **Planning Board does not send a favorable recommendation**. Please find enclosed a copy of the Department of City Planning Staff Report and a copy of the letter received from Attorney Michael Kehoe regarding this matter.

Sincerely,



Jennifer Carloni
Director, Department of City Planning

encl.

- Department of City Planning Staff Report, dated 1/25/23
- Letter from Attorney Kehoe, dated 1/5/23

cc. Jon Mitchell, Mayor
Danny Romanowicz, Building Commissioner
Linda Morad, City Council President

Eric Jaikes, City Solicitor
Dennis Farias, City Clerk



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MAYOR
JON MITCHELL
PLANNING DIRECTOR
JENNIFER CARLONI

STAFF REPORT

REPORT DATE
January 25, 2023

MEETING DATE
February 8, 2023

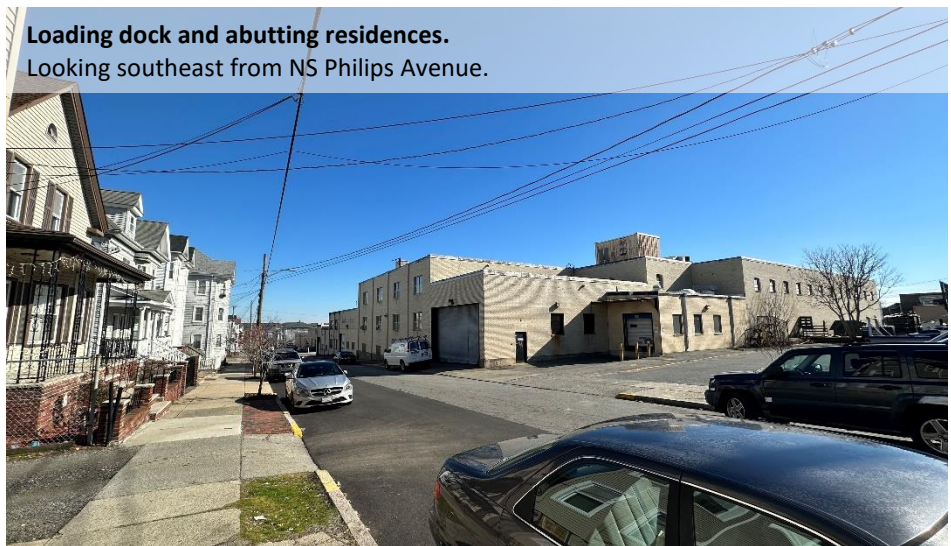
Case #23-08: REZONING REQUEST
229-241 Coffin Avenue
Map: 104 Lot: 43

Overview of Request

On January 12, the City Council requested that the Planning Board review and make a recommendation on a petition from Parallel Products, made by the petitioner’s agent Attorney Michael Kehoe, to rezone the entirety of 229-241 Coffin Avenue (Map 104, Lot 43) from Mixed-Use Business (MUB) and Industrial A (IA) to Industrial A in its entirety. The request was referred to the Planning Board for a recommendation to City Council.

Existing Conditions

The western portion of Lot 43 is currently zoned MUB, with the remainder of the lot being zoned IA. The split-zoning of the lot is due to a MUB buffer common along many of the city’s commercial corridors. In this case, a MUB district extends approximately 100’ out from the sidelines of Acushnet Avenue, splitting many of the lots along the roadway (see Exhibit B).



A brick building that operated as an industrial bakery occupies the entire lot. The property is currently vacant. The painted signage for Sunbeam Bread remains on Coffin Avenue and on North Front Street. Remnants of channel letter signage exist on Philips Avenue and at the southeast corner of the building. The main entrance is on Coffin Avenue. There is one access door on North Front Street and two on Philips Avenue. There is a loading dock at the northwest corner of the building. An overhead garage door is sited at the southeast corner along Coffin Avenue, five of variable size are located along North Front Street, and three of variable size are located along Philips Avenue.

Residential parcels (RC-zoned) and a private parking lot (MUB) abut to the north. A large garage formerly associated with the site and a residential parcel abut to the east (MUB). A parcel held in common ownership by the petitioner containing silo and garage, and a mechanical building (MUB) abuts directly south. Residential parcels and a mixed-use building also

abut to the south (MUB). A municipal parking lot and commercial properties abut to the west (MUB). The surrounding neighborhood is MUB and RC zoning districts.

Background

The subject parcels have been zoned MUB and IA since at least 1963. The subject parcel has historically functioned as a commercial bakery.

The bakery itself was in operation since the 1930s. In the 1950s it was purchased by the New Bedford Baking Company, and later sold to My Bread Baking Company in the early 1990s. Sunbeam Bakery was most recently operated by Interstate Bakeries Corporation. It closed in 2005. At the time of its closure, the bakery employed about 188 people. Subsequent interest in reviving operations subsided due to the cost of equipment and bringing the building up to code. Several property transfers took place since its closure with no redevelopment.



The Payne-Cutlery Neighborhood

In 2017, the City in collaboration and coordination with residents officially defined the Payne-Cutlery Neighborhood as the geographic area bounded by Coggeshall Street at the south, then north to Collette Street, and from the South Coast Rail Line at the west to east of Acushnet Avenue.¹ This parcel directly abuts this neighborhood. Residents of the PCN and the City identified Mixed-Use Zoning as fundamental to catalyzing economic growth in the high-density neighborhood.

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.

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 and not considered “spot zoning.”

Criteria
Uniformity: the extent to which the zoning change would resemble the surrounding zoning.
Consistency: whether the parcel is being singled out for a zoning change.
Surroundings: how the proposal would change the neighborhood?
Fiscal Impact: what impact on local/city economic development the rezoning would have?
Discriminating Benefit: 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.

¹ See: https://s3.amazonaws.com/newbedford-ma/wp-content/uploads/sites/39/20191219203839/NB_Payne_BrownfieldAreawidePlan.pdf

The table below (Exhibit A) compares current MUB uses to proposed IA 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 15 newly permitted uses**, including self-storage, manufacturing and marijuana uses. **Rezoning will eliminate 19 uses that are currently allowed under MUB**, which include multi-family housing, mixed-use and general motor vehicle repair.

EXHIBIT A - Zoning Comparison Table

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

A. Residential	IA	MUB
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	Y
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. Exempt and Institutional Uses	IA	MUB
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
C. Commercial	IA	MUB

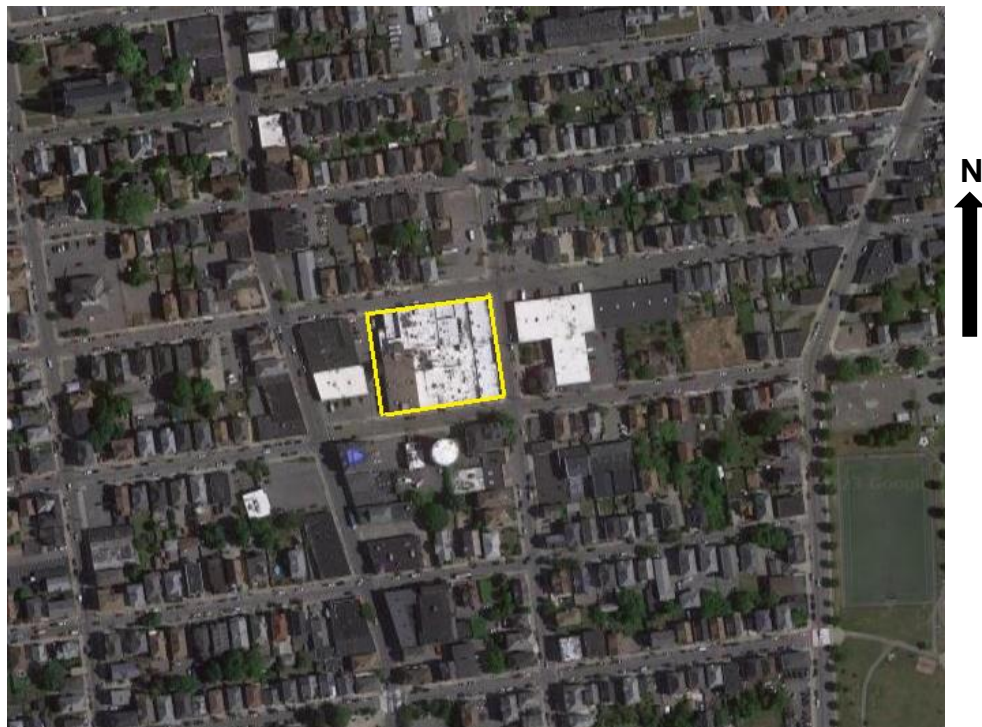
1. Nonexempt agricultural use	BA	BA
2. Nonexempt educational use	BA	Y
3. Animal clinic or hospital; with ancillary animal boarding	BA	SP
4. Adult day care	BA	BA
5. Family day care	N	BA
6. Large family day care	N	BA
7. Club or lodge, nonprofit	N	CC
8. Funeral home	N	BA
9. Adult entertainment establishment	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	N	CC
20. Motor Vehicle body repairs	N	N
21. Motor vehicle light service	CC	CC
22. Restaurant	Y	Y
23. Restaurant, fast-food	BA	BA
24. Business or professional office	Y	Y
25. Medical offices, center, or clinic	BA	BA
26. Bank, financial agency	Y	Y
27. Indoor commercial recreation	Y	Y
28. Outdoor commercial recreation	BA	BA
29. Wireless Communications Facilities	PB	PB
30. Theatres and auditoriums	N	PB
31. Convention Centers	PB	PB
32. Marijuana Retailer	PB	N
D. Industrial	IA	MUB
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... (See Ordinance for full text)	N	N
12. Businesses engaged in the sale, distribution or storage of grain, petroleum products, building materials and industrial machinery	CC	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	N	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 – Current Zoning Map with Subject Parcel and Proposed Rezoning Area Identified



Exhibit C – Satellite Imagery with Subject Parcel



229-241 Coffin Avenue

Map: 42 Lot: 240

NOTE: Property lines and zoning districts are approximate; for discussion purposes, only. Image is oriented north.

Michael A. Kehoe
(774) 206-8294
mkehoe@psh.com

January 5, 2023

City of New Bedford City Council
City Council President Linda Morad
133 William Street
New Bedford, MA 02740

2023 JAN -5 AM 11:30
CITY CLERK
OFFICE OF THE CITY CLERK
NEW BEDFORD, MA

Re: Proposed Zoning District Amendment - 229-241 Coffin Avenue, New Bedford

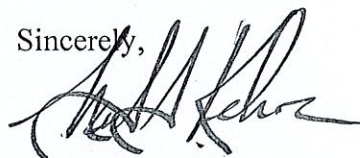
Dear City Council and City Council President Morad:

Enclosed is the request of Parallel Products Solar Energy LLC to change the zoning district line relative to 229-241 Coffin Avenue (City Assessors Map 104, Lot 43). Attached to the request is a Re-Zoning Plan prepared by Farland Corporation. It shows that the existing structures (the old Sunbeam Bakery Building) is bisected by two (2) different zoning districts, Industrial "A" and Mixed Use Business. The prior use was in conformity with current Industrial "A". Indeed, a majority of the building is so zoned.

However, having two (2) distinct zoning districts within the same building makes future uses and development extremely difficult and unlikely. Having a single district for this pre-existing structure is logical and consistent with traditional zoning practice.

This is an unusual situation and the requested zoning line change will benefit the City by allowing development and economic use of a long neglected site, while bringing the affected parcel into traditional conformity with common sense zoning practice. There is no detriment to nor derogation of the purposes of the City's zoning bylaws.

Respectfully, your approval of this change is requested.

Sincerely,

Michael A. Kehoe

MAK:mjc

4401489.1/30743-33

TO: City of New Bedford City Council
Linda Morad, Council President

DATE: January 5, 2023

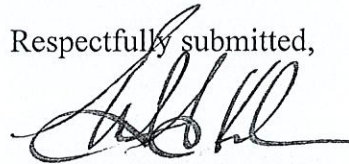
Proposed Zoning District Amendment

In order to promote the general welfare of the City of New Bedford, to encourage the consistent and appropriate use of the existing structures and facilities on Coffin Avenue, New Bedford, and to eliminate the patently unfair and inappropriate bifurcation of existing buildings and structures by different zoning districts,

IT IS HEREBY PROPOSED THAT:

- I. The zoning district line bisecting the buildings and structures located at 229-241 Coffin Avenue, City Assessors Map 104, Lot 43 be altered by moving the Industrial "A" Zone eastward to the eastern lot line of Map 104, Lot 43.
- II. That to insure continuity, practicality and fairness, the entire structure on Map 104, Lot 43 as a result of the lot line alteration will be within a single zoning district, the Industrial "A" Zoning District.
- III. Attached is a re-zoning plan showing the existing bi-zoned structure.

Respectfully submitted,



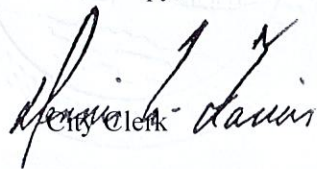
Michael A. Kehoe, Esq.
Partridge Snow & Hahn LLP
128 Union Street, Suite 500
New Bedford, MA 02740
774.206.8200
mkehoe@psh.com

IN CITY COUNCIL, January 12, 2023

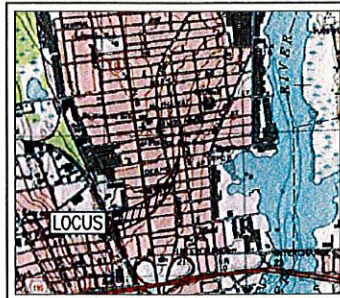
Referred to the Committee on Ordinances and the Planning Board.

Dennis W. Farias, City Clerk

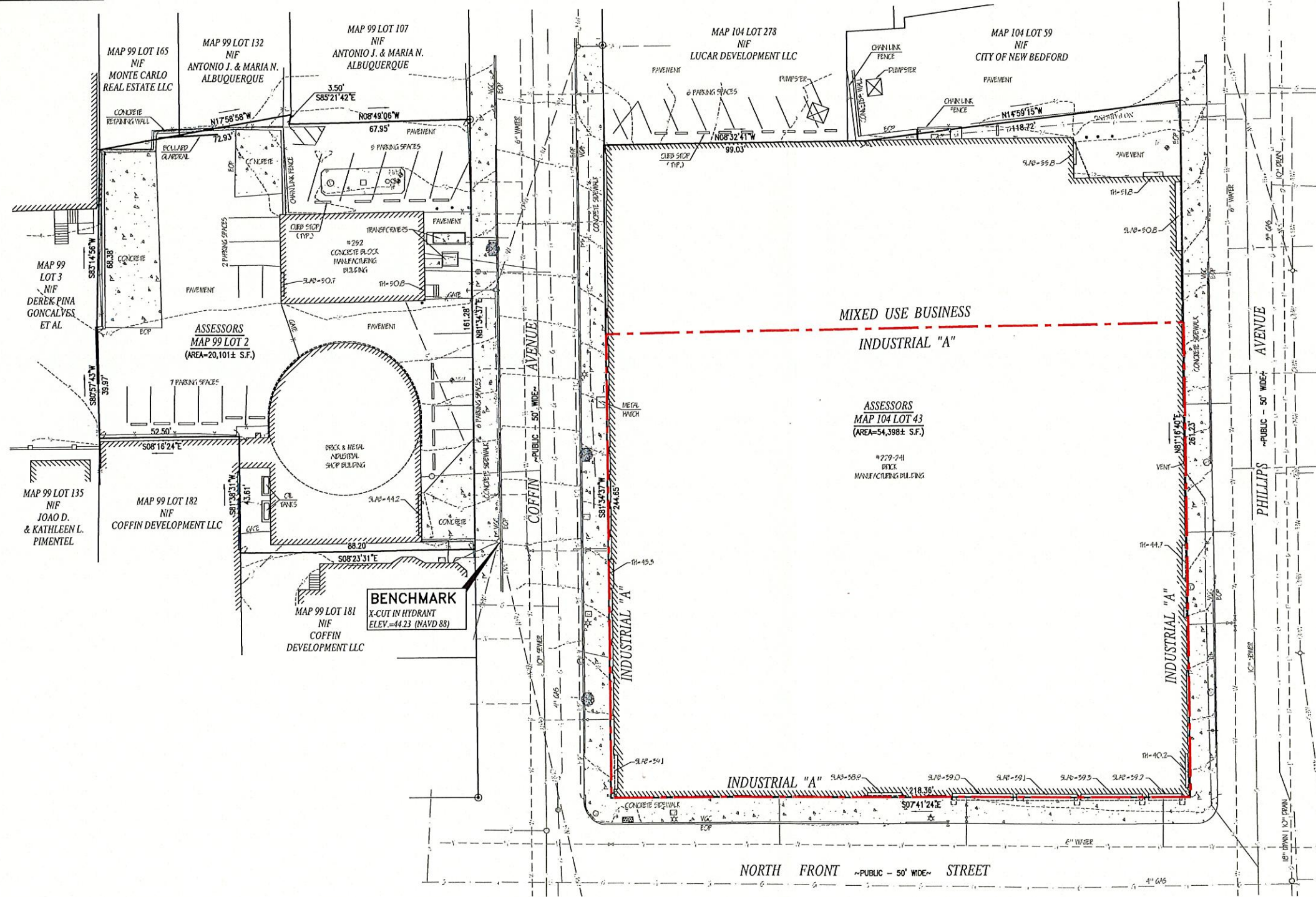
4401477.1/30743-33 a true copy, attest:



City Clerk

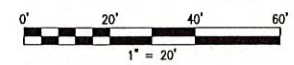


LOCUS MAP SCALE: 1"=2,000'±



BENCHMARK
X-CUT IN HYDRANT
ELEV.=44.23 (NAVD 88)

BENCHMARK
X-CUT IN HYDRANT
ELEV.=21.12 (NAVD 88)



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NOTES:
THE PURPOSE OF THIS PLAN IS TO REQUEST A ZONING CHANGE FOR MAP 104 LOT 43 OF THE ISOLATED INDUSTRIAL "A" ZONE TO THE MIXED USE BUSINESS ZONE THAT EXISTS FOR THE REMAINDER OF THE BLOCK TO THE WEST.

REVISIONS

Jeffrey Albert Farland



www.FarlandCorp.com

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P.508.717.3479

- ENGINEERING
- SITEWORK
- LAND SURVEYING
- DEVELOPMENT

DRAWN BY: NPD
DESIGNED BY: -
CHECKED BY: -

RE-ZONING PLAN
229-241 COFFIN AVENUE
ASSESSORS MAP 104 LOT 43
NEW BEDFORD, MASSACHUSETTS

PREPARED FOR:
PARALLEL PRODUCTS SOLAR ENERGY, LLC
401 INDUSTRY DRIVE, SUITE 100
LOUISVILLE, KY 40208

DECEMBER 13, 2022
SCALE: 1"=20'
JOB NO. 22-190
LATEST REVISION:

ZONING PLAN
SHEET 1 OF 1