

***COMMITTEE ON ORDINANCES - July 30, 2018***

**MEETING AT 7:00 PM, 133 William Street, New Bedford, MA - City Council Chambers - Room 214  
AGENDA**

1. COMMUNICATION, Mayor Mitchell, submitting AN ORDINANCE, Amending Chapter 10, Section 47, FINANCE; TAXATION; PROPERTY, Departmental Revolving Funds added to the new Dog Park Revolving Fund. (Ref'd 11/9/17) (2/21/18-tabled)

1a. AN ORDINANCE,

***INVITEES: David Gerwatowski, Legal Counsel Attorney; Mary Rapoza, Director, Parks, Recreation and Beaches; Ari J. Sky, Chief Financial Officer***

2. AN ORDINANCE, amending Chapter 10, Section 10-47 Departmental Revolving Funds to add the new Golf Course Revolving Fund. (Referred to the Committee on Finance - April 12, 2018; To be Referred to the Committee on Ordinances.) (Ref'd 5/24/18)

***INVITEES: David Gerwatowski, Legal Counsel Attorney; Mary Rapoza, Director, Parks, Recreation and Beaches; Ari J. Sky, Chief Financial Officer***

3. COMMUNICATION, Mayor Mitchell, submitting AN ORDINANCE, Amending Chapter 10, Section 10-47, FINANCE; TAXATION; PROPERTY, Departmental Revolving Funds to add the new Rifle Range Revolving Fund. (Ref'd 5/24/18)

3a. AN ORDINANCE,

***INVITEES: Joseph C. Cordeiro, Chief, New Bedford Police Department; David Gerwatowski, Legal Counsel Attorney; Ari J. Sky, Chief Financial Officer***

4. PUBLIC HEARING on AN ORDINANCE, RELATIVE TO ZONING FOR MARIJUANA ESTABLISHMENTS AND MEDICAL MARIJUANA TREATMENT CENTERS (To be Referred to the Committee on Ordinances and the Planning Board.) (Ref'd 6/14/18) (Duly advertised in The Standard-Times on Monday, July 16, 2018 and Monday, July 23, 2018.)

4a. COMMUNICATION, Acting City Planner Kirsten Bryan to Councillor Hugh Dunn, Chairman, Committee on Ordinances, advising that the Planning Board held a public hearing on July 11, 2018 to discuss the proposal to amend the City's Zoning Ordinance Chapter 9 Comprehensive Zoning, by adding a new section: Section 4100B. Marijuana Establishments and Medical Marijuana Treatment Centers. The Planning Board voted to send a **FAVORABLE RECOMMENDATION**, recommending that the City Council consider amending the City of New Bedford Zoning By-Laws, Chapter 9 - Comprehensive Zoning, by adding a new Section 4100B. Marijuana Establishments and Medical Marijuana Treatment Centers. The Planning Board also included two items along with their endorsement for the Council's consideration: information relative to

Economic Empowerment Certification and the Planning Board's own observations regarding buffer zones. (Ref'd 7/18/18)

***INVITEES: Joseph C. Cordeiro, Chief, New Bedford Police Department; David Gerwatowski, Legal Counsel Attorney; Mikaela McDermott, City Solicitor; Patrick J. Sullivan, Planning and Community Development Director; Representative, Mayor's Office***

5. PUBLIC HEARING on a WRITTEN MOTION, Councillor Lopes requesting that the Committee on Ordinances and the Planning Board consider rezoning the following lots: Map 18 Lot 1 – 438 Dartmouth Street; Map 18 Lot 69 - 105 Rockdale Avenue; Map 18 Lot 74 - 110 Jenkins Street; Map 18 Lot 84 - WS Hemlock Street; Map 18 Lot 102 - WS Hemlock Street; Map 18 Lot 103 - 470 Dartmouth Street; Map 18 Lot 105 - 137-141 Rockdale Avenue; Map 18 Lot 107 – 446 Dartmouth Street; Map 18 Lot 108 – 119 Rockdale Avenue; Map 18 Lot 109 – 117 Rockdale Avenue; Map 18 Lot 112 – 109 Rockdale Avenue; Map 18 Lot 113 – 123 Rockdale Avenue and Map 18 Lot 115 – 404 Dartmouth Street, from Industrial B to MIXED – USE BUSINESS. All lots described fall within a single city block predominantly populated by retail establishments, the block is bounded by Dartmouth Street (to the west), Jenkins Street (to the north), Hemlock Street (to the East), and Rockdale Avenue (to the south.) and this request would bring this block into compliance with the City of New Bedford's Master Plan 2020. (To be Referred to the Committee on Ordinances and the Planning Board) (Ref'd 6/14/18) (Duly advertised in The Standard-Times on Monday, July 16, 2018 and Monday, July 23, 2018.)

5a. COMMUNICATION, Acting City Planner Kirsten Bryan to Councillor Hugh Dunn, Chairman, Committee on Ordinances, advising that the Planning Board held a public hearing on July 11, 2018 to discuss the proposed request for the rezoning of the following lots: Map 18 Lot 1 – 438 Dartmouth Street; Map 18 Lot 69 - 105 Rockdale Avenue; Map 18 Lot 74 - 110 Jenkins Street; Map 18 Lot 84 - WS Hemlock Street; Map 18 Lot 102 - WS Hemlock Street; Map 18 Lot 103 - 470 Dartmouth Street; Map 18 Lot 105 - 137-141 Rockdale Avenue; Map 18 Lot 107 – 446 Dartmouth Street; Map 18 Lot 108 – 119 Rockdale Avenue; Map 18 Lot 109 – 117 Rockdale Avenue; Map 18 Lot 112 – 109 Rockdale Avenue; Map 18 Lot 113 – 123 Rockdale Avenue and Map 18 Lot 115 – 404 Dartmouth Street from the Industrial B (IB) zone to a Mixed Use Business (MUB) zone; the Planning Board voted to send a **FAVORABLE RECOMMENDATION**, recommending that the City Council approve the rezoning of the Dartmouth Street lots, changing the zoning of the entire block as noted from an IB zone to an MUB zone, as proposed. (Ref'd 7/18/18)

***INVITEES: David Gerwatowski, Legal Counsel Attorney; Patrick J. Sullivan, Planning and Community Development Director; Abutters***

***In accordance with the Americans with Disabilities Act (ADA), if any accommodations are needed, please contact the Clerk of Committees Office at 508-979-1482. Requests should be made as soon as possible but at least 48 hours prior to the scheduled meeting.***





Item Title:

AN ORDINANCE re Dog Park Revolving Fund

Item Detail:

1. COMMUNICATION, Mayor Mitchell, submitting AN ORDINANCE, Amending Chapter 10, Section 47, FINANCE; TAXATION; PROPERTY, Departmental Revolving Funds added to the new Dog Park Revolving Fund. (Ref'd 11/9/17) (2/21/18-tabled)

1a. AN ORDINANCE,

Additional Information:

ATTACHMENTS:

Description	Type
1. COMM re Dog Park Rev Fund	Cover Memo
1a. ORD re Dog Park Rev Fund	Cover Memo





**CITY OF NEW BEDFORD**  
JONATHAN F. MITCHELL, MAYOR

November 2, 2017

City Council President Joseph P. Lopes, and  
Honorable Members of the City Council  
133 William Street  
New Bedford, MA 02740

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

I am submitting for your approval an ORDINANCE amending Chapter 10, Section 10-47, Departmental Revolving Funds to add the new Dog Park Revolving Fund.

Sincerely,

  
Jonathan F. Mitchell  
Mayor

JFM/smt

**IN CITY COUNCIL**, November 09, 2017

Referred to the Committee on Ordinances.  
a true copy attest:

Dennis W. Farias, City Clerk

  
City Clerk

CITY OF ENKS OFFICE  
NEW BEDFORD, MA  
2017 NOV - 2 A 9:08  
CITY CLERK



# CITY OF NEW BEDFORD

In the Year Two Thousand and Seventeen

## AN ORDINANCE

Amending Chapter 10, Finance; Taxation; Property

31- 509

Be it ordained by the City Council of the City of New Bedford as follows:—

**SECTION 1.** Chapter 10, Finance; Taxation; Property, is hereby amended by inserting the following at the end of the table included in Sec. 10-47. Departmental revolving funds subsection (e):

Revolving Fund (i)	Department, Board, Committee, Agency or Officer Authorized to Spend from Fund (ii)	Fees, Charges or Other Receipts Credited to Fund (iii)	Program or Activity Expenses Payable from Fund (iv)	Restrictions or Conditions on Expenses Payable from Fund (v)	Other Requirements/ Reports (vi)	Fiscal Years (vii)
Dog Park Revolving Fund	Department of Parks, Recreation and Beaches	Dog park user fees, grants and sponsors	Costs associated with maintenance, improvements to dog parks and associated buildings and structures, supplies associated with successful operation of dog parks, including but not limited to user access cards and equipment, and seasonal staff attendant.			Fiscal Year 2018 and subsequent years

**SECTION 2.** This Ordinance shall take effect in accordance with the provisions of Chapter 43 of the General Laws.

IN CITY COUNCIL, November 09, 2017

Referred to the Committee on Ordinances.

Dennis W. Farias, City Clerk

a true copy attest:

City Clerk



## CITY OF NEW BEDFORD

### PARKS, RECREATION & BEACHES

*JONATHAN F. MITCHELL*



To: Ari Sky  
Date: October 23, 2017  
Re: MGL Chapter 44, Section 53E 1/2 Revolving Funds  
Dog Park Revolving Fund FY18

The program and purpose of the fund "whose purpose is to cover maintenance and improvements to the dog park and associated buildings and structures, supplies associated with successful operation of the park including the user access cards and equipment, and a seasonal staff attendant, whose revenues and amount limited to be spent for FY\_\_ is restricted to revenue deposited into the fund."

Estimated revenues \$26,250.00

Revenue source(s) fees from dog park user fees, grants, and sponsors

Amount estimated to be expended in FY18 \$26,250.00

Who has control over this fund Department of Parks Recreation & Beaches

Respectfully submitted,

  
Mary S. Rapoza, Director

ADMINISTRATIVE OFFICES  
181 HILLMAN STREET, BLDG. #3  
NEW BEDFORD, MA 02740  
MA 02740  
PHONE 508-961-3015

MAILING ADDRESS  
181 HILLMAN STREET  
BOX #9, NEW BEDFORD,  
FAX 508-991-6175



Item Title:

AN ORDINANCE re Golf Course Revolving Fund

Item Detail:

2. AN ORDINANCE, amending Chapter 10, Section 10-47 Departmental Revolving Funds to add the new Golf Course Revolving Fund. (Referred to the Committee on Finance - April 12, 2018; To be Referred to the Committee on Ordinances.) (Ref'd 5/24/18)

Additional Information:

ATTACHMENTS:

Description	Type
2. ORD re Golf Course Rev Fund	Cover Memo



# CITY OF NEW BEDFORD

In the Year Two Thousand and Eighteen

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31- 509

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Golf Course Revolving Fund	Department of Parks, Recreation and Beaches	Annual contract agreement fees	Costs associated with the maintenance and improvements to the golf course and associated buildings and structures and costs associated with providing youth golf programming.			Fiscal Year 2019 and subsequent years

Section 2.

This ordinance shall take effect in accordance with the provisions of Chapter 43 of the General Laws.

Referred to the Committee on Finance.

IN CITY COUNCIL, April 12, 2018

Dennis W. Farias, City Clerk

Referred to the Committee on Ordinances.

IN CITY COUNCIL, May 24, 2018

Dennis W. Farias, City Clerk

a true copy, attest:

City Clerk



Item Title:

AN ORDINANCE re Rifle Range Revolving Fund

Item Detail:

3. COMMUNICATION, Mayor Mitchell, submitting AN ORDINANCE, Amending Chapter 10, Section 10-47, FINANCE; TAXATION; PROPERTY, Departmental Revolving Funds to add the new Rifle Range Revolving Fund. (Ref'd 5/24/18)

3a. AN ORDINANCE,

Additional Information:

ATTACHMENTS:

Description	Type
3. COMM re Rifle Range Rev Fund	Cover Memo
3a. ORD re Rifle Range Rev Fund	Cover Memo



**CITY OF NEW BEDFORD**  
JONATHAN F. MITCHELL, MAYOR

May 17, 2018

City Council President Linda M. Morad  
Honorable Members of the City Council  
133 William Street  
New Bedford, MA 02740

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

I am submitting for your approval an ORDINANCE amending Chapter 10, Section 10-47, Departmental Revolving Funds to add the new Rifle Range Revolving Fund.

Sincerely,

Jonathan F. Mitchell  
Mayor

JFM/smt

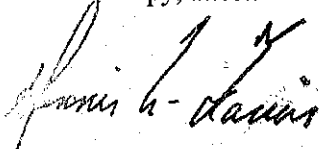
CITY CLERKS OFFICE  
NEW BEDFORD, MA  
2018 MAY 17 A 8:52  
CITY CLERK

Referred to the Committee on Ordinances.

IN CITY COUNCIL, May 24, 2018

Dennis W. Farias, City Clerk

a true copy, attest:

  
City Clerk



# CITY OF NEW BEDFORD

In the Year Two Thousand and Eighteen

## AN ORDINANCE

Amending Chapter 10, Finance; Taxation; Property

31- 509

Be it ordained by the City Council of the City of New Bedford as follows:—

### SECTION 1.

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Revolving Fund (i)	Department, Board, Committee, Agency or Officer Authorized to Spend from Fund (ii)	Fees, Charges or Other Receipts Credited to Fund (iii)	Program or Activity Expenses Payable from Fund (iv)	Restrictions or Conditions on Expenses Payable from Fund (v)	Other Requirements/ Reports (vi)	Fiscal Years (vii)
Rifle Range Revolving Fund	Police Department	Annual Memberships and user fees	Costs associated with the maintenance, improvements and operation of the rifle range as well as associated buildings and structures.			Fiscal Year 2019 and subsequent years

### Section 2.

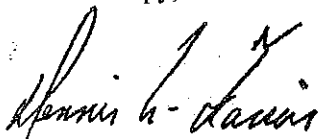
This ordinance shall take effect in accordance with the provisions of Chapter 43 of the General Laws.

IN CITY COUNCIL, May 24, 2018

Referred to the Committee on Ordinances.

Dennis W. Farias, City Clerk

a true copy, attest:

  
City Clerk





Item Title:

AN ORDINANCE, RELATIVE TO ZONING FOR MARIJUANA ESTABLISHMENTS AND MEDICAL MARIJUANA TREATMENT CENTERS

Item Detail:

4. PUBLIC HEARING on AN ORDINANCE, RELATIVE TO ZONING FOR MARIJUANA ESTABLISHMENTS AND MEDICAL MARIJUANA TREATMENT CENTERS (To be Referred to the Committee on Ordinances and the Planning Board.) (Ref'd 6/14/18) (Duly advertised in The Standard-Times on Monday, July 16, 2018 and Monday, July 23, 2018.)

4a. COMMUNICATION, Acting City Planner Kirsten Bryan to Councillor Hugh Dunn, Chairman, Committee on Ordinances, advising that the Planning Board held a public hearing on July 11, 2018 to discuss the proposal to amend the City's Zoning Ordinance Chapter 9 Comprehensive Zoning, by adding a new section: Section 4100B. Marijuana Establishments and Medical Marijuana Treatment Centers. The Planning Board voted to send a **FAVORABLE RECOMMENDATION**, recommending that the City Council consider amending the City of New Bedford Zoning By-Laws, Chapter 9 - Comprehensive Zoning, by adding a new Section 4100B. Marijuana Establishments and Medical Marijuana Treatment Centers. The Planning Board also included two items along with their endorsement for the Council's consideration: information relative to Economic Empowerment Certification and the Planning Board's own observations regarding buffer zones. (Ref'd 7/18/18)

Additional Information:

ATTACHMENTS:

Description	Type
4. ORD re Zoning for Marijuana Establishments	Cover Memo
4a. COMM re Planning Board Recomm - Zoning for Marijuana Establishments	Cover Memo
Map 6 - All Buffers_IndustrialZones_RedGreen_LedgerSize	Cover Memo



# CITY OF NEW BEDFORD

In the Year Two Thousand and Eighteen

## AN ORDINANCE

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### *ZONING FOR MARIJUANA ESTABLISHMENTS AND MEDICAL MARIJUANA TREATMENT CENTERS*

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31- 509

Be it ordained by the City Council of the City of New Bedford as follows:—

**SECTION 1.** Chapter 9 of the New Bedford Code of Ordinances, Comprehensive Zoning, is hereby amended by inserting the following after Section 4900A:

**Section 4100B. Marijuana Establishments and Medical Marijuana Treatment Centers**

**4110B. Purpose.**

The purposes of this section are to:

4111B. Allow state-licensed marijuana establishments and medical marijuana treatment centers to operate in the City of New Bedford in accordance with applicable state laws and regulations.

4112B. Minimize the adverse impacts that marijuana establishments and medical marijuana treatment centers might have on adjacent properties, residential neighborhoods, dwellings, schools, substance abuse treatment centers, churches, and other sensitive land uses.

4113B. Provide standards for the placement, design, siting, safety, security, monitoring, modification, and discontinuance of marijuana establishments and medical marijuana treatment centers that will protect the public health, safety, welfare, and the natural environment.

**4120B. Definitions.**

*Craft Marijuana Cooperative:* a Marijuana Cultivator comprised of residents of the

Commonwealth and organized as a limited liability company, limited liability partnership, or cooperative corporation under the laws of the Commonwealth. A cooperative is licensed to cultivate, obtain, manufacture, process, package, and brand cannabis or marijuana products to transport marijuana to Marijuana Establishments, but not to consumers.

*Independent Testing Laboratory:* a laboratory that is licensed by the Cannabis Control Commission and is (a) accredited to the International Organization for Standardization 17025 by a third-party accrediting body that is a signatory to the International Laboratory Accreditation Accrediting Cooperation mutual recognition arrangement or that is otherwise approved by the Commission; (b) independent financially from any Medical Marijuana Treatment Center (MMTC), Marijuana Establishment or licensee for which it conducts a test; and (c) qualified to test cannabis or marijuana in compliance with 935 CMR 500.160 and M.G.L. c. 94C, §34.

*Marijuana:* all parts of any plant of the genus *Cannabis*, not excepted below and whether growing or not; the seeds thereof; and resin extracted from any part of the plant; and every compound, manufacture, salt, derivative, mixture or preparation of the plant, its seeds, or resin, including tetrahydrocannabinol; provided, however, that “marijuana” shall not include: (i) the mature stalks of the plant, fiber produced from the stalks, oil, or cake made from the seeds of the plant, any other compound, manufacture, salt derivative, mixture or preparation of the mature stalks, fiber, oil or cake made from the seeds of the plant or the sterilized seed of the plant that is incapable of germination; (ii) hemp; or (iii) the weight of any other ingredient combined with marijuana to prepare topical or oral administrations, food, drink, or other products.

*Marijuana Cultivator:* an entity licensed to cultivate, process and package marijuana, and to transfer marijuana to other Marijuana Establishments, but not to consumers. A Craft Marijuana Cooperative is a type of Marijuana Cultivator.

*Marijuana Establishment:* a Marijuana Cultivator, Craft Marijuana Cooperative, Marijuana Product Manufacturer, Marijuana Retailer, Independent Testing Laboratory, Marijuana Research Facility, Marijuana Transporter, or any other type of licensed marijuana-related business, except a medical marijuana treatment center.

*Marijuana Product Manufacturer:* an entity licensed to obtain, manufacture, process and package cannabis or marijuana products and to transfer these products to other Marijuana Establishments, but not to consumers.

*Marijuana Products:* products that have been manufactured and contain marijuana or an extract from marijuana, including concentrated forms of marijuana and products composed of marijuana and other ingredients that are intended for use or consumption, including edible products, beverages, topical products, ointments, oils and tinctures.

*Marijuana Research Facility:* an entity licensed to engage in research projects by the Cannabis Control Commission.



*Marijuana Retailer*: means an entity licensed to purchase and transport cannabis or marijuana product from Marijuana Establishments and to sell or otherwise transfer this product to Marijuana Establishments and to consumers. Retailers are prohibited from delivering cannabis or marijuana products to consumers; and from offering cannabis or marijuana products for the purposes of on-site social consumption on the premises of a Marijuana Establishment.

*Marijuana Transporter*: an entity, not otherwise licensed by the Cannabis Control Commission, that is licensed to purchase, obtain, and possess cannabis or marijuana product solely for the purpose of transporting, temporary storage, sale and distribution to Marijuana Establishments, but not to consumers. Marijuana Transporters may be an Existing Licensee Transporter or Third Party Transporter.

*Medical Marijuana Treatment Center, also known as a Registered Marijuana Dispensary (MMTC)*: means an entity registered under 105 CMR 725.100 that acquires, cultivates, possesses, processes (including development of related products such as edible cannabis or marijuana products, tinctures, aerosols, oils, or ointments), transfers, transports, sells, distributes, dispenses, or administers marijuana, products containing cannabis or marijuana, related supplies, or educational materials to registered qualifying patients or their personal caregivers for medical use.

*Substance abuse treatment facility*: a facility that provides substance abuse treatment programs, as that term is defined in 105 CMR 164.006, licensed by the Massachusetts Department of Public Health.

4130B.       **General.**

4131B. Location Requirements and Restrictions.

- (i) Marijuana Establishments and Medical Marijuana Treatment Centers shall only be located in Industrial Districts A (IA), B (IB), and C (IC).
- (ii) No Marijuana Establishment or Medical Marijuana Treatment Center shall be located within:
  - (a) 500 feet of any public or private school providing education in kindergarten or any of grades 1 through 12, licensed daycare center, nursery school, preschool, building operated as part of the campus of any private or public institution of higher learning, playground, park, public library, church, substance abuse treatment facility, Marijuana Establishment, or Medical Marijuana Treatment Center; or

- (b) 200 feet of any dwelling or dwelling unit.

The distance under this provision shall be measured in a straight line from the nearest point of the property line in question to the nearest point of the property line where the Marijuana Establishment or Medical Marijuana Treatment Center will be located.

- (iii) No Marijuana Establishment or Medical Marijuana Treatment Center shall be located inside a dwelling or building containing a dwelling unit or inside any building containing transient housing, including a hotel, motel, or dormitory.
- (iv) Marijuana Establishments shall satisfy the conditions and requirements of all other applicable sections of the Zoning Ordinance, including but not limited to dimensional and parking requirements.

#### 4132B. Physical Requirements and Restrictions.

- (i) All Marijuana Establishments and Medical Marijuana Treatment Centers shall be contained within a building or structure. All operations of a Marijuana Establishment or a Medical Marijuana Treatment Center must take place at a fixed location within a fully enclosed secured building and shall not be visible from the exterior of the building.
- (ii) Except for a Marijuana Transporter, no Marijuana Establishment or Medical Marijuana Treatment Center may be located in a trailer, storage freight container, motor vehicle, or other similar movable enclosure.
- (iii) No Marijuana Retailer or Medical Marijuana Treatment Center that dispenses marijuana or marijuana products to the public shall have a total gross floor area of more than 5,000 square feet.

#### 4133B. Operational Requirements and Restrictions.

- (i) The hours of operation shall be set by the special permit granting authority, but in no event shall a Marijuana Establishment or Medical Marijuana Treatment Center that dispenses marijuana or marijuana products to the public be open to the public between the hours of 7:00 p.m. and 10:00 a.m., Monday through Sunday.
- (ii) No drive-through service shall be permitted at a Marijuana Establishment or Medical Marijuana Treatment Center.

- (iii) No marijuana shall be smoked, eaten, or otherwise consumed or ingested on the premises of any Marijuana Establishment or Medical Marijuana Treatment Center absent a positive vote by ballot question presented to the voters of the city at a biennial state election pursuant to G.L. c.94G, §3(b). The prohibition on on-site consumption shall also include private social clubs or any other establishment which allows for social consumption of marijuana or marijuana products on the premises, regardless of whether the product is sold to consumers on site
- (iv) No outside storage of marijuana, related supplies, or promotional materials shall be permitted.
- (v) All Marijuana Establishments and Medical Marijuana Treatment Centers shall be ventilated in such a manner that:
  - a. No pesticides, insecticides, or other chemicals or products used in the cultivation or processing of marijuana are dispersed into the outside atmosphere; and
  - b. No odor from marijuana or its processing can be detected by a person with an unimpaired and otherwise normal sense of smell at the exterior of the Marijuana Establishment, Medical Marijuana Treatment Center, or any adjoining use or property.

4134B. Marijuana Establishments and Medical Marijuana Treatment Centers shall not be permitted as Home Occupations under section 2500 of Chapter 9 of the New Bedford Code of Ordinances.

4135B. Any Medical Marijuana Treatment Center that received a provisional certificate of registration from the Department of Public Health prior to July 1, 2017 and has entered into a Host Community Agreement with the City shall be exempt from citing and permitting requirements of this ordinance with respect to its medical marijuana operations, but shall obtain a special permit to convert or expand its operations to include a non-medical Marijuana Establishment.

4140B. **Special Permit.**

4141B. General.

- (i) Except as provided in Section 4135B herein, it shall be unlawful for any Marijuana Establishment or Medical Marijuana Treatment Center



to operate in the City without first obtaining a special permit from the Planning Board.

- (ii) A Marijuana Establishment or Medical Marijuana Treatment Center must obtain a new special permit or a modification of its existing special permit for each additional use that is proposed after the initial permitting process.
- (iii) The special permit requirements set forth in this section shall be in addition to, and not in lieu of, any other licensing and permitting requirements imposed by any other federal, state, or local law, including site plan review by the Planning Board under Section 5400 of Chapter 9 of the New Bedford Code of Ordinances.
- (iv) No activity shall be conducted at a Marijuana Establishment or Medical Marijuana Treatment Center other than that for which the special permit has been issued.
- (v) A Marijuana Establishment or Medical Marijuana Treatment Center must, prior to seeking a special permit from the Planning Board, file a security plan with the New Bedford Police Department that includes information relating to alarms, fencing, gates, limited access areas, delivery procedures, police details, and video and lighting locations. The security plan shall show the arrangement of pedestrian circulation and access to the public points of entry to the premises from the nearest public or private street or off-street parking area. When Marijuana Establishments and Medical Marijuana Treatment Centers update their security plans, they must share these updates with the New Bedford Police Department. These security plans and updates shall, to the maximum extent permissible under the law, remain confidential.
- (vi) A Marijuana Establishment or Medical Marijuana Treatment Center must, prior to seeking a special permit from the Planning Board, file an emergency response plan with the New Bedford Fire, Police, and Health Departments. When Marijuana Establishments and Medical Marijuana Treatment Centers update their emergency response plans, they must share these updates with the New Bedford Fire, Police, and Health Departments. These emergency response plans and updates shall, to the maximum extent permissible under the law, remain confidential.

4142B. Limit on Number of Marijuana Establishments and Medical Marijuana

Treatment Centers.

- (i) The Planning Board shall limit the number of special permits issued to Marijuana Retailers to 20% of the number of licenses issued within the City under MGL c. 138, §15 for the retail sale of alcoholic beverages not to be drunk on the premises where sold ("the 20% number"). If the 20% number is not a whole number at the time that the Planning Board is considering a special permit application for a Marijuana Retailer, then it shall be rounded up to the next whole number for purposes of determining the maximum allowable number of special permits in the City for Marijuana Retailers. A special permit for a Marijuana Retailer shall not be revoked solely because the total number of special permits issued to Marijuana Retailers in the City exceeds the 20% number due to a reduction in the number of licenses issued within the City under MGL c.138, §15.
- (ii) Other than any Medical Marijuana Treatment Center that received a provisional certificate of registration from the Department of Public Health prior to July 1, 2017 and entered into a Host Community Agreement with the City, there shall be no Medical Marijuana Treatment Centers in the City that dispense marijuana or marijuana products to the public.

4143B. Application.

A special permit application for Marijuana Establishments and Medical Marijuana Treatment Centers must be filed with the Planning Board. In addition to the special permit requirements of Section 5300, as part of the application, each applicant shall submit to the Planning Board:

- (i) The name and address of each owner of the Marijuana Establishment or Medical Marijuana Treatment Center.
- (ii) A list of all executives, managers, officers, directors, persons or entities having direct or indirect authority over the management, policies, security operations or cultivation operations of the Marijuana Establishment or Medical Marijuana Treatment Center.
- (iii) Proof of approval from the Commonwealth of Massachusetts for the proposed Marijuana Establishment or Medical Marijuana Treatment Center, including copies of all required registrations, licenses, and permits issued to the applicant for the facility by the state and any of



its agencies, including the Cannabis Control Commission and/or the Department of Public Health, as the case may be. The Planning Board shall not consider or act upon any special permit application that does not demonstrate that the proposed Marijuana Establishment or Medical Marijuana Treatment Center has obtained a preliminary license or provisional certificate of registration from the state or one of its agencies.

- (iv) A copy of any executed Host Community Agreement entered into between the Marijuana Establishment or Medical Marijuana Treatment Center and the City, signed by the Mayor and approved by the City Council.
- (v) Evidence of the applicant's right to use the site in question for a Marijuana Establishment or Medical Marijuana Treatment Center, such as a deed, a copy of the lease agreement with a notarized statement from the property owner attesting to its validity, a real estate contract contingent upon successful licensing and permitting, or a notarized letter of intent by the owner of the property indicating intent to lease the premises to the applicant upon successful licensing and permitting.
- (vi) A detailed description of the proposed activities to occur at the site in relation to the special permit criteria set forth in Sections 4150B and 5320 of Chapter 9 of the New Bedford Code of Ordinances. Such narrative shall include information relating to the cultivation, manufacturing, and processing of marijuana and marijuana products; on-site sales of marijuana products; off-site deliveries; distribution of educational materials; and other programs or activities.
- (vii) A statement from the New Bedford Police Chief or his/her designee, acknowledging review and approval of the applicant's security plan submitted pursuant to Section 4141B(v) above. This statement may be on a form approved by the Planning Board.
- (viii) Statements from the New Bedford Fire, Police, and Health Departments that each department has reviewed and approved the applicant's emergency response plan submitted pursuant to Section 4141B(vi) above. These statements may be on forms approved by the Planning Board.
- (ix) An odor control plan that provides for adequate ventilation, detailing the specific odor-emitting activities or processes to be conducted on-

site, the source of those odors, the locations from which they are emitted from the facility, the frequency of such odor-emitting activities, the duration of such odor-emitting activities, and the administrative and engineering controls that will be implemented to control such odors, including maintenance of such control.

- (x) A quantitative transportation analysis, prepared by a qualified transportation specialist acceptable to the Planning Board, modeling the expected origin and frequency of client and employee trips to the site, the expected modes of transportation used by clients and employees, and the frequency and scale of deliveries to the site.

**4150B. Action by Planning Board.**

In addition to the findings required for a special permit in Section 5320 of Chapter 9 of the New Bedford Code of Ordinances, the Planning Board shall make the following specific findings before granting a special permit to a proposed Marijuana Establishment or Medical Marijuana Treatment Center:

4151B. The applicant has demonstrated that the proposed Marijuana Establishment or Medical Marijuana Treatment Center has met all of the permitting requirements of all applicable agencies within the Commonwealth and will be in compliance with all applicable state laws and regulations.

4152B. The applicant has satisfied all of the conditions and requirements of this section and other applicable sections of the Zoning Ordinance.

4153B. The proposed use is designed to minimize any adverse visual, economic, security, or health impacts on abutters and other parties in interest.

**4160B. Transfer/Discontinuance of Use/Lapse.**

4161B. A special permit granted under this section is non-transferable and shall have a term limited to the duration of the applicant's ownership or leasing of the premises as a Marijuana Establishment or a Medical Marijuana Treatment Center. A special permit issued for a Marijuana Establishment or Medical Marijuana Treatment Center shall not be transferable or assignable to a different location or to a different type of Marijuana Establishment or Medical Marijuana Treatment Center. A change of the licensee or ownership of the Marijuana Establishment or Medical Marijuana Treatment Center shall require submission of an application for a new special permit application or modification of the existing special permit to the Planning Board for approval.



4162B. Any Marijuana Establishment or Medical Marijuana Treatment Center permitted under this section shall be required to remove all material, plants, equipment and other paraphernalia within ninety (90) days of ceasing operations or immediately following the expiration, revocation, or voiding of its state license. A Marijuana Establishment or Medical Marijuana Treatment Center shall notify the Planning Board and Zoning Enforcement Officer in writing within forty-eight (48) hours of any cessation of operations or expiration, revocation, or voiding of any state license or registration.

4163. A special permit shall lapse if the applicant does not commence construction or operation of the proposed Marijuana Establishment or Medical Marijuana Treatment Facility within one (1) year of the special permit's issuance.

4170B. **Inspections.**

The City and its agents, including representatives from the Building, Health, Police, and Fire Departments, may conduct unannounced, unscheduled, periodic inspections of the premises of any Marijuana Establishment or Medical Marijuana Treatment Center on weekdays during normal business hours to determine the Marijuana Establishment's or Medical Marijuana Treatment Center's compliance with the requirements of state and local laws, regulations, licenses, and permits, including this section.

4180B. **Severability.**

If any provision of this Section 4100B is found to be invalid by a court of competent jurisdiction, the remainder of Section 4100B shall not be affected but shall remain in full force. The invalidity of any provision of Section 4100B shall not affect the validity of the remainder of the City's Zoning Ordinance.

**Section 2. Table of Uses**

The Table of Principal Use Regulations in Chapter 9 of the New Bedford Code of Ordinances, Comprehensive Zoning, is hereby amended by:

(a) Inserting the following in Section C. Commercial:

C. Commercial	RA	RB	RC	RAA	MUB	PB	IA	IB	IC	WI	KHTOD
32. Marijuana Retailer	N	N	N	N	N	N	PB	PB	PB	N	N

and

(b) Inserting the following in Section D. Industrial:

<b>D. Industrial</b>	<b>RA</b>	<b>RB</b>	<b>RC</b>	<b>RAA</b>	<b>MUB</b>	<b>PB</b>	<b>IA</b>	<b>IB</b>	<b>IC</b>	<b>WI</b>	<b>KHTOD</b>
19. Craft Marijuana Cooperative	N	N	N	N	N	N	PB	PB	PB	N	N
20. Independent Testing Laboratory	N	N	N	N	N	N	PB	PB	PB	N	N
21. Marijuana Cultivator	N	N	N	N	N	N	PB	PB	PB	N	N
22. Marijuana Product Manufacturer	N	N	N	N	N	N	PB	PB	PB	N	N
23. Marijuana Research Facility	N	N	N	N	N	N	PB	PB	PB	N	N
24. Medical Marijuana Treatment Center	N	N	N	N	N	N	PB	PB	PB	N	N

Section 3.

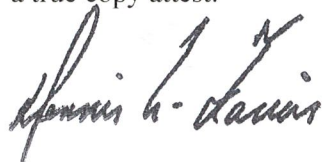
This ordinance shall take effect in accordance with the provisions of Chapter 40A of the General Laws.

**IN CITY COUNCIL**, June 14, 2018

Referred to the Committee on Ordinances and the Planning Board.

Dennis W. Farias, City Clerk

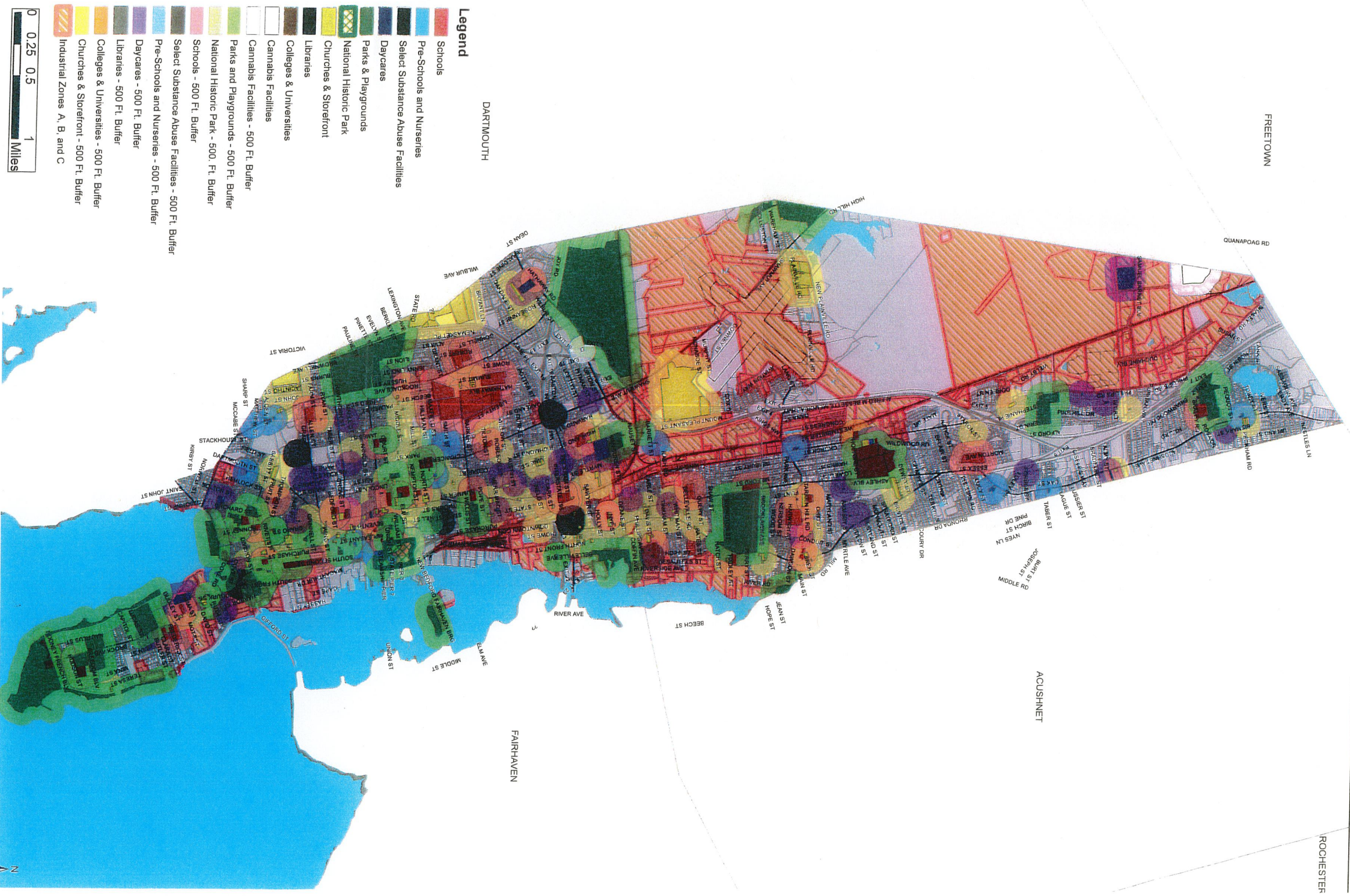
a true copy attest:



City Clerk



Map 5: Proposed 500 Ft. Buffers and Industrial Zones A, B, and C







**PATRICK J. SULLIVAN**  
**DIRECTOR**

*City of New Bedford*

**Department of Planning, Housing & Community Development**

133 William Street, New Bedford, Massachusetts 02740

Telephone: (508) 979.1488 Facsimile: (508) 979.1576

July 18, 2018

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

RE: PROPOSED ZONING ORDINANCE TEXT AMENDMENT  
MARIJUANA ESTABLISHMENTS AND MEDICAL MARIJUANA TREATMENT CENTERS

Dear Chairman Dunn,

This letter is to advise you that the Planning Board met on Wednesday, July 11, 2018 to discuss the proposal to amend the city's Zoning Ordinance Chapter 9, Comprehensive Zoning, by adding a new section: Section 4100B. Marijuana Establishments and Medical Marijuana Treatment Centers. The Planning Board sends a favorable recommendation for this proposal with comments noted herein.

Patrick Sullivan, Director of the Department of Planning, Housing & Community Development (DPHCD), City Councilor Ian Abreu and City Solicitor Mikaela McDermott each provided an overview of the proposed ordinance and state legislation related to marijuana establishments and licensing. These individuals explained to the Planning Board that the development of the proposed ordinance had been a collaborative process involving the City Council's Licensing and Zoning for Cannabis Committee as well as additional city departments. A GIS map displaying a single layer (red color) with all of the proposed buffers overlaying Industrial Zones A, B and C (green color) was presented during the hearing as well.

No one spoke in favor of the request nor asked to be recorded in favor of such. Several residents were recorded as being in opposition to ordinance as presented: Mr. Christian Smith (86 Calmut Street New Bedford, MA), Ms. Ericca Kennedy (192 N. Front Street New Bedford, MA), Mr. Jeff Pepi (170 Elm Street New Bedford, MA), Mr. Job Roach (319A Union Street New Bedford, MA), and Mr. Hans Doherty (319A Union Street New Bedford, MA). Those in opposition expressed concern relative to the proposed buffer zones limiting the potential number of locations available for marijuana establishments.

The Planning Board accepted documentation from Mr. Jeff Pepi on Economic Empowerment Licensing in Massachusetts. Ms. Ericca Kennedy also spoke in detail about Economic Empowerment Licenses available through the state's Cannabis Control Commission.

In the course of its review, Planning Board members deliberated three key elements of the proposal:

- The proposed ordinance amendments and the comments received during the public hearing. The board noted that the proposed zoning ordinance represents the first of its kind developed for the City relative to marijuana establishments. The Board described the proposal as cautious and conservative, an approach they considered favorable for a first-time ordinance which could be amended over time.
- The collaborative process. The Board acknowledged that the proposal was developed collaboratively and represented a consensus of a diverse committee.
- The proposed buffers. Planning Board members noted the concerns expressed by those in opposition regarding the breadth of buffers zones as well as information it received about Economic Empowerment Licensing.

After closing the public hearing and deliberating the requested ordinance, a motion was made in the affirmative to recommend the City Council consider amending City of New Bedford Zoning By-Laws, Chapter 9- Comprehensive Zoning, by adding a new Section 4100B. Marijuana Establishments and Medical Marijuana Treatment Centers. In so doing, the Planning Board requested that two items be sent with their endorsement to the City Council: information on the Economic Empowerment certification that the Planning Board received during the public hearing and the Planning Board's own comments that the buffer zones, appear to be, at first pass, a hardship for businesses trying to develop. The motion passed unanimously on a vote of 5-0.

Sincerely,



Kirsten Bryan  
Acting City Planner

encls. Economic Empowerment Certification  
Staff Report

cc. John Mitchell, Mayor  
Danny Romanowicz, Building Commissioner

Mickaela McDermott, City Solicitor  
Dennis Farias, City Clerk

? CannabisLicensing (CNB) ←  
to me  
5:13 PM View details

April 24, 2018

Dear Jeffrey Pepi,

Your application for Economic Empowerment priority certification has been approved. Your certification number is:

Sincerely,

The Cannabis Control  
Commission



#### **Local Control: Buffer Zones, Signage, and Transportation**

##### **Buffer Zone:**

Under state law, a marijuana establishment may not be located within 500 feet of a pre-existing public or private school providing education in kindergarten or any of grades 1 through 12. Municipalities may adopt an ordinance or bylaw to reduce that distance requirement.

##### **Signage:**

A municipality may regulate, by bylaw or ordinance, signage regarding marijuana-related uses, but the ordinance or bylaw may not impose a standard more restrictive than those applied to retail establishments selling alcoholic beverages within the municipality.

##### **Transportation:**

Municipalities are prohibited from barring the transportation of marijuana or marijuana products or adopting an ordinance or by-law that makes the transportation of marijuana or marijuana products unreasonably impracticable.

#### **Local Control: Bylaws & Ordinances**

The law allows, but does not require, municipalities to pass bylaws and ordinances governing the "time, place, and manner" of marijuana establishments (cultivators, retailers, manufacturers, testing labs, and any other licensed marijuana-related businesses) as well as businesses dealing with marijuana accessories. Such bylaws and ordinances may not be "unreasonably impracticable."

Under the definition in the law, this means that the local laws cannot be so difficult to comply with that they would subject licensees to unreasonable risk, or require such a high investment of risk, money, time or any other resource or asset, that a reasonably prudent businessperson would not operate a marijuana establishment.

Alternatively, a municipality may determine a proposed marijuana-related use falls under an existing use authorized by its bylaws or ordinances. For the purpose of understanding how to respond to a notification from the Commission that an application has been deemed to be complete, the Commission provides the following interpretation of the limits of local control.





## Summary of Equity Provisions

Under St. 2017, c.55, *An Act To Ensure Safe Access To Marijuana*, the Cannabis Control Commission (Commission) is required to ensure that people from communities that have been disproportionately harmed by marijuana law enforcement are included in the new legal marijuana industry. This handout summarizes Economic Empowerment Priority Review and the Social Equity Program as well as additional regulations regarding equity. The Commission filed its final regulations with the Secretary of State on March 9.

These programs were developed in response to evidence which demonstrates that certain populations, particularly Blacks and Latinos, have been disproportionately impacted by high rates of arrest and incarceration for marijuana and other drug crimes as a result of state and federal drug policy.<sup>1</sup> Criminalization has had long-term ill effects, not only on the individuals arrested and incarcerated, but on their families and communities.

### Economic Empowerment Priority Review for Applicants

St. 2017, c.55, *An Act To Ensure Safe Access To Marijuana*, requires the Commission to prioritize review and licensing decisions for applicants seeking retail, manufacturing, or cultivation licenses who are able to demonstrate experience in – or business practices that promote – economic empowerment in communities disproportionately impacted by high rates of arrest and incarceration for offenses under state and federal laws, including the Controlled Substances Act. As will be described in further detail below, the Commission has designated areas of disproportionate impact.

### **Definition:**

Priority Review will be granted to Economic Empowerment Applicants who demonstrate three of the following criteria:

- Majority of ownership belongs to people who have lived in *areas of disproportionate impact* for 5 of the last 10 years;
- Majority of ownership has held one or more previous positions where the primary population served were disproportionately impacted, or where primary responsibilities included economic education, resource provision or empowerment to disproportionately impacted individuals or communities;
- At least 51% of current employees/sub-contractors reside in *areas of disproportionate impact* and will increase to 75% by first day of business;
- At least 51% of employees or sub-contractors have drug-related CORI, but are otherwise legally employable in a cannabis-related enterprise;
- A majority of the ownership is made up of individuals from Black, African American, Hispanic or Latino descent;
- Owners can demonstrate significant past experience in or business practices that promote economic empowerment in areas of disproportionate impact.

To ensure an equitable distribution of economic empowerment and registered marijuana dispensary licenses, both of which receive priority review, the Commission will consider on an alternating basis (1) economic empowerment applications and (2) registered marijuana dispensaries that are applying for an adult-use license.

After receiving priority review, priority applicants are subject to the same requirements as general applicants.

### Social Equity Program for Applicants

#### **Requirement:**

State law requires the Commission to adopt procedures and policies to promote and encourage full participation in the marijuana industry by people from communities that have been disproportionately harmed by marijuana prohibition and enforcement and to positively impact those communities.

The Social Equity Program has several goals to decrease the disparities in life outcomes for these individuals and improve the quality of life in areas of disproportionate impact: reduce barriers to entry in the commercial marijuana industry; provide professional and technical services and mentoring for businesses facing systemic barriers; and promote sustainable, socially and economically reparative practices in the commercial marijuana industry in Massachusetts.

#### **Eligibility:**

Applicants or licensees are eligible for the social equity program if they demonstrate at least one of the following criteria:

- They have resided in an *area of disproportionate impact* for at least 5 of the past 10 years;
- They have a past drug conviction and they have been residents of Massachusetts for at least the preceding 12 months; or
- They have been married to or are the child of a person with a drug conviction and they have been residents of Massachusetts for at least the preceding 12 months.

#### **Benefits:**

Qualifying applicants and licensees can receive training and technical assistance in the following areas:

- Management, recruitment and employee trainings;
- Accounting and sales forecasting;
- Tax prediction and compliance;
- Legal compliance;
- Business plan creation and operational development;
- Marijuana industry best practices; and

- Assistance with identifying or raising funds or capital.

### **Outreach:**

The Commission has allocated significant funds to ensure people from underrepresented communities have opportunities to learn about Economic Empowerment Priority Review and the Social Equity Program. The Commission will partner with organizations throughout the Commonwealth to create programs for outreach, technical assistance, workforce development and skills-based training programs. Equitable employment and ownership opportunities for minorities, women, veterans, and low-income individuals also will be established. Educational materials will be disseminated in multiple languages online through the Commission's website and through in-person trainings.

### **Areas of Disproportionate Impact**

Based primarily on arrest rates, the Commission has designated 29 cities as *areas of disproportionate impact*. Cities with a population of more than 100,000 people, such as Springfield and Worcester, will be subdivided to reflect that only certain neighborhoods qualify as *areas of disproportionate impact*.

The 29 areas are Abington; Amherst; Boston (certain neighborhoods to be designated by the Commission); Braintree; Brockton; Chelsea; Fall River; Fitchburg; Greenfield; Haverhill; Holyoke; Lowell (certain neighborhoods to be designated by the Commission); Lynn; Mansfield; Monson; New Bedford; North Adams; Pittsfield; Quincy; Randolph; Revere; Southbridge; Spencer; Springfield (certain neighborhoods to be designated by the Commission); Taunton; Walpole; Wareham; West Springfield; and Worcester (certain neighborhoods to be designated by the Commission).

The Commission will establish a process for revisiting the defined areas of disproportionate impact on an ongoing basis.

In order to qualify for the Social Equity Program based on residence in an area of disproportionate impact, a person's income may not exceed 400% of federal poverty level.

### **Inclusion of Under-Represented Groups**

As part of the Commission's ongoing commitment to promote and encourage broad participation in the regulated cannabis industry, applicants are required to submit, in support of the general suitability requirements certain plans:

- a diversity plan to promote racial and gender equity and include veterans and people with disabilities; and
- a plan for how the business will positively impact communities disproportionately impacted by high rates of arrest and incarceration for drug offenses.

Citizen Review Committee

The Commission approved the appointment of a nine-member review committee in January 2018, which is comprised of people from impacted communities. The committee will make recommendations regarding the equity program and the tax revenue targeted toward community reinvestment under state law.

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Provine, Doris Marie. "Race and Inequality in the War on Drugs," *Annual Review of Law and Social Science*, 2011 7:1, 41-60 <<http://www.annualreviews.org/doi/10.1146/annurev-lawsoesci-102510-105445>>.

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Rothwell, Jonathan. "How the War on Drugs Damages Black Social Mobility," Brookings. September 30, 2014 <<https://www.brookings.edu/blog/social-mobility-memos/2014/09/30/how-the-war-on-drugs-damages-black-social-mobility/>>.



## City of New Bedford

### Department of Planning, Housing & Community Development

608 Pleasant St, New Bedford, Massachusetts 02740

Telephone: (508) 979.1500 Facsimile: (508) 979.1575

PATRICK J. SULLIVAN

DIRECTOR

## STAFF REPORT

REPORT DATE

July 5, 2018

PLANNING BOARD MEETING

July 11, 2018

### ZONING FOR MARIJUANA ESTABLISHMENTS AND MEDICAL MARIJUANA TREATMENTS CENTERS

**Proposal:** Adoption by City Council of an ordinance amendment to Chapter 9, Comprehensive Zoning, Section 4900A, inserting new sections (Sections 4110B 4180B) that would allow state-licensed marijuana establishments and medical marijuana treatment centers to operate in the City of New Bedford in accordance with applicable state laws and regulations. The Planning Board's recommendation in this matter is requested by the Council.

**Overview:** In the November 2016 general election, Massachusetts voters approved a law regulating the cultivation, processing, distribution, possession and use of marijuana for recreational purposes. Regulations governing the licensing of commercial activities for such purposes will be generated by the Commonwealth's "Cannabis Control Commission" (CCC). Cities have the right to enact zoning bylaws for themselves to regulate the time, place and manner of recreational marijuana under the existing law. However, there is no opportunity for cities like New Bedford to weigh in with the CCC on the awarding of licenses, if the applicant is in compliance with local zoning.

In 2017, the New Bedford City Council established a special Committee on Licensing and Zoning for Cannabis. The Committee has been working with various City Departments in developing zoning bylaws to regulate the location and permitting process for cultivation, manufacturing, testing, and retail sale of marijuana in New Bedford.

In 2017, the state established, and Governor Baker signed, legislation governing Recreational Marijuana into law as Chapter 55 of the Acts of 2017 and codified at Mass General Laws Part I, Title XV, Chapter 94 G.

At its April 12, 2017 meeting, the Planning Board was asked to consider a temporary moratorium to afford the city time to develop the proposal before you now. In a unanimous vote, the Planning Board voted *"to recommend to the City Council that the City of New Bedford establish a temporary moratorium on recreational marijuana establishments."* Subsequent to this recommendation, however, the City Council did not vote to impose the temporary moratorium. In light of this, the City Council Special Committee on Licensing and Zoning for Cannabis began meeting to discuss the development of regulations.

On December 21, 2017, the CCC filed a first draft of regulations for the purpose of implementing the legal adult use of marijuana. The draft, 935 CMR 500.000, was finalized on March 23, 2018 and established procedures to begin licensing marijuana establishments (including marijuana retailers) as early as June 2018.

At its March 18, 2018 meeting, the Planning Board was asked to again consider a moratorium. In a unanimous vote, the Planning Board voted *“to recommend to the City Council that the City of New Bedford establish a temporary moratorium on recreational marijuana establishments.”* This time the moratorium was favorably acted upon by the City Council and as a result, the moratorium will be in place until September 30, 2018 or until such time an ordinance is adopted.

#### **Ordinance Summary**

The City of New Bedford’s zoning ordinance does not specifically address non-medical marijuana land uses nor does it provide for facilities engaged in the production and/or sale of recreational marijuana. Because of this, and in light of the impending reality that such facilities may look to locate in New Bedford, it is important to decide the “where, how, and to what extent” such facilities will be allowed within the city.

The proposed ordinance has been drafted to allow state-licensed marijuana establishments and medical marijuana treatment centers to operate in the City of New Bedford in accordance with applicable state laws and regulations. The ordinance is intended to do so by:

- ▣ Minimizing the adverse impacts that marijuana establishments and medical marijuana treatment centers might have on adjacent properties, residential neighborhoods, dwellings, schools, substance abuse treatment centers, churches, and other sensitive land uses;
- ▣ Providing standards for the placement, design, siting, safety, security, and monitoring.
- ▣ The city, in accordance with state law, will adopt the option limiting the number of marijuana retailers to no less than twenty (20%) of the number of "off-premises" alcohol licenses allotted to the City which, would limit the number of marijuana establishments to eight (8).

#### **Proposed Location Requirements and Restrictions**

Marijuana Establishments and Medical Marijuana Treatment Centers shall only be located in Industrial Districts A (IA), B (IB), and C (IC). Under the proposed ordinance, no Marijuana Establishment or Medical Marijuana Treatment Center shall be located within 500 feet of any public or private school providing education in kindergarten or any grades 1 through 12, licensed daycare center, nursery school, preschool, building operated as part of the campus of any private or public institution of higher learning, playground, park, public library, church, substance abuse treatment facility, marijuana establishment, or medical marijuana treatment center; or within 200 feet of any dwelling or dwelling unit.

#### **Proposed Operational Requirements and Restrictions**

The draft ordinance stipulates that hours of operation for any marijuana establishment or medical marijuana treatment center dispensing to the public cannot be open between the hours of 7 p.m. and 10 a.m., Monday –Sunday. Drive-through services will not be allowed, nor will on-site consumption, including at social clubs where marijuana is not sold to consumers on site, and no outside storage. In addition, the proposed ordinance provides that proper ventilation be developed to ensure that no odor from marijuana or its processing can be detected by a person with an unimpaired sense of smell. Similarly, the proposed draft cites that no pesticides, insecticides, or other chemicals be dispersed into atmosphere.

#### **Special Permit**

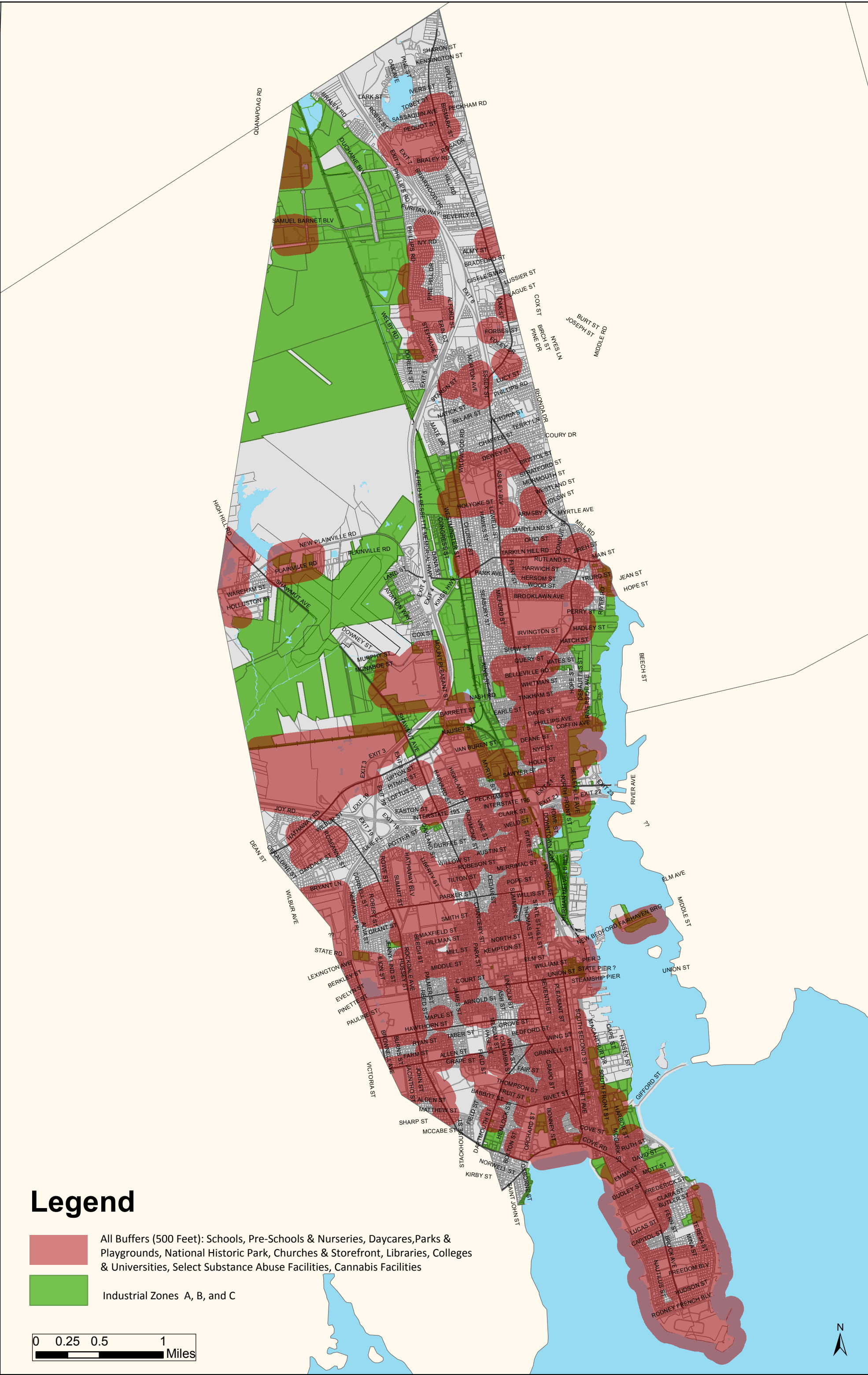
In order to operate, Marijuana Establishments and Medical Marijuana Treatment Centers must first obtain a Special Permit from the Planning Board which would act as the Special Permit Granting Authority for this use. Special Permits may be conditioned upon on the proposer’s site and operational plans, traffic and transportation analysis plans, security plans, odor control plans, emergency response plan, and the proposed host community agreement.

**For Board Consideration**

The introduction of the sale of recreational marijuana has been decided by the Commonwealth's electorate; its governance relative to awarding licensing for recreational marijuana establishments will be determined by the CCC. Because it is the City of New Bedford's responsibility to impose reasonable safeguards regulating the time, place and manner of such establishments within the city, it is critical that New Bedford adopt a strong ordinance to ensure clarity and consistency. The Planning Board is now responsible for offering its recommendation to this end to the City Council.



## Map 6: All Proposed 500 Ft. Buffers and Industrial Zones A, B, and C





Item Title:

WRITTEN MOTION re Rezone Request - South End City Block

Item Detail:

5. PUBLIC HEARING on a WRITTEN MOTION, Councillor Lopes requesting that the Committee on Ordinances and the Planning Board consider rezoning the following lots: Map 18 Lot 1 – 438 Dartmouth Street; Map 18 Lot 69 - 105 Rockdale Avenue; Map 18 Lot 74 - 110 Jenkins Street; Map 18 Lot 84 - WS Hemlock Street; Map 18 Lot 102 - WS Hemlock Street; Map 18 Lot 103 - 470 Dartmouth Street; Map 18 Lot 105 - 137-141 Rockdale Avenue; Map 18 Lot 107 – 446 Dartmouth Street; Map 18 Lot 108 – 119 Rockdale Avenue; Map 18 Lot 109 – 117 Rockdale Avenue; Map 18 Lot 112 – 109 Rockdale Avenue; Map 18 Lot 113 – 123 Rockdale Avenue and Map 18 Lot 115 – 404 Dartmouth Street, from Industrial B to MIXED – USE BUSINESS. All lots described fall within a single city block predominantly populated by retail establishments, the block is bounded by Dartmouth Street (to the west), Jenkins Street (to the north), Hemlock Street (to the East), and Rockdale Avenue (to the south.) and this request would bring this block into compliance with the City of New Bedford's Master Plan 2020. (To be Referred to the Committee on Ordinances and the Planning Board) (Ref'd 6/14/18) (Duly advertised in The Standard-Times on Monday, July 16, 2018 and Monday, July 23, 2018.)

5a. COMMUNICATION, Acting City Planner Kirsten Bryan to Councillor Hugh Dunn, Chairman, Committee on Ordinances, advising that the Planning Board held a public hearing on July 11, 2018 to discuss the proposed request for the rezoning of the following lots: Map 18 Lot 1 – 438 Dartmouth Street; Map 18 Lot 69 - 105 Rockdale Avenue; Map 18 Lot 74 - 110 Jenkins Street; Map 18 Lot 84 - WS Hemlock Street; Map 18 Lot 102 - WS Hemlock Street; Map 18 Lot 103 - 470 Dartmouth Street; Map 18 Lot 105 - 137-141 Rockdale Avenue; Map 18 Lot 107 – 446 Dartmouth Street; Map 18 Lot 108 – 119 Rockdale Avenue; Map 18 Lot 109 – 117 Rockdale Avenue; Map 18 Lot 112 – 109 Rockdale Avenue; Map 18 Lot 113 – 123 Rockdale Avenue and Map 18 Lot 115 – 404 Dartmouth Street from the Industrial B (IB) zone to a Mixed Use Business (MUB) zone; the Planning Board voted to send a **FAVORABLE RECOMMENDATION**, recommending that the City Council approve the rezoning of the Dartmouth Street lots, changing the zoning of the entire block as noted from an IB zone to an MUB zone, as proposed. (Ref'd 7/18/18)

Additional Information:

ATTACHMENTS:

Description	Type
❑ 5. WM re Rezone Req - South End City Block	Cover Memo
❑ 5a. COMM re Planning Board Recomm - S. End City Block Rezone Req	Cover Memo



# CITY OF NEW BEDFORD

## CITY COUNCIL

June 14, 2018

### WRITTEN MOTION

Requesting that the Committee on Ordinances and the Planning Board consider rezoning the following lots:

Map 18 Lot 1 – 438 Dartmouth Street  
Map 18 Lot 69 - 105 Rockdale Avenue  
Map 18 Lot 74 - 110 Jenkins Street  
Map 18 Lot 84 - WS Hemlock Street  
Map 18 Lot 102 - WS Hemlock Street  
Map 18 Lot 103 - 470 Dartmouth Street  
Map 18 Lot 105 - 137 – 141 Rockdale Avenue  
Map 18 Lot 107 – 446 Dartmouth Street  
Map 18 Lot 108 – 119 Rockdale Avenue  
Map 18 Lot 109 – 117 Rockdale Avenue  
Map 18 Lot 112 – 109 Rockdale Avenue  
Map 18 Lot 113 – 123 Rockdale Avenue  
Map 18 Lot 115 – 404 Dartmouth Street

From Industrial B to MIXED – USE BUSINESS. All lots described fall within a single city block predominantly populated by retail establishments. The block is bounded by Dartmouth Street (to the west), Jenkins Street (to the north), Hemlock Street (to the East), and Rockdale Avenue (to the south.)

This request would bring this block into compliance with the City of New Bedford's Master Plan 2020. (To be referred to the Committee on Ordinances and the Planning Board)

Joseph P. Lopes, Councillor Ward Six

IN CITY COUNCIL, June 14, 2018

Referred to the Committee on Ordinances and the Planning Board.

Dennis W. Farias, City Clerk

a true copy attest:

City Clerk





**PATRICK J. SULLIVAN**  
**DIRECTOR**

*City of New Bedford*  
**Department of Planning, Housing & Community Development**  
133 William Street, New Bedford, Massachusetts 02740  
Telephone: (508) 979.1488 Facsimile: (508) 979.1576

July 18, 2018

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

RE: PROPOSED REZONING REQUEST  
CASE #18-33 DARTMOUTH STREET BLOCK

438 Dartmouth Street (Map: 18, Lot: 1)  
105 Rockdale Avenue (Map: 18, Lot: 69)  
110 Jenkins Street (Map: 18, Lot: 74)  
WS Hemlock Street (Map: 18, Lot: 84)  
WS Hemlock Street (Map: 18 Lot: 102)  
470 Dartmouth Street (Map: 18 Lot: 103)  
137-141 Rockdale Avenue (Map: 18 Lot: 105)

446 Dartmouth Street (Map: 18 Lot: 107)  
119 Rockdale Avenue (Map: 18, Lot: 108)  
117 Rockdale Avenue (Map: 18, Lot: 109)  
109 Rockdale Avenue (Map: 18, Lot: 112)  
123 Rockdale Avenue (Map: 18, Lot: 113)  
404 Dartmouth Street (Map: 18, Lot: 115)

Dear Chairman Dunn:

This is to advise you that the Planning Board met on Wednesday, July 11, 2018 to discuss the proposed request for the rezoning of the above-captioned lots from the Industrial B (IB) zone to a Mixed Use Business (MUB) zone. The Planning Board sends a favorable recommendation for this proposal.

Councilor Lopes represented the proposed zoning request before the Planning Board and emphasized that none of the properties in the subject area are currently operating in a manner consistent with the industrial zoning. Councilor Lopes indicated that the City Master Plan 2020 called for the rezoning of the subject area, and stated that all existing properties in the area would be in conformance in the proposed Mixed Use Business zoned district.

As it does with all rezoning requests, the Planning Board's review included consideration of the following specific criteria so as to ensure its action is consistent with existing case law: uniformity, consistency, surroundings, fiscal impact and discriminating benefit.

It was noted in the course of the public hearing that removing the subject area from an industrial zoning designation could be seen as an effort to remove these parcels from being considered as a viable location that would qualify under a pending ordinance related to marijuana that prohibits such use within an MUB zone. However, it was clarified that in light of the Master Plan's identification of the subject area as being appropriate to rezone as MUB, the change from IB to MUB was part of the city's expressed vision for this gateway into the city.

In addition to its consideration of the Master Plan, the Board's finding that integrating mixed-use in the subject area would promote sustainable development in the area supported their ultimate recommendation for endorsement.

Although no one was present from the public speaking in favor of the rezoning, a letter of support from Attorney Christopher Saunders on behalf of Saunders and Saunders, LLC., was read into the record by the Chair. Mr. Jeff Pepi of 170 Elm Street New Bedford, MA spoke in opposition to the rezoning, asking the board to consider the "potential areas... that are actually available for dispensaries or marijuana establishments."

After closing the public hearing and deliberating the requested rezoning, a motion was made to recommend that the City Council approve the rezoning of the Dartmouth Street lots, changing the zoning of the entire block as noted from an IB zone to an MUB zone, as the request was deemed consistent with the city's master plan, would generate an economic benefit to the city, and would create no known detriment. Said motion passed unanimously on a vote of 5-0.

Sincerely,



Kirsten Bryan  
Acting City Planner

encl. Staff Report

cc. John Mitchell, Mayor  
Danny Romanowicz, Building Commissioner

Mickaela McDermott, City Solicitor  
Dennis Farias, City Clerk



## *City of New Bedford*

### Department of Planning, Housing & Community Development

608 Pleasant St, New Bedford, Massachusetts 02740  
Telephone: (508) 979.1500 Facsimile: (508) 979.1575

**PATRICK J. SULLIVAN**  
**DIRECTOR**

## STAFF REPORT

**REPORT DATE**  
June 29, 2018

**PLANNING BOARD MEETING**  
July 11, 2018

**Case # 18-33: REZONING**

Dartmouth Street,  
Jenkins Street,  
Hemlock Street,  
Rockdale Ave Block

**Petitioner:**

City Councilor  
Joseph P. Lopes  
(Ward 6)  
133 William Street,  
Room 215  
New Bedford, MA



**Overview of Request:**

The Planning Board reviews rezoning petitions as standard practice and provides a recommendation based on their findings to the City Council Committee on Ordinances.

This case requests the rezoning of an area comprised of thirteen (13) parcels of land largely constituting one city block from its existing designation as an Industrial B (IB) zoning district to a Mixed-Use Business (MUB) zoning district. The request has been put forth by New Bedford City Councilor Joseph P. Lopes.

**Background:**

In March 2016, Councilor Lopes requested the rezoning of one lot within the existing block perimeter (458 Dartmouth Street, Map 18, Lot 106) from Industrial B (IB) to Mixed Use Business (MUB). The Planning Board reviewed the case and, having weighed its merits, recommended that City Council approve the rezoning of 458 Dartmouth Street, "as the request was deemed consistent with the city's master plan, would generate an economic benefit to the city and would create no known detriment." It was noted at the time of this 2016 review that the Planning Board would, in fact, like to see the entirety of the block changed from industrial to mixed use business zoning to reflect the Master Plan.

Subsequent to that favorable recommendation, the rezoning request was eventually approved by the New Bedford City Council in April 2016 and signed into law by the Mayor the following month on May 19, 2016. As a result, the parcel at 458 Dartmouth Street is the sole parcel on the city block that is already zoned MUB, while the remaining parcels are all zoned IB.



Councilor Lopes is now returning with a request for rezoning the entirety of the noted city block in order to provide greater compatibility between existing uses and allowed uses under the city’s zoning ordinance and to ensure greater consistency with the city’s Master Plan 2020.

**Existing Conditions:** The subject area contains roughly 12.5± acres and is comprised of thirteen parcels, bounded by Dartmouth Street to the west, Jenkins Street to the north, Hemlock Street to the east, and Rockdale Avenue to the south.

Of the fourteen (14) parcels which comprise the entire city block, thirteen (13) are zoned Industrial B (IB) while the remaining parcel, 458 Dartmouth Street (Map 18 Lot 106), was rezoned from IB to MUB in 2016 as noted in the previous section. The parcels proposed for rezoning are provided in Table 1.

With the exception of one multi-family dwelling, the remaining uses currently present within the subject area largely reflect those uses one would expect within a mixed use zone. Those existing uses include:

- Restaurant
- Retail plaza
- Auto repair
- Auto parts store
- Medical offices
- Auto sales and service
- Commercial warehouse
- Supermarket
- Gas station
- Fraternal organization

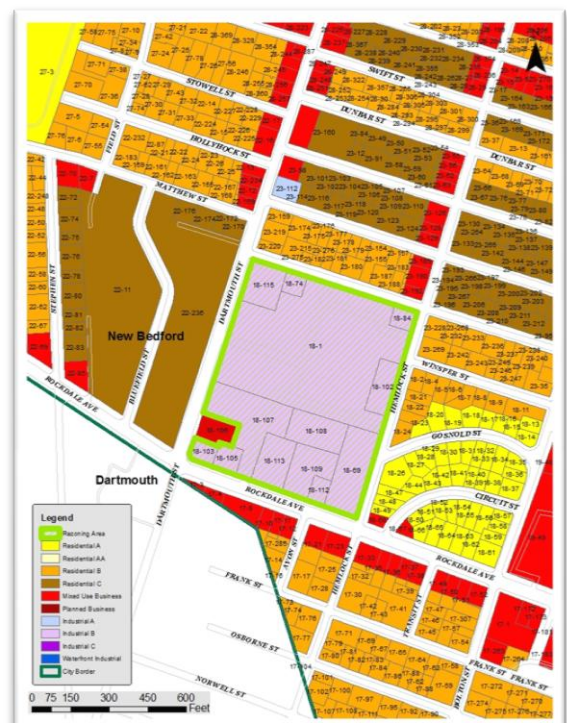
These uses often share unmarked/indiscernible property boundaries between themselves. Circulation of both vehicle and pedestrians are sometimes challenging throughout the multiple lots given both traffic volumes and the challenge of multiple curb cuts with which to access these parcels off of the four perimeter roadways.

The entirety of this city block is a prominent commercial hub that directly abuts other commercial entities to the south and a surrounding neighborhood which is densely populated on three sides—west, north and south. Directly west across Dartmouth Street is Blue Meadows, a 150-unit New Bedford Housing Authority Property and a mixture of residential properties (single-, two-, and multi-family dwellings) are located north across Jenkins Street and east across Hemlock Street. The heavily traveled Rockdale Avenue corridor, itself, includes a mixture of business and residential properties. Abutting and nearby commercial properties include a convenience store with gas station, an auto-center, fast food restaurants, restaurants, and professional offices. The Southeastern Regional Transit Authority (SRTA) provides bus service to the area.

As articulated in the Master Plan 2020, the Dartmouth Street corridor that serves as the subject site’s westernmost

ADDRESS	MAP/LOT
438 Dartmouth Street	Map 18, Lot 1
105 Rockdale Avenue	Map 18, Lot 69
110 Jenkins Street	Map 18, Lot 74
WS Hemlock Street	Map 18, Lot 84
WS Hemlock Street	Map 18, Lot 102
470 Dartmouth Street	Map 18, Lot 103
137 - 141 Rockdale Avenue	Map 18, Lot 105
446 Dartmouth Street	Map 18, Lot 107
119 Rockdale Avenue	Map 18, Lot 108
117 Rockdale Avenue	Map 18, Lot 109
109 Rockdale Avenue	Map 18, Lot 112
123 Rockdale Avenue	Map 18, Lot 113
404 Dartmouth Street	Map 18, Lot 115

Table 1. Individual Parcel Listing



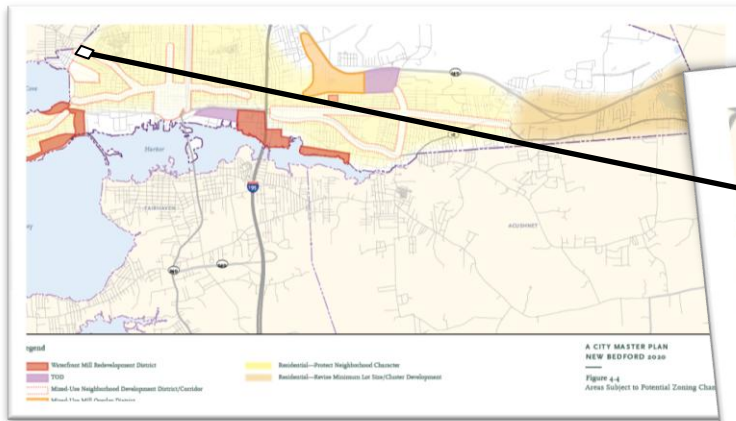
boundary serves as an important gateway into the city from the Town of Dartmouth to the south. Uses permitted by-right in each of those zones are, according to the city's zoning ordinance, (Appendix A-Table of Principal Use Regulations), as follows:

<b>EXISTING:</b>	
<b>INDUSTRIAL BUSINESS DISTRICT</b>	
Group residence	BA
Assisted/Independent living facility	BA
Nursing or convalescent home	BA
Nonexempt agricultural use	BA
Nonexempt educational use	BA
Animal clinic /hospital/ancillary animal boarding	BA
Adult entertainment establishment	CC
Motel, hotel or inn	Y
Retail stores and services not elsewhere set forth	Y
Motor vehicle sales/rental	CC
Motor vehicle general repairs	CC
Motor vehicle body repairs	CC
Motor vehicle light service	CC
Wireless Communications Facilities	
Convention centers	
Manufacturing	Y
Light manufacturing	Y
Research, devt or testing laboratories/facilities	Y
Biotechnology Facilities	Y
Medical Devices Manufacturing	Y
Wholesale/ warehouse/self-storage/distrib facil.	Y
Transportation terminal	Y
Business engaged in sale/distribution/storage of grain, petroleum products, building materials/industrial machinery	CC
Contractor's yard	Y
Batch and asphalt concrete plants	CC

<b>PROPOSED<sup>1</sup>:</b>	
<b>MIXED USE BUSINESS DISTRICT</b>	
Single family dwelling	Y
Two family dwelling	Y
Multi family dwelling	Y
Boarding house	BA
Group residence	BA
Assisted/Independent living facility	BA
Nursing or convalescent home	BA
Animals or head of poultry.	Y
Cemeteries	Y
Hospital	Y
Nonexempt agricultural use	BA
Nonexempt educational use	Y
Animal clinic / hospital/ancillary animal boarding	SP
Adult day care	BA
Family day care	BA
Large family day care	BA
Club/lodge, nonprofit	CC
Funeral home	BA
Adult entertainment establishment	CC
Bed & Breakfast	BA
Motel/hotel/inn	Y
Retail stores/services not set forth elsewhere	Y
Motor vehicle sales/rental	CC
Motor vehicle general repairs	CC
Motor vehicle light service	CC
Restaurant	Y
Restaurant, fast food	BA
Business or professional office	Y
Medical offices, center or clinic	BA
Bank, financial agency	Y
Indoor commercial recreation	Y
Outdoor commercial recreation	BA
Wireless Communications Facilities	PB
Theaters and auditoriums	PB
Convention centers	PB
Research, devt or testing laboratories/facilities	Y

<sup>1</sup> Highlighted uses would be newly permitted if the proposed rezoning were to be adopted.





### Master Plan.2020

The Master Plan, produced in 2010, called for the immediate update and re-codification of the city's zoning code to reflect the city's vision as articulated in that plan. As a part of that plan, the Master Plan.2020 includes a figure<sup>2</sup> depicting areas subject to potential zoning changes (shown above). It is interesting to note that the area specific to this requested zoning change is identified in that map as being, "Mixed-Use Neighborhood Development District/Corridor," effectively serving as the gateway to this Dartmouth Street corridor.

Unfortunately, no such wholesale updates to the city's zoning map nor zoning code have been made since the release of the master plan. Had they been done, today's zoning map may have shown the subject area entirely located in a mixed use business zone, as is the intent with this pending application.

The Planning Board may wish to recall that its own recommendation related to the 2016 rezoning request of 458 Dartmouth Street (Map 18 Lot 106) from IB to MUB was favorable and seen as a precursor to such broader zoning changes for the entire city block in order to bring greater flexibility of use and enhanced consistency with the master plan.

In light of this vision, the extent to which commercial uses largely occupy the subject area where once stood industrial uses, the stated intent of the city's master plan and the Planning Board's own review of a portion of the city block in 2016, the proposal to rezone the area is consistent with the master plan's goal of establishing a sound foundation for further growth that expands workforce opportunities, improves the pedestrian walkability of the neighborhood, and communicates a positive message for small business development.

### Input from Other City Departments:

The rezoning request was distributed to City Clerk, City Solicitor, Health Department, Inspectional Services, Engineering, Public Infrastructure, Conservation Commission, Fire Department and School Department. Although no comments have been received as of the production date of these Planning Staff Comments, any such comments subsequently received will be provided at the Planning Board's public hearing.

<sup>2</sup> A City Master Plan: New Bedford 2020 Figure 4.4 Page 50

### For Board Member Consideration<sup>3</sup>:

#### MERITS

This particular request seeks to rezone the subject area from Industrial B (IB) to Mixed Use Business (MUB). Despite its industrial zoning, the entire city block and corridor of Rockdale Avenue is predominantly retail and commercial uses. By contrasting the existing zoning designation with what is actually happening in the zone, it is readily apparent that a significant shift has occurred over the years that have effectively *transformed* the once industrialized area to now one which is a neighborhood retail hub.

Unfortunately in the course of this shift, the City of New Bedford has not yet moved to rezone the entire block—until now. As a result, nonconformities abound and existing retail and other MUB-consistent uses are left to constantly struggle against the backdrop of use, dimensional and/or parking requirements that are incongruent with the very nature of their businesses.

Any business (or the residential property) looking to sell within this city block will be faced with having to try and convince a potential buyer that the underlying industrial zoning will not impair or negatively affect their future use. However, because of the existing zoning, the subject building/site are non-conforming in use and cannot, according to the Zoning Enforcement Officer, be “expanded, extended, or remodeled to an extent which triggers a violation of Chapter 9 Comprehensive Zoning Section 2200 Use Regulations.” Changing the zone would broaden the possibilities for this block and the individual sites that constitute the subject area, bringing them in line with the kind of neighborhood business uses reflective of what exists and what is envisioned by the master plan.

#### CONCERNS

If the rezoning was to be adopted, seven land uses that are currently allowed in IB zoning districts [manufacturing; light manufacturing; biotech facilities; medical device manufacturing; whole sale, warehouse, self-storage; transportation terminal; and motor vehicle body repairs] would be prohibited under a new MUB zoning district.

This, in and of itself, is not necessarily a bad thing but it does present changes in the kinds of uses that would be allowed by right within this city block.

#### Standards for Evaluating Rezoning Requests

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

- Uniformity: the extent to which the zoning change would resemble the surrounding zoning;
- Consistency: whether or not 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; and
- Discriminating Benefit: an assessment of 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.

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#### Attachments:

1. Written Motion by City Councilor (Ward 6) Joseph P. Lopes
2. Subject Area Property Listing

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<sup>3</sup> NOTE: The U-Haul self-storage facility at 105 Rockdale Avenue (Map 18 Lot 69) would become a grandfathered, existing non-conforming use in the zoning district as a result of the proposed zoning change. Dartmouth Tire at 404 Dartmouth Street (Map 18 Lot 115) would still remain conforming as is categorized as motor vehicle general repairs and motor vehicle light repairs, both allowed uses in MUB.

Planning Board

**ATTACHMENT #1**  
Written Motion for City Council



**CITY OF NEW BEDFORD**

**CITY COUNCIL**

June 14, 2018

**WRITTEN MOTION**

Requesting that the Committee on Ordinances and the Planning Board consider rezoning the following lots:

Map 18 Lot 1 – 438 Dartmouth Street  
Map 18 Lot 69 - 105 Rockdale Avenue  
Map 18 Lot 74 - 110 Jenkins Street  
Map 18 Lot 84 - WS Hemlock Street  
Map 18 Lot 102 - WS Hemlock Street  
Map 18 Lot 103 - 470 Dartmouth Street  
Map 18 Lot 105 - 137 – 141 Rockdale Avenue  
Map 18 Lot 107 – 446 Dartmouth Street  
Map 18 Lot 108 – 119 Rockdale Avenue  
Map 18 Lot 109 – 117 Rockdale Avenue  
Map 18 Lot 112 – 109 Rockdale Avenue  
Map 18 Lot 113 – 123 Rockdale Avenue  
Map 18 Lot 115 – 404 Dartmouth Street

From Industrial B to MIXED – USE BUSINESS. All lots described fall within a single city block predominantly populated by retail establishments. The block is bounded by Dartmouth Street (to the west), Jenkins Street (to the north), Hemlock Street (to the East), and Rockdale Avenue (to the south.)

This request would bring this block into compliance with the City of New Bedford's Master Plan 2020. (To be referred to the Committee on Ordinances and the Planning Board)

Joseph P. Lopes, Councillor Ward Six

**IN CITY COUNCIL, June 14, 2018**

Referred to the Committee on Ordinances and the Planning Board.

Dennis W. Farias, City Clerk

a true copy attest:

A handwritten signature in black ink, appearing to read "Dennis W. Farias".

City Clerk

**ATTACHMENT #2**  
Subject Area Property Listing

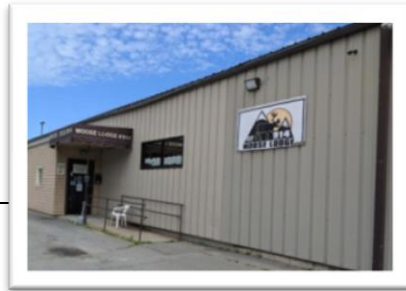


**446 Dartmouth Street**

Retail plaza: Jay's wine & Spirits,  
Rent-a-Center, Bush Cleaners

Map 18, Lot 107

Yale New Bedford Trust  
Paprin Yale I



**119 Rockdale Avenue**

**Moose Lodge**

Map 18, Lot 108

Loyal Order of the Moose Inc. New  
Bedford Lodge No 914



**117 Rockdale Avenue**

**Auto Zone**

Map 18, Lot 109

Auto Zone Inc. #3229



**109 Rockdale Avenue**

**Domino's Pizza**

Map 18, Lot 112

109 Rockdale Realty Trust  
Nelson Hockert Lotz, Trustee



**123 Rockdale Avenue**

**Torman Chiropractic**

Map 18, Lot 113

Torman Family Realty LLC



**404 Dartmouth Street**

**Dartmouth Tire**

Map 18, Lot 115

404 Dartmouth Street Realty LLC



**438 Dartmouth Street**

**Stop & Shop**

Map 18, Lot 1

Yale New Bedford Trust  
Paprin Yale I



**105 Rockdale Avenue**

**U-Haul Storage**

Map 18, Lot 69

AREC 21 LLC



**110 Jenkins Street**

**NO PHOTO  
REAR OF BUILDING**

**WS Hemlock Street (2 lots)**



**470 Dartmouth Street**



**137 – 141 Rockdale Ave**

Three Family Dwelling	<b>Rear of Stop &amp; Shop</b>	JN Phillips Glass)	Felicio Franco Hair and P&K Nails
Map 18, Lot 74	Map 18, Lot 84 Map 18, Lot 102	Map 18, Lot 103	Map 18, Lot 105
Gary J. Sarmento	Yale New Bedford Trust Paprin Yale I	470 Dartmouth Street LLC	Felicio Franco



Item Title:  
Accessibility Statement

Item Detail:

***In accordance with the Americans with Disabilities Act (ADA), if any accommodations are needed, please contact the Clerk of Committees Office at 508-979-1482. Requests should be made as soon as possible but at least 48 hours prior to the scheduled meeting.***

Additional Information: