

CITY COUNCIL CALENDAR

Thursday, January 14, 2021

NOTE:

THIS MEETING IS BEING HELD REMOTELY IN ACCORDANCE WITH THE GOVERNOR OF MASSACHUSETTS' MARCH 12, 2020 ORDER SUSPENDING CERTAIN PROVISIONS OF THE OPEN MEETING LAW G.L.C. 30A, SECTION 20 AND THE CITY COUNCIL'S VOTE TO WAIVE RULE 21A ON APRIL 7, 2020 AND AMENDED ON AUGUST 20 AND SEPTEMBER 24, 2020 – THIS MEETING WILL BE LIVE STREAMED ON NB CABLE ACCESS FACEBOOK PAGE

OPENING OF SESSION BY:

CITY COUNCIL PRESIDENT JOSEPH P. LOPES

PLEDGE OF ALLEGIANCE

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MAYOR'S PAPERS

M1. COMMUNICATION, Mayor Mitchell, to City Council, submitting a LOAN ORDER appropriating \$420,692.00 to pay the costs of improving Abolition Row Park Phase 2 for recreational purposes including patio pavement, lighting, interpretive walls and structures and other amenities and all other costs incidental and related thereto for which project the City has been awarded a grant from the Commonwealth of Massachusetts in the amount of \$294,484.00.

M1a. LOAN ORDER,

M2. COMMUNICATION, Mayor Mitchell, to City Council, submitting a LOAN ORDER appropriating \$150,000.00 for the purpose of paying costs of a schematic design/feasibility study for the proposed accelerated repairs consisting of the potential replacement of the windows, doors and boiler at the Elwyn G. Campbell School located at 145 Essex Street.

M2a. LOAN ORDER,

M3. COMMUNICATION, Mayor Mitchell, to City Council, submitting AN ORDINANCE, amending Chapter 9, ZONING, to create an Advanced Manufacturing Campus and allow for the redevelopment of approximately 100 acres at the site of Whaling City Golf Course property on Hathaway Road.

M3a. AN ORDINANCE,

M4. COMMUNICATION, Mayor Mitchell, to City Council, submitting two (2) ORDERS, approving the New Bedford Waterfront Redevelopment Plan: Focus Area North and New Bedford Waterfront Redevelopment Plan: Focus

Area South; also submitting AN ORDINANCE, amending Chapter 9, Section 2110, replacing Wamsutta Mill Overlay District and WEDROD District with a Waterfront Mixed Use District and amending the Working Waterfront Overlay District and Hicks Logan Sawyer IPOD.

M4a. AN ORDER, New Bedford Waterfront Redevelopment Plan: Focus Area North

M4b. AN ORDER, New Bedford Waterfront Redevelopment Plan: Focus Area South

M4c. AN ORDINANCE, amending Chapter 9, ZONING

M5. COMMUNICATION, Mayor Mitchell, to City Council, submitting AN ORDER, authorizing the City to accept an Easement from the New Bedford Housing Authority to install and maintain sewer pipes on Acushnet Avenue and Manuel E. Costa Sr. Memorial Way, Assessors Map 42, Lot 26.

M5a. AN ORDER,

M6. COMMUNICATION, Mayor Mitchell, to City Council, submitting AN ORDER, authorizing the City to accept an Easement from Beta Realty, LLC to install and maintain drainage pipes or equipment located at 209 Theodore Rice Boulevard.

M6a. AN ORDER,

M7. COMMUNICATION, Mayor Mitchell, to City Council, submitting AN ORDER, authorizing the City to execute a Release of Easement with Community Action for Better Housing, Inc, to relocate the existing parking easement in order to rectify access issues for the new public safety building.

M7a. AN ORDER,

M8. COMMUNICATION, Mayor Mitchell, to City Council, submitting the Appointment of LAURIE ALFONSO, as EXECUTIVE SECRETARY/PARKING CLERK OF THE TRAFFIC COMMISSION.

M9. COMMUNICATION, Mayor Mitchell, to City Council, submitting the Appointment of BROOKE VINAGRE, as the DIRECTOR OF TOURISM AND MARKETING.

M10. COMMUNICATION, Mayor Mitchell, to City Council, submitting the REAPPOINTMENT of GREGORY S. KAMON, Fairhaven, MA 02719 as a CONSTABLE.

M10a. AN APPLICATION,

M11. COMMUNICATION, Mayor Mitchell, to City Council, submitting the REAPPOINTMENT of ABEL C. LEITE, New Bedford, MA 02745 as a CONSTABLE.

M11a. AN APPLICATION,

M12. COMMUNICATION, Mayor Mitchell, to City Council, submitting the REAPPOINTMENT of RENALD RUSSO, III, New Bedford, MA 02740 as a CONSTABLE.

M12a. AN APPLICATION,

NEW BUSINESS

1. AN ORDINANCE, Relative to Residency of City Personnel. (Passed to be Ordained- November 12, 2020; Vetoed by Mayor Mitchell – November 25, 2020; Veto Received and Ordered Spread on the Records – December 9, 2020.)
2. WRITTEN MOTION, Council President Lopes, requesting that Rule 21A of the City Council Rules of Order be suspended until **April 30, 2021**, whereby members of the City Council will be able to participate and vote on matters in City Council and Committee meetings from remote locations by utilizing a suitable electronic means that establishes meaningful participation in any such meeting up to, but not after, said date.
3. WRITTEN MOTION, Council President Lopes, requesting, the following locations be rezoned from Industrial “B” to Mixed-Use Business: Map 21/Lots 42,1,2, and 4, West side Morton Court Street; Map 25/Lots 122,113,150,72,131,71 and 70, Part of the Right of Way to Route 18; Map 31/Lot 197, 371-383R South Front Street, Lot 142, 13 Rivet Street, Lot 143, 1 Rivet Street; Map 31/Lot 239 56 Potomska Street, Lot 232, 756 South Water Street; Map 31/Lot 245, 65 Potomska Street, Lot 241, Lot 248, 75 MacArthur Drive, (Warehouse I/Industrial “B”), Lot 255, WS MacArthur Drive, (Warehouse I/Industrial “B”); Lot 256, Lots 250 and 257, WS MacArthur Drive, Lot 242, 49 Potomska Street and Map 37-1/Lots 293 and 312, 39 South Street. (Proposed Zoning Change and Ownership Parcel List enclosed.) (To be Referred to the Committee on Ordinances, the Planning Board and Planning Office.)
4. WRITTEN MOTION, Council President Lopes, requesting, on behalf of local cable subscribers, to go on record in opposition to the recent Comcast rate increase during the current global health crisis.
5. WRITTEN MOTION, Councillor Gomes, requesting, that the Committee on Public Safety and Neighborhoods meet with EMS Director Mark McGraw, for the purpose of discussing the overworked, overwhelmed EMS system and ambulance response service in the City of New Bedford; and further, that the EMS Director make available to the Committee the number of mutual aid ambulances that have been called to the City to service the residents since January 1, 2020 to December 31, 2020; and further, that a breakdown of how much revenue is being lost, in addition to the time that it is taking for us to get mutual aid to the residents of the City; and further, to also re-look at how we are dispatching EMS Fire and Police during emergency medical calls.
6. WRITTEN MOTION, Councillors Abreu, Lima, Council President Lopes, Councillors Giesta and Markey, requesting, that our Federal Delegation offer financial stimulus solutions and economic recovery pathways for New Bedford and Massachusetts-based businesses who opened after September 01, 2019, under the current terms of the "City of New Bedford COVID-19 Small Business Grant & Loan Program," is a Federally funded U.S. Department of Housing and Urban Development Community Development Block Grant (CDBG) program and its terms of eligibility are very specific, so the City of New

Bedford has no authority to financially assist this particular business population through this mechanism. (To be Referred to Congressman William Keating, Senator Edward Markey and Senator Elizabeth Warren).

7. COMMUNICATION, City Clerk/Clerk of the City Council, to City Council, on behalf of **ALI BOKHARI, 44 Liberty Street, New Bedford, MA 02740 d/b/a MAGIC TRANSPORTATION, LLC, 44 Liberty Street, New Bedford, MA 02740**, hereby submits a copy of the Application requesting a **RENEWAL** of a **PRIVATE LIVERY LICENSE**, to carry passengers for hire over the streets of New Bedford. **(Term of License July 01, 2020 – June 30, 2021.)**

8. COMMUNICATION, Brown and Caldwell, 1 Tech Drive, Andover, MA submitting a copy of the Environmental Notification Form for Remedial Activities at the former Aerovox property 700-740 Belleville Avenue and 74 Howard Street. (To be Received and Placed on File.)

TABLED BUSINESS

NO ITEMS ON THIS AGENDA.



Item Title:

THIS MEETING IS BEING HELD REMOTELY IN ACCORDANCE WITH THE GOVERNOR OF MASSACHUSETTS' MARCH 12, 2020 ORDER SUSPENDING CERTAIN PROVISIONS OF THE OPEN MEETING LAW G.L.C. 30A, SECTION 20 AND THE CITY COUNCIL'S VOTE TO WAIVE RULE 21A ON APRIL 7, 2020 AND AMENDED ON AUGUST 20 AND SEPTEMBER 24, 2020 -- THIS MEETING WILL BE LIVE STREAMED ON NB CABLE ACCESS FACEBOOK PAGE

Item Detail:

Additional Information:



Item Title:
CITY COUNCIL PRESIDENT JOSEPH P. LOPES

Item Detail:

Additional Information:



Item Title:

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Item Detail:

Additional Information:



Item Title:

LOAN ORDER - ABOLITION ROW PARK PHASE 2 \$420,692.00

Item Detail:

M1. COMMUNICATION, Mayor Mitchell, to City Council, submitting a LOAN ORDER appropriating \$420,692.00 to pay the costs of improving Abolition Row Park Phase 2 for recreational purposes including patio pavement, lighting, interpretive walls and structures and other amenities and all other costs incidental and related thereto for which project the City has been awarded a grant from the Commonwealth of Massachusetts in the amount of \$294,484.00.

M1a. LOAN ORDER,

Additional Information:

ATTACHMENTS:

Description	Type
<input type="checkbox"/> LOAN ORDER-ABOLITION ROW PARK PHASE 2	Cover Memo



CITY OF NEW BEDFORD

JONATHAN F. MITCHELL, MAYOR

January 7, 2021

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 a LOAN ORDER appropriating \$420,692 to pay the costs of improving Abolition Row Park Phase 2 belonging to the City of New Bedford, shown on Assessor's Map 46, Lots 55 and 58, for recreational purposes including patio pavement, lighting, interpretive walls and structures and other amenities and all other costs incidental and related thereto for which project the City has been awarded a grant from the Commonwealth of Massachusetts in the amount of \$294,484.

Sincerely,

Jon Mitchell
Mayor



CITY OF NEW BEDFORD

CITY COUNCIL

January 14, 2021

ORDERED, that \$420,692 is appropriated to pay the costs of improving Abolition Row Park Phase 2 belonging to the City of New Bedford (the "City") and shown on Assessor's Map 46, Lots 55 and 58, for recreational purposes including patio pavement, lighting, interpretive walls and structures and other amenities and all other costs incidental and related thereto (the "Project") for which project the City has been awarded a grant from the Commonwealth of Massachusetts in the amount of \$294,484 for construction costs; that to meet this appropriation the Treasurer with the approval of the Mayor and the Committee on Finance is authorized to borrow \$420,692 provided that the amount authorized to be borrowed for the Project by this order shall be reduced by the amount of any grant funds, donations, funds appropriated from the City budget or any other funds for the Project received by the City prior to the issuance of bonds or notes for the Project; that said land be developed for municipal purposes, namely open space and recreation purposes under the provisions of Massachusetts General Laws, Chapter 45, Section 3, and as it may hereafter be amended and other Massachusetts statutes relating to recreation, to be managed and controlled by the Park Commission of the City and that the Mayor be authorized to file on behalf of the City any and all applications or agreements deemed necessary for grants and/or reimbursements from the Commonwealth of Massachusetts under the Urban Self-Help Act (301 CMR 5.00) and/or from any other source in any way connected with the scope of this Article, and that the Mayor be authorized to enter into all agreements and execute any and all instruments as may be necessary on behalf of the City to affect said Project.

FURTHER RESOLVED, That any premium received by the City upon the sale of any bonds or notes hereunder, less any such premium applied to the payment of the costs of issuance of such bonds or notes, may be applied to pay project costs and the amount authorized to be borrowed hereunder shall be reduced by the amount of any such premium so applied; and that the Mayor is authorized to take any other action necessary to carry out these projects.



CITY OF NEW BEDFORD

JONATHAN F. MITCHELL, MAYOR
PARKS, RECREATION & BEACHES



Request for Mayor's Papers City Council Appropriation for Approval

Submitted November 30, 2020

I am pleased to inform you that the City Department of Parks Recreation & Beaches has been selected by the Executive Office of Energy and Environmental Affairs (EEA) to receive \$294,484.00 in state Parkland Acquisitions and Renovations for Communities (PARC) assistance for Abolition Row Park Phase 2 construction. The PARC grant is on a reimbursement basis. The award represents 70% of the total Phase 2 budget. The remaining 30%, the City match, has been requested in a CPA grant application submitted this month in the amount of \$126,208. The entire Phase 2 budget for the completion of the construction at Abolition Row Park is \$420,692. Please see attached budget for details.

Thank you for your consideration of this request for appropriation of funds for the completion of Abolition Row Park construction. Phase 1 construction will begin in spring 2021 and includes the installation of all underground utilities, grading, fencing, landscaping and some lighting. We hope to follow directly with the Phase 2 construction which includes the installation of the patio pavement, the remainder of the lighting, interpretive walls and structures. The park cannot open to the public until phase 2 is completed.

Respectfully submitted,

Mary S. Rapoza, Director



The Commonwealth of Massachusetts
Executive Office of Energy and Environmental Affairs
100 Cambridge Street, Suite 900
Boston, MA 02114

Charles D. Baker
GOVERNOR

Karyn E. Polito
LIEUTENANT GOVERNOR

Kathleen A. Theoharides
SECRETARY

Tel: (617) 626-1000

Fax: (617) 626-1181

November 17, 2020

Mary Rapoza
Parks, Recreation & Beaches
181 Hillman Street, Building 3
New Bedford, MA 02740

Re: Abolition Row Park Phase 2, PARC #16

Dear Ms. Rapoza:

I am pleased to officially confirm that the Abolition Row Park Phase 2 project has been selected by the Executive Office of Energy and Environmental Affairs (EEA) to receive up to \$294,484.00 in state Parkland Acquisitions and Renovations for Communities (PARC) assistance. You will be working with Melissa Cryan of my staff on this project. She can be reached at melissa.cryan@mass.gov.

Project deadline is June 1, 2022

Be advised that the sum of \$294,484.00 for construction will be executed for encumbrance of funds in FY22, which begins July 1, 2021. All construction work must be completed and closed out by June 1, 2022. PARC grants work on a reimbursement basis. Your community's reimbursement rate is 70%. We can only reimburse your community for 70% of what you spend, even if this figure does not reach the maximum value of the grant award for that specific fiscal year.

The project must be completed by June 1, 2022 because your grant award amount has been budgeted by EEA in the fiscal years requested in your application. If you anticipate any difficulties in meeting this spending target and schedule at any time, please contact Melissa without delay.

Next Steps

1. Take a **City Council or Town Meeting vote** if you have not done so already. Melissa must have a certified copy of the vote in hand by December 31, 2020. If you have not yet had her review the vote language, please do so immediately.
2. Execute the **PARC Project Agreements**. The PARC Project Agreement will be signed by your Chief Executive Officer and a majority of the Park or Recreation Commission members. Review the agreement carefully to be sure that the project has been correctly described and contact Melissa immediately if any changes or updates need to be made. If the document is correct, please have two copies signed and return them to Melissa for signature by Kathleen Theoharides, Secretary of EEA. One original will be returned to you to record, along with the town meeting or city council vote, property deed, and boundary map, at the Registry of Deeds, and to be copied for your audit file.
3. Execute a **State Standard Contract**. This document allows our fiscal department to establish an account for your project. No reimbursement request can be honored unless the State Standard Contract, including the **Contractor Authorized Signatory Listing**, are signed and returned to Melissa. The Contractor Authorized Signatory Listing Form should be signed by whoever signed contract. Be sure to fill out both pages of the

document. Only two names should appear on this document – the signatory and the notary. A sample form has been enclosed – please review it closely so that your form is filled out correctly.

4. After the state contract has been signed and returned to you, you may proceed with the final design of your project. You may not start construction until July 1, 2021. Please note that we are unable to reimburse your community for any costs incurred prior to the execution of the State Standard Contract.

Reimbursement Procedures

The reimbursement procedures will be discussed in detail at the Grants Management Workshop (information below). A **quarterly report form** is also enclosed, which is due the first business day of March, June, September, and December while the project is active.

Reimbursement will be contingent upon satisfying the following conditions:

1. The outstanding conversion issue at Fort Taber is resolved through legislation by June 1, 2022.
2. A copy of the **PARC Project Agreement**, which has been recorded at the Registry of Deeds (along with the town meeting or city council vote for the project and boundary map) and a marginal notation entered on the deed to the property, is returned.
3. The construction must be started on July 1, 2021 and closed out by June 1, 2022.
4. New Bedford's Open Space and Recreation Plan receives final approval.
5. Completion of outstanding CRs on parcels acquired with the use of CPA funds. Applicants that have purchased real property interests for open space or recreational purposes using money from the Community Preservation Fund must have all conservation restrictions required by Section 12 of Chapter 44B approved by the Secretary of Energy and Environmental Affairs and recorded prior to receipt of project reimbursement from the Executive Office of Energy and Environmental Affairs. Please submit to DCS documentation showing the conveyance of approved CRs to an appropriate entity on the below listed properties acquired with the use of CPA. Documentation should include the grantee, date of conveyance, and registry book/page of the CR document.

Legally Protected Recreation Land – New Bedford's Commitment

Please remember that according to Article 97 of the Amendments to the Massachusetts Constitution, acceptance of the state grant requires that this site remain open to the general public and prohibits any other use other than public outdoor recreation.

Project Sponsor's Workshop

Please carefully review all the enclosed information, and plan to attend the Project Sponsor's Workshop. This is a short, but important, mandatory meeting to review how to prepare your reimbursement request(s). If you cannot attend, please send someone to represent you since it would be very difficult to meet individually with each project sponsor. The same workshop will be offered on two different dates virtually. The first will be held on Tuesday, December 8, 2020 at 11:00 am. The second will be held on Wednesday, December 9, 2020 at 2:00 pm. Please RSVP to Melissa as to who will be attending from your office and which date you prefer. Upon registration, the login information will be provided.

Congratulations on your successful application to the PARC program!

Sincerely,



Robert O'Connor
Director

enc.

Budget for Abolitionist Row Park 07-09-2020

Please Use Construction Budget \$252,750.00

Materials List and Budget	Unit	Qty.	cost per item	material Cost	Ph. One	Ph. Two
Site Preparation						
Mobilization	allow			\$ 3,000.00	X	
Construction fence, 6' CLF	lf	440	14	\$ 6,160.00	X	
Extended construction fence rental, 1 year	allow	1	6000	\$ 6,000.00	X	
Construction gate	allow	1	500	\$ 500.00	X	
Erosion control-silt fence and haybale	lf	200	4.5	\$ 900.00	X	
Police Detail	Days	5	1500	\$ 7,500.00	X	
Clearing and Grubbing (9,611 sf)	allow			\$ 3,000.00	X	
Remove and dispose concrete and asphalt pavement	sf	682	7	\$ 4,774.00	X	
Cap existing utilities	allow	1	1500	\$ 1,500.00	X	
Prepare site for construction grade for plaza, remove and store granite steps & curb- 5075 sq. ft.	allow			\$ 7,500.00	X	
Ph II mobilization, patching and repair	allow			\$ 5,000.00		X
Subtotal				\$ 45,834.00	\$ 40,834.00	\$5,000.00
Utilities						
Water, include backflow preventer and 2 hose bibs	allow		\$ 3,500.00	\$ 3,500.00	X	
Electrical connection	allow		\$ 5,000.00	\$ 5,000.00	X	
Phase 1 electrical sleeving	allow	1	\$ 6,000.00	\$ 6,000.00	X	
Misc adjustments	allow	1	\$ 2,500.00	\$ 2,500.00		X
Subtotal				\$ 17,000.00	\$ 14,500.00	\$2,500.00
Site Improvements						
Gravel borrow for 8" depth under 5,293 sq. ft. pavement	cu yds.	133	\$ 18.00	\$ 2,394.00	X	
Add loam/compost mix to lawn areas at 6"- 3,112 sf	cu yd.	58	\$ 35.00	\$ 2,030.00	X	
Loam for specimen trees in lawn 1/2 cu yds. each	cu yd.	8	\$ 35.00	\$ 280.00	X	
Loam for perennial perimeter garden and raised beds	cu yd.	30	\$ 35.00	\$ 1,050.00	X	
Catch basin with area drains	each	3	\$ 1,700.00	\$ 5,100.00	X	
Drywell	allow	3	\$ 3,000.00	\$ 9,000.00	X	
Repair public sidewalk as needed for utilities	sq. ft.	100	\$ 12.00	\$ 1,200.00	X	
Install low curb along southern border next to neighboring house	lin ft.	70	\$ 15.00	\$ 1,050.00	X	
Install historic granite curb NE property corner	lin ft.	50	\$ 28.00	\$ 1,400.00	X	
Type "B" and "C" Plaza concrete with integral color- includes second	sq. ft.	3,276	\$ 12.00	\$ 39,312.00		X
Type "A" Dry laid pavers in the Plaza	sq. ft.	531	\$ 20.00	\$ 10,620.00		X
Dry laid pavers in The Gallery	sq. ft.	832	\$ 20.00	\$ 16,640.00		X
Memorial pavers in main plaza and gallery paving	each	100	\$ 78.00	\$ 7,800.00		X
In-ground entrance address - engraved new granite	each	3	\$ 700.00	\$ 2,100.00		X
Plaza accent border permeable brick	sf	421	\$ 18.00	\$ 7,578.00		X
Liberty bell accent strip- brick	sf	76	\$ 18.00	\$ 1,368.00		X
Liberty bell paving- concrete	sf	52	\$ 12.00	\$ 624.00		X
Liberty Bell temp paving- bit. conc	sf	110	\$ 3.50	\$ 385.00	X	
Retaining wall around The Gallery	lin ft.	95	\$ 280.00	\$ 26,600.00	X	
Water wall W/ existing granite, plumbing & lighting	allow	1	\$ 35,000.00	\$ 35,000.00		X
Suit wall at gallery	allow	1	\$ 17,000.00	\$ 17,000.00		X
Clean and reset historic granite at Spring St pliers	allow	3	\$ 500.00	\$ 1,500.00	X	
Clean and reset historic granite steps at gazebo	allow	2	\$ 750.00	\$ 1,500.00		X
Install Seventh St new granite gate piers	each	4	\$ 3,200.00	\$ 12,800.00	X	
Subtotal				\$ 195,581.00	\$ 72,289.00	\$123,292.00
Site Furniture including Interpretative Elements						
Perforated wall panels for The Gallery- 6'	lin ft	101	\$ 380.00	\$ 38,380.00		X
Decorative fence 3' iron three rail fence installed	lin ft	156	\$ 225.00	\$ 35,100.00	X	
Liberty Bell w/tn dampened tongue and park name plate	allow	1	\$ 2,500.00	\$ 2,500.00	X	
4' chain link fence at neighbors property line (include new hedge) 65 lf	allow	1	\$ 4,000.00	\$ 4,000.00	X	
Gazebo 15' diameter to include suncatcher, hand rails, deck design and	each	1	\$ 10,000.00	\$ 10,000.00		X
Information panels 2' x 3' (high pressure laminate)	each	2	\$ 1,500.00	\$ 3,000.00		X
Interpretive panel walls, 8' ft x 6' set	each	5	\$ 4,800.00	\$ 24,000.00		X
13' circular bench/raised planter	each	1	\$ 25,000.00	\$ 25,000.00	X	
4' benches in ground mount with plaque	each	9	\$ 2,400.00	\$ 21,600.00		X
6' Douglas bench with in ground mount	each	1	\$ 2,400.00	\$ 2,400.00		X
Dog Waste Station	each	1	\$ 500.00	\$ 500.00		X
trash receptacle	each	2	\$ 500.00	\$ 1,000.00		X
Life size bronze statue of young Frederick Douglass	each	1	\$ 150,000.00	\$ 150,000.00		X
Granite pedestals at Gallery	each	10	\$ 1,200.00	\$ 12,000.00		X
Little Library (needs lighting and 2 or 3 cast books: Columbian orator,	each	1	\$ 1,700.00	\$ 1,700.00		X
Removable bollards at Spring St. entrance	each	1	\$ 1,500.00	\$ 1,500.00		X
Bike racks	each	3	\$ 900.00	\$ 2,700.00		X
Installation of benches	allow	1	\$ 5,000.00	\$ 5,000.00		X
Subtotal				\$ 341,818.00	\$ 66,600.00	\$125,218.00
Lighting & Electricity						
Electrical service	LS	1	\$ 5,000.00	\$ 5,000.00	X	
Footings for Washingtonian lights	each	6	\$ 1,200.00	\$ 7,200.00	X	
Washingtonian style pole lights (3 poles procured to date)	each	3	\$ 1,500.00	\$ 4,500.00		X
Washingtonian style lanterns- light fixture (2 procured to date)	each	4	\$ 2,800.00	\$ 11,200.00		X
Labor to install Washington lights	each	2	\$ 750.00	\$ 1,500.00	X	
GFI duplex mounted on pole lights	each	2	\$ 150.00	\$ 300.00	X	
Up-lighting- ivy wall installed	each	2	\$ 900.00	\$ 1,800.00		X
Up-lighting- tree island installed	each	3	\$ 800.00	\$ 2,400.00		X
Down lights (gallery) installed	each	6	\$ 900.00	\$ 5,400.00		X
Constellation lighting- in ground installed	each	14	\$ 400.00	\$ 5,600.00		X
Constellation lighting- remote driver to power lights	each	1	\$ 500.00	\$ 500.00		X
Gazebo lighting, installed	each	8	\$ 700.00	\$ 5,600.00		X
Electrical box, transformer, (6) outlets and misc. hardware	allow			\$ 8,000.00	X	
Subtotal				\$ 59,000.00	\$ 22,000.00	\$37,000.00
Planting						
mulch at 3' 468 sf ONLY FOR TREE BEDS	cu yd.	5	\$ 120.00	\$ 600.00	X	
seed sf lawn area only	sf	3112	\$ 0.45	\$ 1,400.40	X	
Flowering Accolade Cherry Trees 3"-3.5" cal	each	16	\$ 1,300.00	\$ 20,800.00	X	
Dura Heat River Birch 14-16' Champ	each	1	\$ 1,200.00	\$ 1,200.00	X	
Shrub to screen (Thuja occidentalis 'Smaragd') 5' on center 5-6' height	each	32	\$ 85.00	\$ 2,720.00		X
lily gladioli 'Dense' #10 container	each	12	\$ 80.00	\$ 960.00	X	
perennials for Gallery wall and tree island	each	153	\$ 22.00	\$ 3,322.00		X
perennials for perimeter garden	each	258	\$ 7.50	\$ 1,935.00		X
perennials for perimeter- labor	each	258	\$ 15.00	\$ 3,870.00		X
Subtotal				\$ 35,207.40	\$ 23,960.40	\$11,847.00
Subtotal without contingency				\$ 694,432.40	\$ 239,583.40	\$304,849.00
contingency fund varies (Ph I- 5%; Ph II- 15%)				\$ 69,443.24	\$ 11,979.17	\$ 45,727.35
Total estimated cost (Douglass statue included overall project total but not in Ph I and Ph II subtotals)				\$ 763,875.64	\$ 251,562.57	\$350,576.35

Soft Costs

Total Phase II combined hard and soft cost

\$70,115.27
\$428,691.62

X	Items Included in Phase One Construction Budget
-	Items for donation/fundraising not included in bid
o	Anticipated in-kind services from City of New Bedford

Ph II Assumptions

Work in the public right of way will be contracted separately other than work needed install site improvements in the park.

Gazebo footers and materials to be provided to Carpenters Union to fabricate and install

New public sidewalks with 7' armature strip and structural soil, tree grates, and 3 street trees - add \$50,000.



Item Title:

LOAN ORDER - CAMPBELL SCHOOL - SCHEMATIC DESIGN/FEASIBILITY STUDY FOR REPAIRS \$150,000.00

Item Detail:

M2. COMMUNICATION, Mayor Mitchell, to City Council, submitting a LOAN ORDER appropriating \$150,000.00 for the purpose of paying costs of a schematic design/feasibility study for the proposed accelerated repairs consisting of the potential replacement of the windows, doors and boiler at the Elwyn G. Campbell School located at 145 Essex Street.

M2a. LOAN ORDER,

Additional Information:

ATTACHMENTS:

Description	Type
□ LOAN ORDER-FUNDING OF SCHEMATIC DESIGN STUDY-ELWYN CAMPBELL ELEMENTARY SCHOOL	Cover Memo



CITY OF NEW BEDFORD
JONATHAN F. MITCHELL, MAYOR

January 7, 2021

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 a LOAN ORDER appropriating \$150,000 for the purpose of paying costs of a schematic design/feasibility study for the proposed accelerated repairs consisting of the potential replacement of the windows, doors and boiler at the Elwyn G. Campbell School, located at 145 Essex Street in New Bedford.

Sincerely,

Jon Mitchell
Mayor



CITY OF NEW BEDFORD

CITY COUNCIL

January 14, 2021

A BOND ORDER TO PAY COSTS OF A SCHEMATIC DESIGN/FEASIBILITY STUDY AS REQUIRED BY THE MASSACHUSETTS SCHOOL BUILDING AUTHORITY WITH RESPECT TO THE PROPOSED ACCELERATED REPAIRS TO THE ELWYN G. CAMPBELL SCHOOL

BE IT ORDERED, BY THE CITY COUNCIL OF THE CITY OF NEW BEDFORD AS FOLLOWS:

That the City appropriates the amount of One Hundred Fifty Thousand Dollars (\$150,000) for the purpose of paying costs of a schematic design/feasibility study for the proposed accelerated repairs consisting of the potential replacement of the windows, doors and boiler, including the payment of all costs incidental or related thereto (the "Project"), at the Elwyn G. Campbell School, located at 145 Essex Street in New Bedford, and for which study the City may be eligible for a grant from the Massachusetts School Building Authority ("MSBA"), said amount to be expended under the direction of the School Committee. To meet this appropriation, the Treasurer, with the approval of the Mayor, is authorized to borrow said sum of money, pursuant to M.G.L. Chapter 44, or pursuant to any other enabling authority. The City acknowledges that the MSBA's grant program is a non-entitlement, discretionary program based on need, as determined by the MSBA, and any Project costs the City incurs in excess of any grant approved by and received from the MSBA shall be the sole responsibility of the City, and that the amount of borrowing authorized pursuant to this order shall be reduced by any grant amount set forth in the Feasibility Study Agreement that may be executed between the City and the MSBA.

FURTHER ORDERED: That any premium received by the City upon the sale of any bonds or notes approved by this vote, less any such premium applied to the payment of the costs of issuance of such bonds or notes, may be applied to the payment of costs approved by this vote in accordance with Chapter 44, Section 20 of the General Laws, thereby reducing the amount authorized to be borrowed to pay such costs by a like amount.

FURTHER ORDERED: That the Treasurer is authorized to file an application with the appropriate officials of The Commonwealth of Massachusetts (the Commonwealth) to qualify under Chapter 44A of the General Laws any and all bonds of the City authorized by this Order, and to provide such information and execute such documents as such officials of the Commonwealth may require in connection therewith.



nbps

THOMAS ANDERSON
SUPERINTENDENT

NEW BEDFORD PUBLIC SCHOOLS
PAUL RODRIGUES ADMINISTRATION BUILDING
455 COUNTY STREET
NEW BEDFORD, MASSACHUSETTS 02740
www.newbedfordschool.org

(508) 997-4511

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KAREN A. TREADUP
DEPUTY SUPERINTENDENT

ANDREW O'LEARY
ASSISTANT
SUPERINTENDENT OF
FINANCE & OPERATIONS

HEATHER EMSLEY
EXECUTIVE DIRECTOR OF
HUMAN CAPITAL SERVICES


JENNIFER FERLAND
EXECUTIVE DIRECTOR OF
STRATEGIC INITIATIVES & PARTNERSHIPS

SANDRA FORD
EXECUTIVE DIRECTOR OF
SPECIAL EDUCATION & STUDENT
SERVICES

SONIA WALMSLEY
EXECUTIVE DIRECTOR OF
EDUCATIONAL ACCESS &
PATHWAYS

MEMORANDUM

To: Mayor Jonathan F. Mitchell

From: Thomas Anderson, Superintendent 

Date: December 16, 2020

Subject: Request Consideration of an Appropriation Order to Fund a Schematic Design Study at Elwyn G. Campbell Elementary School

On Thursday, January 23, 2020, the City Council approved the submission of the Statement of Interest for the Accelerated Repair Project for the Elwyn G. Campbell Elementary School. The Massachusetts School Building Authority (MSBA) voted on Wednesday, December 16, 2020 to invite the City of New Bedford into the Accelerated Repair Program (ARP) to partner with the MSBA in conducting a Schematic Design Study, the School District is requesting an appropriation order to fund a Schematic Design Study at the Elwyn G. Campbell Elementary School.

The total cost for a Feasibility Study, including the Schematic Design through bidding, will not exceed \$150,000. The MSBA will reimburse the City for 80% of the total, resulting in a net commitment of \$30,000. Funding for ARP projects was anticipated in the FY 2020 – 2024 City of New Bedford Capital Improvement Program. FY 2021 includes \$3,100,000 towards the local commitment for MSBA-funded Accelerated Repair Projects.

The MSBA is requiring the City to approve funding for this study prior to February 14, 2021. We would therefore respectfully request the inclusion of a loan order in the Mayor's Papers for the January 14, 2021 City Council meeting. A second reading of this order can take place on January 28, 2021.

Thank you for your consideration.

ta/lkn

Enclosure

The New Bedford Public Schools do not discriminate on the basis of age, gender, race, color, religion, ethnicity, national origin, disability, sexual orientation, ancestry, homelessness, gender identity, gender expression or immigration status.



Massachusetts School Building Authority

Deborah B. Goldberg
Chairman, State Treasurer

James A. MacDonald
Chief Executive Officer

John K. McCarthy
Executive Director / Deputy CEO

December 16, 2020

The Honorable Jonathan F. Mitchell
Mayor, City of New Bedford
133 William Street
New Bedford, MA 02740

Re: City of New Bedford, Elwyn G. Campbell Elementary School

Dear Mayor Mitchell:

I am pleased to report that on December 16, 2020, the Board of Directors (the “Board”) of the Massachusetts School Building Authority (the “MSBA”) voted to invite the City of New Bedford (the “City”) into the Accelerated Repair Program (the “ARP”) to partner with the MSBA in conducting a Schematic Design Study at the Elwyn G. Campbell Elementary School for a potential boiler and window/door replacement project. The roof replacement project also requested by the City for the Elwyn G. Campbell Elementary School is not included in the invitation.

I do want to emphasize that this invitation to partner on a Schematic Design Study is *not* approval of a project but is strictly an invitation to the City to work with the MSBA to explore potential solutions to the building needs that have been identified. Moving forward in the MSBA’s ARP process requires a partnership with the MSBA, and communities that “get ahead” of the MSBA without MSBA approval will not be eligible for grant funding. To qualify for any funding from the MSBA, local communities must follow the MSBA’s statute, regulations, and policies, including the ARP requirements, which require MSBA partnership and approval at each step of the process.

The ARP will focus on the preservation of existing assets by performing energy-efficient and cost-saving upgrades, which will result in direct operational savings for school districts. Districts that are invited into the ARP will be required to use Owner’s Project Managers and Designers who are pre-selected and randomly assigned by the MSBA and must also adhere to other requirements that are unique to this program, such as implementing an accelerated project schedule and complying with the MSBA’s reimbursement dollar thresholds. Districts will be expected to complete a Schematic Design Study and receive authorization for a Project Funding Agreement by the Board of Directors no later than 12 months from Program invitation. Districts seeking reimbursement under the ARP will be allowed to submit requests for reimbursement monthly, but only if the total value of the invoices being submitted equals more than \$50,000.

December 16, 2020

New Bedford Invitation to Accelerated Repair Program Board Action Letter

During the Schematic Design Study phase, the MSBA will partner with the City and its assigned Owner's Project Manager and Designer to find the most fiscally responsible, educationally appropriate and sustainable solution to the building needs identified at the Elwyn G. Campbell Elementary School. If during the Schematic Design Study phase, the City determines that the potential project does not meet the qualifying criteria of the Board's invitation, the City will be required to remove its Statement of Interest and will not be authorized for a Project Funding Agreement for the project. For the 2020 ARP, the qualifying criteria included roofs of 30 years or more (installed in or before 1990), window and door systems of 35 years or more (installed in or before 1985) and boiler systems of 35 years or more (installed in or before 1985).

The City must complete several pre-requisites prior to beginning work with its consultants. Please submit the following information to the MSBA by no later than the date listed below in order to fulfill these pre-requisites:

- an Initial Compliance Certification (attachment to this letter) executed by the City to ensure that the City understands and will comply with the MSBA's requirements and regulations (submit prior to March 16, 2021).

The City must approve funding for the Feasibility Study/Schematic Design portion of this potential project within 60 calendar days of the date of invitation into the ARP (February 15, 2021). Submission of the properly certified documentation that the City has appropriated its funding should be submitted to the MSBA prior to March 16, 2021. Future funding for the total project budget will be required within 90 days after the date of the MSBA's approval of the project scope and budget.

Once the City has completed the pre-requisites listed above according to the MSBA's standards, the MSBA will assign an Owner's Project Manager and Designer using the MSBA's list of pre-selected and randomly assigned consultants for the ARP. In the meantime, I wanted to share with you the Board's decision and provide a brief overview of what this means for the City of New Bedford.

I look forward to continuing to work with you as part of the MSBA's Accelerated Repair Program. As always, feel free to contact me or my staff at (617) 720-4466 should you have any questions.

Sincerely,



John K. McCarthy
Executive Director

Page 3

December 16, 2020

New Bedford Invitation to Accelerated Repair Program Board Action Letter

Cc: Legislative Delegation

Joseph P. Lopes, President, New Bedford City Council

Christopher A. Cotter, Vice Chair, New Bedford School Committee

Thomas Anderson, Superintendent, New Bedford Public Schools

File: 10.2 Letters



Massachusetts School Building Authority

Deborah B. Goldberg
Chairman, State Treasurer

James A. MacDonald
Chief Executive Officer

John K. McCarthy
Executive Director / Deputy CEO

INITIAL COMPLIANCE CERTIFICATION CITY OF NEW BEDFORD ELWYN G. CAMPBELL ELEMENTARY SCHOOL

This Initial Compliance Certification must be completed by all Eligible Applicants who have submitted a Statement of Interest to the Massachusetts School Building Authority (the "MSBA") and have been invited to participate in the MSBA's Accelerated Repair Program. The MSBA will not consider a district to be eligible for a school building grant until the district has properly submitted an Initial Compliance Certification in the form and manner prescribed by the MSBA. Each District shall exercise due diligence in ascertaining and certifying the truth, completeness, and accuracy of each of the following statements, acknowledgements, agreements, and representations. The Eligible Applicant shall also have a continuing duty throughout a Proposed or Approved Project to inform the MSBA in writing when it becomes aware of information that impairs the truth, completeness, or accuracy of any of the following statements, acknowledgements, agreements, or representations. The MSBA's reference to certain regulations, policies, procedures, guidelines, and standards, or portions thereof, in this ICC shall not be construed in any way as a waiver of any other regulations, policies, procedures, guidelines, or standards and the MSBA's reference to a portion of a regulation, policy, guideline, or standard shall not be construed as a waiver of the remainder.

Unless otherwise specified, all capitalized terms shall have the meanings ascribed to such terms in M.G.L. c. 70B or 963 CMR 2.00 et seq.

1. The City of New Bedford ("District") hereby certifies that it shall remain in compliance with the provisions of (a) M.G.L. c. 70B, (b) chapter 208 of the Acts of 2004, (c) 963 CMR 2.00 *et seq.*, and (d) all other applicable statutes, rules, policies, procedures, guidelines, and standards of the MSBA, including, without limitation, the rules of the MSBA's Accelerated Repair Program set forth in the attached Exhibit A.
2. The District hereby acknowledges and agrees that the Accelerated Repair Program is a discretionary program based on need, as determined by the MSBA. The District hereby further acknowledges and agrees that it shall have no entitlement to receive approval or funding for a proposed Accelerated Repair project or any other purpose except at the sole discretion of the MSBA.
3. The District hereby acknowledges and agrees that the eligible scope of Projects funded through the Accelerated Repair Program shall be determined by the MSBA.

Massachusetts School Building Authority

Deborah B. Goldberg
Chairman, State Treasurer

James A. MacDonald
Chief Executive Officer

John K. McCarthy
Executive Director / Deputy CEO

4. The District hereby acknowledges and agrees that the MSBA will not award any incentive reimbursement points for Accelerated Repair Projects, and the reimbursement rate for any Accelerated Repair Projects approved by the MSBA will be the District's base reimbursement rate as determined by M.G.L. c. 70B § 10.
5. The District hereby acknowledges and agrees that it has demonstrated and shall continue to demonstrate a commitment to maintaining its existing educational facilities with the existence of (1) a capital maintenance program, (2) an ongoing financial commitment towards maintenance, and (3) dedicated professional staff to manage and direct the District's participation in the Accelerated Repair Program.
6. The District hereby agrees that the school building for which it has submitted a Statement of Interest for consideration under the Accelerated Repair Program has been and will remain in use as a public K-12 school facility, serving public school students, for the useful life of any repair project in which the MSBA may participate.
7. The District hereby certifies that the school building for which it has submitted a Statement of Interest for consideration under the Accelerated Repair Program (a) is structurally, functionally, and educationally sound, except of the condition of its roof, windows, and/or boilers, to the extent noted in the Statement of Interest, (b) that no other known deficiencies exist in addition to those identified in the Statement of Interest, and (c) that all other building systems are operational, safe, and adequate for the delivery of the required educational program, or that, if there are other conditions that may impair the structural, functional, and educational integrity of the school building, the District has notified the MSBA in writing prior to the execution of this Initial Compliance Certification and such written notification is attached hereto.
8. The District hereby certifies that the school building for which it has submitted a Statement of Interest for consideration under the Accelerated Repair Program has sufficient space to deliver the District's required educational program.
9. The District hereby agrees to comply with M.G.L. c. 70B and 963 CMR 2.00 *et seq.* and work in collaboration with the MSBA in all phases of the process, including: (a) identifying perceived deficiencies with school buildings, (b) validating those deficiencies, (c) identifying educationally and financially sound solutions to validated deficiencies, (d) agreeing on a project scope(s) and budget(s), (e) implementing a solution(s) as agreed upon, and (f) the final project audit(s) and close-out(s). The District hereby further acknowledges and agrees that, to remain eligible for project approval and potential funding from the MSBA, the District must work with the MSBA through all phases of the MSBA's process including, at a minimum, the phases described above, to the satisfaction of the MSBA. The



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District hereby further acknowledges and agrees that any actions taken, costs incurred or agreements entered into for the repair of school facilities without the explicit prior written approval of the MSBA shall not be eligible for grant funding.

10. The District hereby acknowledges and agrees that it will comply with the MSBA's Accelerated Repair Program consultant assignment policy and use the MSBA's pre-qualified owner's project managers and designers that were procured by the MSBA for the Accelerated Repair Program and will be assigned to each Accelerated Repair Project by the MSBA. The District further agrees to use the MSBA's standard Accelerated Repair Program contracts for owner's project manager services and designer services.
11. The District acknowledges and agrees that, within ten months of the date upon which the Board of Directors votes to invite the District to participate in the Accelerated Repair Program, the District will fulfill every obligation that is required by the District for the MSBA Board of Directors to consider the District's Proposed Project for Approval. If the District fails to fulfill these obligations within that ten month period, the MSBA may, in its sole discretion, extend the period by a further two months. However, if the District fails to fulfill the obligations the MSBA may, in its sole discretion, remove the District from the Accelerated Repair Program.
12. The District hereby certifies, and can demonstrate, that it has expended at least the minimum amount of the District's calculated foundation budget amounts for the purposes of foundation utility and ordinary maintenance expenses and extraordinary maintenance allotment as defined in M.G.L. c. 70 and as required by the provisions of M.G.L. c. 70B, § 8 and 963 CMR 2.10(2)(c) & 2.17, and hereby further acknowledges and agrees that the MSBA may not approve any project for any school district that fails to meet such minimum maintenance expenditure requirements.
13. The District hereby certifies that the perceived deficiencies, as set forth in the Statement of Interest submitted to the MSBA for the school facility, are not the result of negligence; are not under warranty with material suppliers or installers; are not the subject of, nor could be the subject of, ongoing litigation by the District; are not the result of lack of adequate routine or capital maintenance by the District; and, are not covered by available insurance proceeds.
14. The District hereby acknowledges and agrees that, before the MSBA can grant final approval of a Project, the District must vote to authorize and appropriate the full amount of funding for the potential project that is necessary to meet the total project budget for the Accelerated Repair project, as agreed to by the MSBA and as described in 963 CMR 2.10 (10)(c) and shall use any standard language established or developed by the MSBA to draft local warrant articles, motions, orders, votes,



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and ballot questions related to the funding for the proposed Accelerated Repair projects.

15. The District hereby acknowledges and agrees that, in connection with a proposed Accelerated Repair project or an Approved Project that is part of the Accelerated Repair Program, it shall use any standard forms, standard formats for local votes and approvals, standard contract documents, and any standard contract language and clauses that may be established or developed by the MSBA and as may be amended by the MSBA from time to time.
16. The District hereby acknowledges and agrees that it shall submit to the MSBA, and comply with the terms of, any certifications, statements, forms, and affidavits that the MSBA may require for a proposed Accelerated Repair project or an Approved Project that is part of the Accelerated Repair Program, and that any such certifications, statements, forms, and affidavits shall be prepared, executed, and submitted in a form and manner prescribed by or otherwise acceptable to the MSBA.
17. The District hereby acknowledges and agrees that no Total Facilities Grant, or any portion thereof, shall be disbursed by the MSBA for a proposed Accelerated Repair project or Approved Project that is part of the Accelerated Repair Program until after a Project Funding Agreement has been fully executed by duly authorized representatives of both the District and the MSBA.
18. The District hereby acknowledges and agrees that it may make monthly requests for reimbursement to the MSBA for an Approved Project, but it shall not make any requests for reimbursement that total less than \$50,000. If the total value of a request for reimbursement is less than \$50,000, the District hereby agrees that it shall hold that request until such time as it can meet the \$50,000 threshold.
19. The District hereby certifies that it has provided or will provide the MSBA with all audit materials requested by the MSBA in connection with any Assisted Facility including, but not limited to, Prior Grant Projects, Waiting List Projects, and any other school building projects for which the District has received or will receive funding from the MSBA. The District hereby further acknowledges and agrees that it shall continue to cooperate with the MSBA and provide any additional documentation or information that may be requested by the MSBA in connection with any Assisted Facility.
20. The District hereby certifies that the school building for which it has submitted a Statement of Interest for consideration under the Accelerated Repair Program is not a school that has been the site of an approved school project pursuant to M.G.L. c. 70B or chapter 645 of the Acts of 1948 within the ten (10) years prior to the



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submission of the Statement of Interest, respectively, or that the proposed Accelerated Repair project would be unrelated to such previously approved project in the same school building. The District acknowledges and agrees that only the MSBA in its sole discretion shall make the final determination as to whether a proposed Accelerated Repair project is unrelated to a previously approved project in the same school building and that any such determination shall be in writing.

21. The District hereby certifies that prior to submitting its Statement of Interest for the school that is the subject of the proposed Accelerated Repair project, it has not sold, leased, closed, or otherwise removed from service any school building or facility, or portion thereof, within the last ten (10) years, or that, if it has done so, the District has notified the MSBA in writing and the MSBA has determined in writing, pursuant to M.G.L. c. 70B, § 15(c): (1) that the grant sought by the District is not for the purpose of replacing such schoolhouse, or (2) that the need for the proposed Accelerated Repair project could not have been reasonably anticipated at the time that such schoolhouse was sold, leased, or otherwise removed from service. Further, the District acknowledges and agrees that the MSBA in its sole discretion shall make the final determination about whether a proposed Accelerated Repair project or Approved Project replaces a school facility that was sold, leased, closed, or otherwise removed from service.
22. The District hereby acknowledges and agrees that, if it sells, leases, closes, or otherwise removes from service an Assisted Facility, or portion thereof, that the MSBA may stop making grant payments associated with the Assisted Facility, may recapture the financial assistance that the Assisted Facility has received from the MSBA, and may decline to approve any future grants.
23. The District hereby acknowledges and agrees that throughout the planning and construction of an Approved Project, if such final approval is received from the MSBA, the District shall follow procedures and practices satisfactory to the MSBA such as will assure maximum attention to the operating and capital cost effects of program and design decisions, materials and systems selections.
24. The District hereby certifies that it is current on any payments that it may owe to the MSBA and does not have any outstanding amounts past due to the MSBA.
25. The District hereby certifies that it is unaware of any lawsuit pending against the MSBA to which the District is a party and further certifies that it is unaware of any other lawsuits pending against either the District or the MSBA in relation to the District's Statement(s) of Interest, proposed Accelerated Repair project, or any Approved Project.



Massachusetts School Building Authority

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26. The District hereby certifies that it has specifically read the provisions of 963 CMR 2:03 (2)(a)-(q) and certifies that it has met or will meet each of the requirements described therein and further acknowledges and agrees that the District's failure to comply with each requirement, as determined by the MSBA, may result in the MSBA rescinding its Total Facilities Grant or the suspension, termination, or recoupment of reimbursement payments made by the MSBA to the District.
27. The District hereby certifies that it has a school specific Multi-Hazard Evacuation Plan for each school under the superintendent's supervision and is in compliance with Section 363 of Chapter 159 of the Acts of 2000.
28. The District hereby acknowledges and agrees that if the District and the MSBA execute a Project Funding Agreement, the District shall promptly develop, implement and actively pursue a fraud, waste, and abuse detection and prevention program in connection with any proposed Accelerated Repair project or Approved Project that is part of the Accelerated Repair Program, if any, and develop written procedures to detect and prevent fraud, waste and abuse.
29. The District hereby certifies that the Eligible Applicant or its designee who will be in charge of the procurement for any proposed Accelerated Repair project or any Approved Project that is part of the Accelerated Repair Program is designated as a Massachusetts Certified Public Purchasing Official ("MCPPO") for design and construction contracting in the MCPPO Program as administered by the Inspector General of the Commonwealth of Massachusetts.
30. The District hereby acknowledges and agrees that any Approved Project that is part of the Accelerated Repair Program for which the District is seeking partial funding from the MSBA shall materially extend the useful life of the school and preserve an asset that otherwise is capable of supporting the required educational program.
31. The District hereby certifies that it has read and understands the provisions of 963 CMR 2.19 and acknowledges and agrees that if the MSBA determines that any false or intentionally misleading information or documentation is submitted to the MSBA by or on behalf of the District either in relation to this Initial Compliance Certification or in support of any effort to influence any action by the MSBA or if the District or its agents do any other act affecting the integrity of the MSBA's Program, the MSBA may permanently revoke any and all grant payments due to the District; may recover any previous payments made to the District; and, may prohibit the District from receiving a Total Facilities Grant for a period of time to be determined by the MSBA.
32. The District hereby acknowledges and agrees that the MSBA shall have free access to, and open communication with, any Owner's Project Manager hired by and/or

Massachusetts School Building Authority

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assigned to Projects under the Accelerated Repair Program by the District and that the MSBA shall have full and complete access to all information and documentation relating to the Projects to the same extent that the District has such access. The District agrees that it shall require any such Owner's Project Manager to fully cooperate with the MSBA in all matters related to the Projects; to promptly communicate, transmit, and/or make available for inspection and copying any and all information and documentation requested by the MSBA; to fully, accurately and promptly complete all forms and writings requested by the MSBA; and to give complete, accurate, and prompt responses to any and all questions, inquiries and requests for information posed by the MSBA. The District agrees that it shall not in any way, directly or indirectly, limit, obstruct, censor, hinder or otherwise interfere with the free flow of communication and information between the Owner's Project Manager and the MSBA in all matters related to the Project and as provided herein; that it shall not suffer the same to occur by the act or omission of any other person or entity; and that it shall not retaliate against the Owner's Project Manager for communicating information to the MSBA as provided herein. The District agrees to execute, deliver and/or communicate to the Owner's Project Manager any and all authorizations, approvals, waivers, agreements, directives, and actions that are necessary to fulfill its obligations under this paragraph. The District further agrees that the MSBA shall bear no liability whatsoever arising out of the MSBA's knowledge or receipt of information communicated to the MSBA by the Owner's Project Manager and that the District shall remain responsible for the management and completion of the Projects.

33. The District has exercised due diligence in ascertaining and certifying the truth, completeness, and accuracy of each of the statements, acknowledgements, agreements and representations contained in this Initial Compliance Certification
34. The District hereby acknowledges and agrees that the MSBA reserves the right to modify and supplement the Initial Compliance Certification form at any time and may require the District to complete a revised Initial Compliance Certification.

By signing this Initial Compliance Certification, I hereby certify that I have read and understand the terms of this Initial Compliance Certification and further certify on behalf of the Eligible Applicant that each of the above statements is true, complete and accurate.

By:
Title: Chief Executive Officer
Date:



Massachusetts School Building Authority

Deborah B. Goldberg
Chairman, State Treasurer

James A. MacDonald
Chief Executive Officer

John K. McCarthy
Executive Director / Deputy CEO

By signing this Initial Compliance Certification, I hereby certify that I have read and understand the terms of this Initial Compliance Certification and further certify on behalf of the Eligible Applicant that each of the above statements is true, complete and accurate.

By:
Title: Superintendent of Schools
Date:

By signing this Initial Compliance Certification, I hereby certify that I have read and understand the terms of this Initial Compliance Certification and further certify on behalf of the Eligible Applicant that each of the above statements is true, complete and accurate.

By:
Title: Chair of the School Committee
Date:

EXHIBIT A
Massachusetts School Building Authority
Accelerated Repair Program
Terms and Conditions

All applicants determined to be eligible for the Accelerated Repair Program by the MSBA Board of Directors are required to comply with the MSBA's rules, regulations, policies, and guidelines and meet the terms and conditions listed below.

The MSBA will not award a grant for a project at any school facility that: is at risk for being taken out of service; has been deemed educationally obsolete; requires additional space based on capacity issues; and/or has more extensive capital repair needs beyond repair or replacement of the roof, windows/doors, and/or boilers.

The MSBA will not award a grant for the repair or replacement of a roof, window/door, and/or boiler system that is the result of neglect or poor maintenance by a district or to districts that have not met the MSBA's threshold maintenance standards or the requirements set forth in M.G.L. c. 70B and 963 CMR 2.00 *et. seq.*

No city, town or regional school district or independent agricultural and technical school has any entitlement to funds from the MSBA, and the MSBA, in its sole discretion, will determine which SOIs may be eligible for a potential grant(s), if any, under the Accelerated Repair Program.

Accelerated Repair Program Terms and Conditions:

1. No district shall have any entitlement to funds from the MSBA, pursuant to M.G.L. c. 70B or the provisions of 963 CMR 2.00. The provisions of 963 CMR 2.00 shall apply to all projects for which the district is seeking and/or receiving funds for a portion of a municipally-owned or regionally-owned school facility from the MSBA pursuant to M.G.L. c. 70B.
2. The MSBA will only consider potential projects for existing municipally-owned or regionally-owned public school facilities currently used or that will be used to educate public PK-12 students.
3. All districts will be required to sign an Initial Compliance Certification (ICC).

4. All districts must comply with all MSBA rules, regulations, policies, and guidelines and use the MSBA's standard documents, including contract, budget, and audit forms.
5. All districts will be required to enter into a Project Funding Agreement with the MSBA and comply with all of the terms and conditions set forth in the Agreement to qualify for payments. Please refer to our website for a sample PFA.
6. All projects in the Accelerated Repair Program shall produce measurable energy savings and shall incorporate sustainable maintenance practices.
7. Districts eligible for the Accelerated Repair Program will be encouraged to secure additional energy conservation resources from other sources (such as utility conservation programs) and will be expected to allocate savings from reduced energy consumption to improved routine and capital maintenance practices.
8. To expedite project delivery, the MSBA will pre-select Owner's Project Managers (OPMs) and Designers to work with districts participating in the Accelerated Repair Program. MSBA staff will assign both a pre-selected OPM and Designer to each district that has been invited into the Accelerated Repair Program.
9. Participating districts acknowledge the MSBA consultant assignment process and recognize that, upon assignment of project consultants by the MSBA, districts are responsible for negotiating applicable fees, executing the MSBA's standard OPM and Designer Accelerated Repair Program contracts with each assigned consultant, and managing the performance of their assigned consultant.
10. Districts are required to execute the MSBA's Accelerated Repair Program Contract for Project Management Services with their assigned OPM, regardless of whether the estimated construction costs exceed \$1.5 million.
11. Each district that is invited into the Accelerated Repair Program by the MSBA must demonstrate its ability to (a) appropriate the funds necessary to process an initial study within 60 days of being invited into the Program; and (b) appropriate funds to cover the total project budget within 90 days of receiving the MSBA's approval of the project scope and budget.
12. Districts may make monthly requests for reimbursement to the MSBA for an Approved Project but shall not make any requests for reimbursement that total less than \$50,000. If the total value of a request for reimbursement is less than \$50,000, the request must be held until such time as it can meet the \$50,000 threshold.



Item Title:

AN ORDINANCE - AMENDING CHAPTER 9 - ZONING - ADVANCED MANUFACTURING CAMPUS - HATHAWAY ROAD

Item Detail:

M3. COMMUNICATION, Mayor Mitchell, to City Council, submitting AN ORDINANCE, amending Chapter 9, ZONING, to create an Advanced Manufacturing Campus and allow for the redevelopment of approximately 100 acres at the site of Whaling City Golf Course property on Hathaway Road.

M3a. AN ORDINANCE,

Additional Information:

ATTACHMENTS:

Description	Type
COMMUNICATION-ORDINANCE-AMENDMENT OF CHAPTER 9 ZONING	Cover Memo



CITY OF NEW BEDFORD
JONATHAN F. MITCHELL, MAYOR

January 6, 2021

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

Dear Council President Lopes and Honorable Members:

I hereby submit for your consideration a proposed zoning ordinance amending Chapter 9 of the City to create an Advanced Manufacturing Campus and allow for the redevelopment of approximately 100 acres at the site of the Whaling City Golf Course property on Hathaway Road.

The ordinance includes a map and integrated design principles to be utilized by the Planning Board in reviewing applications and special permits for proposed projects at the Advanced Manufacturing Campus.

The measure reflects public and stakeholder input, as well as feedback from local and state economic development professionals. All materials have undergone a comprehensive review by the City Solicitor's Office, specialized outside counsel from KP Law, and the City Planning Office.

With the New Bedford Business Park at nearly full capacity, the City no longer has large tracts of privately held land available for new job development and revenue growth. The current golf course site boasts the acreage, transportation access, and visibility needed to attract new large-scale commercial development to New Bedford.

Research has confirmed significant direct and indirect economic and financial benefits to the City and the surrounding region. The western area of the site can accommodate more than one million square feet of new development and is projected to bring with it more than one thousand jobs, while allowing the continued operation of either a nine-hole or eighteen-hole golf course. A new club house, amenities, and parking area can also be accommodated. And the prospects of redevelopment of an adjacent hotel property, as well as other key parcels in the Hathaway Road corridor, will be significantly enhanced.

To advance this unique greenfield development opportunity to the next stage, the Administration anticipates working this Spring in partnership with the Property Committee to prepare and issue

a Request for Proposals (RFP) and receive responses from the private sector development community. Importantly, the proposed zoning measure will be included within the RFP so that developers take into account the City's high development and design standards as they craft their proposals.

The zoning strategy is simply put: To orient future development to *high-quality* uses that are consistent with the existing economic strengths of the City, region, and state. The design principles are likewise intended to promote a campus that is physically attractive, makes the most of a highly visible hilltop setting, and integrates well with the surrounding pastoral landscape.

The City expects and deserves first rate development proposals in response to its RFP, and the establishment of a new, well-articulated zoning and design framework will help ensure that result. Our aim, with this zoning measure—as with all our development initiatives—is to set the bar high, be clear about expectations and requirements, and empower Planning Board Members and staff to act in the best interests of the City as private sector investments materialize.

Thank you for your consideration of this important matter.

Sincerely,



Jon Mitchell
Mayor



CITY OF NEW BEDFORD

In the Year Two Thousand and Twenty One

AN ORDINANCE

Amending Chapter 9 Zoning

31- 509

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

SECTION 1.

Chapter 9, Section 2110 (Districts) is amended by inserting “Advanced Manufacturing Campus (AMC)” after “Soule Mill Overlay District (SMOD).”

SECTION 2.

Chapter 9 of the New Bedford Code of Ordinances, Comprehensive Zoning, is hereby amended by inserting the following new Section 7000 et seq.:

7000 – Advanced Manufacturing Campus Overlay.

7010. Purpose.

The purpose of the Advanced Manufacturing Campus (AMC) is to create a new master-planned mixed-use district suitable for uses related to life sciences and advanced manufacturing. The campus setting also permits small-scale commercial uses and an integrated network of pedestrian paths, set among appropriate landscaping, that will attract both employers and employees. The AMC has frontage on and access to a freight rail; frontage onto Hathaway Road and I-195 with direct access from Hathaway Road to the interchange between I-195 and Route 140.

7011. The Master Plan.

A detailed master plan (the AMC Master Plan) shall be prepared and submitted to the Planning Board for approval of the entirety of the proposed development and/or redevelopment within the AMC Overlay District, even if such property(ies) is/are developed incrementally over an extended period. As the intent of this Section is to ensure conformance with a well thought out long term plan, the preparation and approval of the Master Plan is a condition precedent to the

issuance of any building permit or approval of either site plan review or a special permit as required by this Ordinance. The proposed AMC Master Plan shall illustrate both the initial development proposal as well as development intended to be implemented over time. The Master Plan may be amended from time to time and the Planning Board may, in its discretion, approve, deny, or approve with conditions the original and/or proposed revisions to the Master Plan. The Planning Board shall approve, deny, or approve with conditions the original and/or revised Master Plan in writing with a copy of the same to the applicant and the City Clerk within sixty (60) days of receiving a Master Plan that conforms with the requirements of Section 7012, below.

7012. Master Plan Contents.

The Master Plan shall include a context map indicating adjoining properties and streets; the proposed sequence of development; an illustrative timetable for development; the proposed location of all streets, walkways, and open spaces, proposed topography, lot layout, landscaping, signs, lighting and utilities; building locations, intended or anticipated uses and structures, design and heights presented at a level of conceptual design plans; parking locations and amounts, including the manner in which parking requirements will be met prior to full build-out of the development; required easements and deeded areas; and a listing of any variance from the Zoning Ordinance that may be required to implement the Master Plan. The Planning Board may condition the approval of a Master Plan on the receipt of any such variance or any other required approvals from the City, state or federal government.

7013. The Master Plan Governs New Development.

Once approved, the AMC Master Plan shall govern development within the AMC, subject to site plan or special permit approval, where relevant.

Subsequent applications for specific uses shall be reviewed as follows:

All applicants shall be required to follow the requirements in Section 5450. In addition, all applicants must demonstrate the manner in which the requirements of Section 7010 are met and are consistent with the AMC Master Plan as approved by the Planning Board or revised thereafter.

Applicants for Class A uses that are consistent with the approved AMC Master Plan may submit an application for a building permit for administrative review by the Department of City Planning, the Department of Inspectional Services, and the Department of Public Infrastructure, including a site plan prepared in accordance with Section 5400 that meets the requirements of Section 5451.a through 5451.f. The Department of Inspectional Services shall grant a building permit if the site plan submitted is materially consistent with the AMC Master Plan as approved by the Planning Board and the application complies with all other requirements for a building permit. The site plan shall be attached and incorporated into the building permit.

Applicants for Class A uses or structures that do not strictly comply with the approved Master Plan, may, in lieu of revising the Master Plan as set forth in Section 7011, submit an application for site plan review to the Planning Board indicating how the application does not comport with the approved Master Plan and containing support for why the non-complying proposed use or structure does not constitute a

substantial conflict with the Master Plan. The application shall comply with the requirements of Sections 5430, 5440, 5450, and 7000. The Planning Board may approve the non-conforming site plan only if it concludes that the non-conformance with the Master Plan is *de minimis* or otherwise does not derogate from the intent of the approved Master Plan.

No application for a Class B or Class C use or structure that does not comply with the approved Master Plan may be filed with the City until such time as the proposed use or structure shall conform with the Master Plan. Any application submitted in contravention of this requirement shall not be acted upon by the Planning Board unless the Master Plan is amended to include or anticipate the proposed use or structure.

7014. Design Principles. The design principles for the AMC focus on four key aspects to the anticipated physical experience of the AMC:

1. Treatment of buildings – Buildings shall be oriented to face the street, serving to define space for public and private activities. As the AMC develops over time, new buildings should be consistent with the design of existing buildings in the district.
2. Treatment of yards – Front yards shall be reserved for landscaping, sidewalks, and appropriately screened Guest Parking. Side yards shall be used for vehicular access and access to loading docks. Rear yards shall be used for vehicular access, loading docks, and parking.
3. Treatment of the site and landscape – Sites shall be landscaped to provide appropriate buffers between different types of site uses, including buildings, parking, and sidewalks. Landscaping shall be consistent with site plan review requirements and the Development Standards of this section and shall be integrated with stormwater treatment systems. Landscaping shall also be used to reduce the impact of the heat island effect on large areas of parking or other paved surfaces.
4. Connections between private and public infrastructure – Streets shall provide safe travel ways for all uses, including drivers of trucks and cars, pedestrians, and bicyclists. Private sidewalks shall connect building entrances and parking areas to public sidewalks, and where possible, provide connections between parking areas for pedestrian safety and to minimize curb cuts onto public ways.

7015. Location and Boundaries. The boundaries of the AMC are the boundaries of Parcel B (99.86 acres) on the plan titled “Subdivision Plan Prepared for Mass Development,” prepared by Nitsch Engineering and dated October 7, 2020. This plan is on file with the City Clerk.

7020. Relationship to Existing Zoning. The AMC supersedes all other zoning district regulations for this area, except the Flood Hazard Overlay District (FHOD). In the case of any potential discrepancy between the AMC and the FHOD regulations, the FHOD regulations shall apply. In the case of a conflict between the AMC and the underlying zoning district

regulations, the AMC regulations shall apply. Unless otherwise noted, reference to a “Section” followed by a “number” refers to the relevant Section of the New Bedford Zoning Ordinance.

7030. Definitions. The definitions contained in Section 1200 and the following additional definitions shall apply to the AMC Overlay District. In the event of a conflict between the definitions contained in Section 1200 and those below, the definitions below shall control within the AMC Overlay District.

Aquaponics: The cultivation of fish and plants together in a constructed, re-circulating system utilizing natural bacterial cycles to convert fish wastes to plant nutrients, for distribution to retailers, restaurants, and consumers.

Biotechnology Facilities: The utilization of bioprocesses or other biological systems in manufacturing of drugs or pharmaceuticals, medical products, and in waste recycling for environmental management.

Brewery, Distillery, Cidery, Winery: A facility that uses equipment and/or processes for the large-scale production, packaging, and distribution of malt, spirituous, or vinous beverages pursuant to G.L. c. 138, §19 and relevant federal statutes. Such establishment may include on-site sampling via a taproom or counter, the sale of permitted beverages produced on the premises to consumers for off-site consumption, and the sale of commercial goods branded by the establishment.

Brew Pub: Restaurants, licensed under the relevant state and federal statutes, to produce and sell beer and/or ale at the location and whose primary business is the sale and preparation of food to be consumed on the premises. Malt beverages including beer, ales and hard ciders produced on the premises may be sold to other establishments but shall not exceed 25 percent of the establishment’s production capacity.

Caterer/Wholesale Food Production: The preparation of food in significant quantities to be delivered and served or sold off-site.

Controlled Environment Agriculture (CEA): Any agricultural technology that enables the grower to manipulate the environment to desired growing and/or cultivation conditions. In the City of New Bedford, CEA is limited to food production.

Farmers Market, Vendors Court, and Mobile Food Markets: Individual or multiple vehicles that form a mobile market that travel to multiple locations to sell fresh fruits and vegetables, operating on a set schedule so residents know when they can shop. Mobile markets can be created from buses, trucks, vans, carts, or any other vehicle with space to display food and produce. Food trucks are large vehicles equipped with facilities for cooking and selling food and may be included in Mobile Food Markets or on separate sites with authorization from the City of New Bedford.

Farming, Vertical: Controlled Environment Agriculture used for the practice of producing food on vertically inclined surfaces in vertically stacked layers. Farming techniques may include hydroponics, aquaponics, and aeroponics.

Food Hall or Public Market: An indoor food court or space where food products made by local artisans, local kitchens, and food vendors are marketed and sold.

Medical Devices Manufacturing: The design and production of equipment and supply intended for the diagnosis or treatment of injury or disease.

Micro-Brewery, Distillery, Cidery, Winery with Tasting Room: A facility that uses equipment and/or processes for the production, packaging, and distribution of up to 15,000 barrels (1 barrel=31 gallons) of malt, spirituous, or vinous beverages pursuant to G.L. c. 138, §19 and relevant federal statutes. Such establishment may include on-site sampling, the sale of permitted beverages produced on the premises to consumers for off-site consumption, and the sale of commercial goods branded by the establishment.

Research, Development or Testing Laboratories and Facilities: The analysis, testing, and development of products, or services predominantly for scientific research operations in biotechnology, pharmaceuticals, medical devices and equipment, communication and information technology, electronics, computer hardware, and their substantial equivalents but excluding marijuana research. Research and Development and/or Laboratory does not include activities involved in fabricating, assembling, warehousing, or sale of products for the retail or wholesale market.

7040. Principal and Accessory Uses. The List of Principal Uses in this section supersedes the Table of Principal Use Regulations in the Zoning Ordinance for purposes of this Section. Any use not identified as a Class A, Class B, or Class C use below is prohibited. Where relevant, the term “use” shall be construed to include “building” or “structure” such that permitted uses shall be deemed to include a structure(s) required to support the permitted use. The terms “accessory building” and “accessory use” are as defined in Section 1200.

7050. Definition of Use Classes.

Class A uses are allowed as-of-right. A building permit will be issued by the Department of Inspectional Services upon showing that the use is consistent with the AMC Master Plan as approved by the City and after staff review as described in Section 7070.

Class A Principal Uses are as follows:

- Manufacturing
- Research, development or testing laboratories and facilities
- Biotechnology facilities
- Medical devices manufacturing
- Aquaculture/Aquaponics
- Farming, Vertical
- Controlled Environment Agriculture

Class B uses are allowed as-of-right but subject to site plan approval from the Planning Board to ensure consistency with Section 7010 and the requirements of Section 7070.

Class B Principal Uses are as follows with Farmer's Markets, Vendor Court and Mobile Food Markets permitted as Accessory Uses only:

- a) Child Day Care Center
- b) Health clubs
- c) Restaurant
- d) Bar or Tavern
- e) Brew Pub
- f) Brewery, Distillery, Winery
- g) Microbrewery/Craft Brewery
- h) Food Hall or Public Market

Class C Uses are as follows:

- a) Retail stores and services not elsewhere set forth
- b) Caterer/Wholesale Food Production
- c) Business or professional office
- d) Medical offices, center, or clinic
- e) Bank, financial agency

- i. Class C uses require site plan approval and a special permit from the Planning Board to ensure consistency with Section 7010 and the requirements of Section 7070 Development Standards, unless they meet the criteria listed below.
- ii. Class C Uses Wholly Contained Within Class A Use.

Provided that the enumerated Use is (a) wholly contained within a permitted Class A use and the requirements of Section 7050(1) are met or, (b) provided that the Use is specifically identified as to use and location in the approved Master Plan (see Section 7011), Class C Uses do not require site plan approval or a special permit. Any Class C Use that does not meet the requirements of Section 7050(4)(a) or (b) shall require both site plan approval and a special permit from the Planning Board.

- iii. Class C Uses Wholly Contained Within Class B Use.

Provided that the enumerated Class C Use is (a) wholly contained within a permitted Class B use and the requirements of Section 7050(2) are met, or, (b) provided that the Use is specifically identified as to use and location in the approved Master Plan (see Section 7011), Class C Uses do not require a special permit but shall require site plan review approval from the Planning Board. Any Class C Use that does not meet the requirements of Section 7050(5)(a) or (b) shall require both site plan approval and a

special permit from the Planning Board.

7060. Approval of Site Plans and Special Permits. The Planning Board shall be the Special Permit Granting Authority for the AMC Overlay District. The requirements of Section 5300 and 5400 shall govern unless noted otherwise below. Applications for Site Plan Review within the AMC Overlay shall comply with the requirements of Section 7061 below, in lieu of compliance with Sections 5420 and 5470.

7061. Criteria for Site Plan Approval.

Site plan approval for uses within the AMC Overlay District may be granted by the Planning Board only for uses that are, or can be conditioned to be, consistent with the approved Master Plan.

- 1) Administrative Approval for Class A Uses. Prior to the issuance of a building permit for a Class A use, the Department of Inspectional Services, following consultation with the Department of City Planning, and the Department of Public Infrastructure shall agree that the following requirements have been met:
 - a) The application is complete with respect to Sections 5440 and 5450.
 - b) The application meets the development standards in Section 7080 and is consistent with the AMC Master Plan as approved by the Planning Board.

Approval by the Planning Board of Class B and Class C Uses. The Planning Board may grant site plan approval for Class B or Class C Uses upon determination that the following requirements have been met:

- a) The application is complete with respect to Sections 5440 and 5450.

The application is consistent with the AMC Master Plan as approved by the Planning Board.

7062. Criteria for Approval of a Special Permit.

This section supersedes Section 5320. A special permit may be granted by the Planning Board only upon its written determination that the benefit to the City, the AMC District, and the neighborhood outweighs the adverse effects of the proposed use, taking into consideration the characteristics of the site and of the proposal in relation to the site. The determination shall also consider the following factors:

- 1) Consistency of the application and the site plan with the intent of Section 7010 and the approved Master Plan.
- 2) The development standards for specific uses in Sections 7070 are or if conditioned, can be, met.

Traffic and circulatory impact on the roads adjacent to the AMC are, or, if conditioned, will be of *de minimis* impacts.

7070. Development Standards for Class A, Class B and Class C Uses.

7071. Development Standards for Class A Uses:

1) Treatment of Buildings

- a) Buildings shall be oriented with their main entrance and principal façade facing the street.

Construction materials shall be durable, resilient and certified by the applicant to be of high quality.

Pedestrian entry points shall be clearly identified and ADA accessible.

All building signs are subject to Planning Department administrative review and Section 3200.

Treatment of Yards

- a) The front yard shall be well-landscaped with a combination of trees, shrubs, perennials, and grasses.
- b) The front yard shall include a publicly accessible sidewalk built to the City of New Bedford's standards for a public sidewalk and shall be connected to the existing sidewalks on either side of the lot frontage.

The public sidewalk shall connect to the parking area at the rear of the building by a sidewalk of no less than five (5) feet in width through one of the side yards.

The buffer between the street and any sidewalk shall have a minimum width of six (6) feet. Shade trees shall be planted at regular intervals to provide shade to the sidewalk.

Parking areas contiguous with a public sidewalk shall provide a minimum five (5) foot wide landscaped buffer between the parking area and the public sidewalk.

Guest parking may be located within the front yard of the principal building, not to exceed ten (10) spaces. Such parking shall be appropriately screened with landscaping and shall connect to the building's primary entrance and public sidewalk by a sidewalk of not less than five (5) feet in width.

All other parking shall be located to the rear of the building.

Loading shall be located to the rear or the side of the building.

All driveways to access parking and loading shall be designed to accommodate, at a minimum, the turning radius of a semi-truck trailer of fifty-three (53) feet.

Curb cuts shall be limited to a maximum of three per building: one for access to the guest parking in the front yard and two for entry and exit to the rear

parking and rear or side loading. Where possible, curb cuts shall be shared to allow access to loading and parking for more than one building.

The front yard may have a single monument sign identifying the address and the tenant(s) in the building at the primary vehicular entrance to the building. Access drives to parking and loading shall have appropriate directional signs at each entrance.

Treatment of the Site and Landscape

- a) Materials shall not be stored outdoors.

Projects shall implement low-impact stormwater management techniques to control runoff and manage stormwater on-site, such as the use of structured soils, engineered tree wells, biofiltration swales, or other best management practices suited to a campus environment. Stormwater management practices shall be consistent with Article VIII Stormwater Management of the City's Code of Ordinances (Section 16-131 et seq.); any alteration of land will require a stormwater management permit unless such alterations meet the exemptions in the ordinance. Stormwater shall not be permitted to drain into the City's sewer system, onto other properties, or into an adjacent wetland buffer.

Healthy mature trees and vegetation shall be maintained and incorporated into the site plan to the greatest extent possible.

Invasive species included in the Massachusetts Prohibited Plant List are prohibited. Planting shall be native or adapted to the climate in the New Bedford area. For longer-term species, such as trees, a species that will adapt to the projected impacts of climate change is recommended.

Hardscape materials that connect to public infrastructure shall smoothly connect to ensure public safety and mobility and shall be consistent or compatible with the public infrastructure in terms of material type and durability. (e.g. a concrete public sidewalk shall be matched with either a concrete private sidewalk or decorative pavers; private asphalt sidewalks shall not overrun public sidewalks).

Lighting shall be shielded or at a 75 to 90-degree cut-off. Lights shall not be operational during non-business hours, except for minimal lighting required for safety.

Public and Private Infrastructure

- a) Public amenities (including benches, lighting, bike racks, and trash receptacles) and landscape materials (planting choices, paving materials) shall be consistent in quality and appearance throughout the district and are subject to Administrative review by the Planning Department and the Department of Public Infrastructure to align with City standards.

Bicycle parking and storage facilities shall be incorporated into all new facilities. Bike racks shall be U frame or similar, as directed by the

Planning Department and the Department of Public Infrastructure.

Utility lines shall be located underground or to the rear of buildings to improve the visual quality of the streetscape and to eliminate conflicts between sidewalks, plantings, and utility poles.

7072. Development Standards for Class B Uses:

- 1) Class B Uses shall be located within a larger structure whose primary use is a Class A use or clustered in a group of similar Class B Uses to provide one or more campus centers serving all buildings dedicated to Class A uses.
 - a) Class B uses must be located adjacent to public outdoor gathering spaces. Such spaces shall contain a mix of appropriate hardscaping and landscaping and provide outdoor seating.
 - b) One outdoor gathering space may serve more than one commercial use provided a sidewalk or other paved path connects the entrance of each use to the gathering space.
 - c) The façade of the ground floor that faces the principal street and the façade that faces the outdoor gathering space shall have a minimum transparency of 50%.
 - d) The outdoor gathering space(s) shall be the location of any Farmers Market, Vendors Court and Mobile Food Markets proposed in the AMC Overlay District.

7073. Development Standards for Class C Uses:

- 1) Class C Uses: Class C Uses shall be located either within a building whose primary function is a Class A Use or as noted below:
 - a) Banks: This use may be located either in a building with a Class A use or in a building with a cluster of Class B uses. A drive-thru for a bank is not allowed.
 - b) Medical Offices, Center, or Clinic: These uses may be allowed on the upper floors of a building which has either a Class A use or a cluster of Class B uses on the ground floor.
 - c) Caterer/Wholesale Food Production: This use may be located either in a building with a Class A use or in a building with a cluster of Class B uses.

7080. Severability.

If any provision of this Section 7000 et seq. is found to be invalid by a court of competent jurisdiction, the remainder of Section 7000 shall not be affected but shall remain in full force.

The invalidity of any provision of Section 7000 shall not affect the validity of the remainder of the City's Zoning Ordinance.

SECTION 3. TABLE OF DIMENSIONAL STANDARDS.

The Table of Dimensional Regulations set forth below shall be added as a column within Section 2700 Dimensional Regulations of the Zoning Ordinance.

Requirement	AMC
Minimum Lot Size (sq. ft.)	5,000
Density of Dwelling Units per Lot	N/A
Lot Frontage (ft.)	50
Height of Buildings (ft.)	Chapter 3, Article II, Section 3-23 of the New Bedford Code of Ordinances
Height of Buildings (# stories)	Chapter 3, Article II, Section 3-23 of the New Bedford Code of Ordinances
Front Yard (ft.)	25
Side Yard (ft.)	20
Rear Yard (ft.)	10
Lot Coverage by Buildings (%)	50%
Green Space (%)	20%

SECTION 4.

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

ZONE--RESIDENTIAL A (RA)
 MINIMUM LOT SIZE=8000 SF
 LOT FRONTAGE=75'
 BUILDING HEIGHT=45'
 FRONT YARD=20'
 SIDE YARD=0' ON ONE SIDE,
 12' ON THE OTHER
 REAR YARD=30'
 COVERAGE=30% 40% IF
 A CORNER LOT
 OPEN SPACE=33%

1. THE PURPOSE OF THIS PLAN IS TO CREATE 3 NEW PARCELS FROM TAX MAP 121 LOTS 1-8, 25, 27, AND 28 THE NEW PARCELS ARE PARCEL 2, PARCEL 3, AND PARCEL 4.

2. HORIZONTAL COORDINATES BETTER TO MASSACHUSETTS STATE PLAIN MAP 63 BASED ON RTN GPS OBSERVATIONS

3. WETLAND DELINEATION IS PROVIDED BY EPILON ASSOCIATES AND WAS CONDUCTED IN 2019. A FIELD COMPLETION ACCUMULATION DATED APRIL 18TH, 2019 AND REVISED SECTION

LAM BOOK 171 PAGE 89-90
 LAM BOOK 65 PAGE 8
 LAM BOOK 71 PAGE 44
 LAM BOOK 81 PAGE 12
 LAM BOOK 147 PAGE 65
 LAM BOOK 147 PAGE 65
 COLONY R.R. PLAN V9-18-12.3
 ASSDONT LAYOUTS HO 5271 Ma 5366,
 HO 5369 AND NO 6406

TAK MAP 121 LOTS 1-8 ADD 52
CITY OF NEW BEDFORD
131 WILLIAM STREET
NEW BEDFORD, MA 02740

TAX MAP 121-1 LOTS: 1-8, 37, 45, AND 88

MASS DEVELOPMENT
BRKWAY, DEVENS, MASSACHUSETTS 01434

1100

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F: (617) 338-6472



Nitsch Engineering

CERTIFY THAT THIS PLAN CONFORMS TO THE RULES AND REGULATIONS OF THE REGISTER OF DEEDS

Denis Seguin 10/7/20

DEBIS R. SECURA, PLS
MASSACHUSETTS REG. NO. 37038
REGISTERED PROFESSIONAL LAND SURVEYOR

APPROVAL UNDER THE SUPERVISION CONTROL LAW NOT REQUIRED

DEPARTMENT OF CITY PLANNING

DATE _____

CITY OF NEW BEDFORD REGULAR BILLS

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1

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1



Item Title:

ORDERS & ORDINANCE - NEW BEDFORD WATERFRONT REDEVELOPMENT PLAN -
FOCUS AREA NORTH & FOCUS AREA SOUTH

Item Detail:

M4. COMMUNICATION, Mayor Mitchell, to City Council, submitting two (2) ORDERS, approving the New Bedford Waterfront Redevelopment Plan: Focus Area North and New Bedford Waterfront Redevelopment Plan: Focus Area South; also submitting AN ORDINANCE, amending Chapter 9, Section 2110, replacing Wamsutta Mill Overlay District and WEDROD District with a Waterfront Mixed Use District and amending the Working Waterfront Overlay District and Hicks Logan Sawyer IPOD.

M4a. AN ORDER, New Bedford Waterfront Redevelopment Plan: Focus Area North

M4b. AN ORDER, New Bedford Waterfront Redevelopment Plan: Focus Area South

M4c. AN ORDINANCE, amending Chapter 9, ZONING

Additional Information:

ATTACHMENTS:

Description	Type
<input type="checkbox"/> ORDER-APPROVING THE NEW BEDFORD WATERFRONT REDEVELOPMENT PLAN	Cover Memo



CITY OF NEW BEDFORD

JONATHAN F. MITCHELL, MAYOR

January 6, 2021

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

Dear Council President Lopes and Honorable Members:

At the request of the City Planning Department and the New Bedford Redevelopment Authority (NBRA), I am submitting for your consideration a proposed Order approving the *New Bedford Waterfront Redevelopment Plan: Focus Area North* and the *New Bedford Waterfront Redevelopment Plan: Focus Area South*, which can be found at <https://www.newbedford-ma.gov/planning/strategic-plans-initiatives/>, along with financial plans for these areas and amendments to current zoning.

I request that the City Council hold a public hearing on the *New Bedford Waterfront Redevelopment Plan: Focus Area North* and the *New Bedford Waterfront Redevelopment Plan: Focus Area South* as required by Massachusetts General Laws Chapter 121B, Section 48. A notice of this public hearing and a map of the urban renewal boundaries for Focus Area North and Focus Area South must be sent to the Massachusetts Historical Commission. MHC has already received a draft copy of both plans.

Both plans have been prepared according to the requirements of 760 CMR 12.00. Under 760 CMR 12.02(14), the NBRA made its **declaration of necessity** (M.G.L. c. 121B § 45) for both plans on April 14, 2020 and approved the plans for continuation in the municipal approval process. On May 13, 2020, the New Bedford Planning Board determined that both plans were based on a local survey and conform to the City's comprehensive plan, as required by M.G.L. c. 121B § 48.

Should the City Council approve both plans after the public hearing, counsel to the NBRA will provide an opinion certifying that both plans were adopted in accordance with M.G.L. c. 121B § 48 and are in compliance with applicable laws. The City Planning Department will submit both plans to the Commonwealth of Massachusetts Department of Housing and Community

Development for their review and approval. At the same time, an Environmental Notification Form (ENF) for each plan will be submitted under the Massachusetts Environmental Policy Act.

Financial Plans

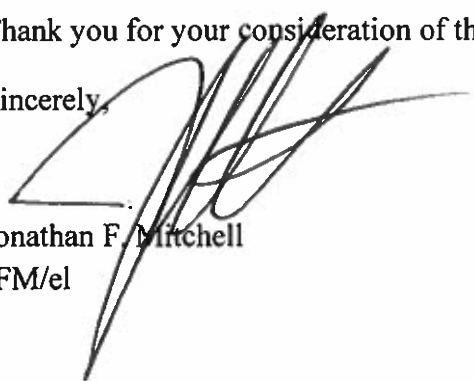
A financial plan for each of the two Redevelopment Plans is provided under 760 CMR 12.02(12). The NBRA has no immediate plans to undertake a specific project as the first implementation action is the adoption of the Waterfront Mixed Use District (WMU). This zoning change provides the regulatory requirements to encourage new development that meets the goals described in the plans for both Focus Area North and Focus Area South. Please see attached pages for the extracts of the financial plans for each redevelopment area.

Zoning

In accordance with the Plan, attached are proposed amendments to Chapter 9 Section 1200 of the City's Code of Ordinances, replacing the Wamsutta Mill Overlay District and WEDROD District with a Waterfront Mixed Use District and amending the Working Waterfront Overlay District and Hicks Logan Sawyer IPOD.

Thank you for your consideration of these matters.

Sincerely,



Jonathan F. Mitchell
JFM/el



CITY OF NEW BEDFORD

CITY COUNCIL

January 14, 2021

Ordered, that the City of New Bedford approves the *New Bedford Waterfront Redevelopment Plan: Focus Area North* in accordance with Massachusetts General Laws Chapter 121B, Section 48.



CITY OF NEW BEDFORD

CITY COUNCIL

January 14, 2021

Ordered, that the City of New Bedford approves the *New Bedford Waterfront Redevelopment Plan: Focus Area South* in accordance with Massachusetts General Laws Chapter 121B, Section 48.



CITY OF NEW BEDFORD

In the Year Two Thousand and Twenty One

AN ORDINANCE

Amending Chapter 9 Zoning

31- 509

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

SECTION 1. Chapter 9, Section 2110 (Districts) is amended by striking “Wamsutta Mill Overlay District (WMOD)” and inserting the following:

Waterfront Mixed Use District (WMU)

SECTION 2. Chapter 9, Section 4600 (Working Waterfront Overlay District) is hereby amended by striking the phrase “and Interstate Route I-195” and inserting “Wamsutta Street” in place thereof, so the section reads as follows:

4600. WORKING WATERFRONT OVERLAY DISTRICT.

There shall be a Working Waterfront Overlay District, comprising the waterfront area between Gifford Street and Wamsutta Street. A fish fillet or fish processing plant shall only be allowed in Industrial "B" Zones that are located within the Working Waterfront Overlay District.

SECTION 3. Chapter 9, Section 4661(B) Hicks Logan Sawyer IPOD is hereby amended by striking the following language:

- Mills within the proposed Wamsutta Mill National Register Historic District
- Ice House within the Former Revere Copper Site
- #26 North Front Street within the Former Revere Copper Site
- #122-124 North Front Street
- A portion of the Kilburn Mill

so the subsection reads as follows:

(B) Historic Context. The HLS District contains mill buildings dating from the Nineteenth and early Twentieth Centuries, when the District was a center of textile and metals manufacturing. Some of these buildings may be "Brownfields" containing toxic contaminants. The City wishes both to encourage adaptive reuse of existing mill buildings and to encourage redevelopment of Brownfield Sites.

- Where relevant and feasible, the adaptive reuse of some or all existing historic buildings should be considered, especially in the case of buildings deemed preferably preserved by the New Bedford Historical Commission. The HLS District Master Plan recommends the preservation of the following mills:
 - Fairhaven Mills
- Infill development near historic structures and new construction attached to historic structures should be compatible with the historic context. However, new construction should not attempt to be a copy of existing structures.

SECTION 4. Chapter 9, Section 4100A Wamsutta Mill Overlay District (WMOD) through 4170A shall be struck in its entirety and inserting the following in place thereof:

4100A – 4199A. RESERVED.

SECTION 5. Chapter 9, Section 4700A (WEDROD District) is amended by striking Section 4700A (WEDROD District) in its entirety and inserting the following in place thereof:

4700A - Waterfront Mixed Use District (WMU).

4710A. Purpose.

The Waterfront Mixed Use District ("WMU") is established to promote and support economic revitalization by retaining existing and supporting waterfront uses and structures and to achieve consistency with the New Bedford Waterfront Redevelopment Plan: Focus Area North and the New Bedford Waterfront Redevelopment Plan: Focus Area South (2021). The WMU includes four (4) subareas, identified as Subarea A (Wamsutta), Subarea B (Revere Copper), Subarea C (Fairfield Inn and Eversource) and Subarea D (Sprague/Eversource).

Subarea A is intended to attract new multifamily residential, multifamily mixed use, and neighborhood business uses while maintaining the area's historic character and enhancing public access to and within, the waterfront.

Subarea C is designed to promote the link between New Bedford's Downtown and its waterfront, with active ground floor uses along MacArthur Drive that connect to a proposed pedestrian connection to the waterfront in Subarea D.

Subarea B (along the waterfront and including the Revere Copper site) and Subarea D, are

designed to retain and expand existing water-dependent, water-related and supporting uses, and attract new, sustainable businesses that may benefit from prime waterfront access and visibility. Uses in Subarea D are subject to the requirements of the Designated Port Area (DPA), G.L. c. 91 et seq., and the New Bedford Municipal Harbor Plan in effect at the time of application. In Subarea D, only the identified design guidelines apply.

4711A. Design Principles

The following principles are consistent with the purpose of the WMU District and focus on four aspects of design, each of which shall be reflected to the maximum extent possible in all new or redevelopment projects:

- A. Public access to the waterfront – Public access to the waterfront and pedestrian access along the water should be provided by properties with water frontage. In WMU Subarea B, private access points should connect with streets and public sidewalks to ensure a continuous pedestrian network that allows access to public amenities along the waterfront. In WMU Subarea D, public access to the waterfront should only be provided at single points that will not interfere with the safe operation of water-dependent uses, vehicles, boats, or machinery.
- B. Treatment of buildings – New buildings should be oriented to face the street, serving to define space for public and private activities. Existing buildings should be reconstructed or reconfigured according to the same principles, to the greatest extent possible.
- C. Treatment of the site and landscape – Sites should be landscaped to provide a buffer between incompatible uses and to define spaces for public and private activities. Landscaping should be consistent with Site Plan Review requirements.
- D. Public and private infrastructure – Streetscapes should incorporate pedestrian and bicycle amenities throughout the District, including shared use paths, encourage on-street parking, and designate ride share zones and areas for ride hailing. Green infrastructure and Low Impact Development (LID) should be considered for every project. Overhead utility lines shall be relocated underground where possible or to the rear of buildings to improve the visual quality of the streetscape and to reduce conflicts between sidewalks, plantings, and utility poles.

4720A. Location and Boundaries.

The boundaries of the WMU are shown on the following maps, as may be subsequently amended by vote of the City Council. These maps are on file with the City Clerk.

- Waterfront Mixed Use District, Subarea A, April 2020
- Waterfront Mixed Use District, Subarea B, April 2020
- Waterfront Mixed Use District, Subarea C, April 2020
- Waterfront Mixed Use District, Subarea D, April 2020

4721A. Boundaries of the Four Subareas.

The WMU District includes four subareas with differing permitted uses and development standards and are located within the following boundaries:

- A. Subarea A. WMU Subarea A is bound by Interstate 195 to the north, Belleville Avenue and North Front Street to the east, Wamsutta Street and Kilburn Street to the south, and Route 18 to the west.
- B. Subarea B. WMU Subarea B is bound by Kilburn Street and Interstate 195 to the north, the New Bedford Harbor to the east, the Wamsutta Street outflow to the south, and North Front Street and Belleville Avenue to the west.
- C. Subarea C. WMU Subarea C is bound by MacArthur Drive to the south and east and JFK Memorial Highway to the north and west.
- D. Subarea D. Subarea D is bound by MacArthur Drive and Leonard's Wharf to the north, New Bedford Harbor to the east, MacArthur Drive to the west, and comprised of parcels 42-287 and portions of parcels 47-181 and 47-241.

4730A. Relationship to Existing Zoning.

The WMU supersedes all other zoning district regulations for this area, except the Flood Hazard Overlay District (FHOD). In the case of a conflict between the WMU and the FHOD regulations, the FHOD regulations shall apply. In the case of a conflict between the WMU and the underlying zoning district regulations, the WMU regulations shall apply.

4740A. Definitions Applicable to Section 4700A.

The definitions contained in Section 1200 of the Zoning Ordinance shall apply to the WMU District. The following additional definitions shall apply where applicable. In the event of a conflict between the definitions contained in Section 1200 and those below, the definitions below shall control within the WMU District.

Aquaponics: The cultivation of fish and plants together in a constructed, re-circulating system utilizing natural bacterial cycles to convert fish wastes to plant nutrients, for distribution to retailers, restaurants, and consumers.

Aquatic Equipment Rental: A facility that rents equipment for use on or under the surface of the water.

Artist Studio: A place of work for an artist, artisan or craftsperson, including persons engaged in the application, teaching or performance of arts such as but not limited to, drawing, vocal, or instrumental music, painting, sculpture and writing.

Commercial Structured Parking Facility: Motor vehicle parking facility operated by the

City or private entity that is structured and available to the public at-large for an hourly, daily, or monthly fee. The structure may be at grade, below grade or above grade.

Commercial Surface Parking Facility: Motor vehicle parking facility operated by the City or private entity that is at grade and available to the public at-large for an hourly, daily, or monthly fee.

Flat floor event, arena space: A one-story space flexible enough to host a multitude of different events, allowing for different seating configurations.

Marine Recreation Facility: Coastal facilities and infrastructure supporting waterfront recreational activities such as marinas or boathouses for pleasure boating, charter fishing, cruises and whale watches, coastal and marine-based ecotourism.

Maritime Education: Use of land or structure for tertiary or experiential educational purposes related to maritime trade, including marine engineering, marine-related research and development, water-dependent industrial, and other maritime employment categories.

Maritime Trade: The shipment of goods and transport of individuals and goods and cargo by sea and waterways.

Shipyard, shipbuilding: A yard, place, or enclosure where ships are designed, built, and/or repaired.

Waterfront Storage & Distribution Facility: Businesses engaged in the sale, distribution or storage of grain, petroleum products, building materials and industrial machinery provided that such businesses shall be primarily reliant upon a waterfront location or shall be in direct support of an industrial use that requires a waterfront location.

4750A. Table of Principal Use Regulations Applicable to Section 4700A.

Any use not identified or specifically enumerated in the table below is prohibited notwithstanding regulations applicable to the underlying zoning district. Where relevant, the use of the phrase “use” shall also include the phrase “structure” such that permitted uses shall be deemed to include a structure(s) required to support the permitted use.

PB requires a Special Permit from the Planning Board.

Principal Use	WMU Subarea A	WMU Subarea B	WMU Subarea C	WMU Subarea D
A. Residential				
1. Multi-family townhouse	Y	N	N	N
2. Multi-family garden style (4 stories)	Y	N	N	N
3. Multi-family mixed use (6 stories)	Y	N	N	N
C. Commercial				
1. Nonexempt agricultural use	PB	PB	N	N

Principal Use	WMU Subarea A	WMU Subarea B	WMU Subarea C	WMU Subarea D
2. Nonexempt educational use	PB	PB	N	YA**
6. Bed & Breakfast	PB	N	N	N
7. Motel, hotel or inn	Y	Y	Y	N
8. Retail stores and services not elsewhere set forth	Y	Y	Y	YA**
9. Grocery stores	Y	PB	N	N
10. Health clubs	Y	Y	Y	N
11. Mixed use	Y	Y	Y	N
12. Commercial Structured Parking Facility	PB	PB	PB	PB
13. Commercial Surface Parking Facility	PB	PB	PB	PB
14. Restaurant	Y	Y	Y	YA**
15. Business or professional office	Y	Y	Y	YA**
16. Medical offices, center, or clinic	Y	PB	Y	N
17. Bank, financial agency	Y	Y	Y	N
18. Indoor commercial recreation	Y	Y	N	N
19. Outdoor commercial recreation	PB	PB	N	N
20. Marine Recreation Facility	N	Y	N	Y†
21. Maritime Trade	Y	Y	Y	Y†
22. Maritime Education	Y	Y	Y	Y†
23. Wireless Communications Facilities	PB	PB	PB	N
24. Convention Centers	PB	PB	PB	N
25. Flat floor event, arena space	PB	PB	PB	N
26. Sports Complex	N	PB	PB	N
27. Artist Studio	Y	Y	Y	N
D. Industrial				
1. Manufacturing	N	PB	N	Y†
2. Light manufacturing	PB	Y	N	Y†
3. Research, development or testing laboratories and facilities	PB	Y	N	Y†
4. Fish processing	N	Y	N	Y†
5. Transportation terminal	N	PB	N	Y†
6. Water freight terminal	N	PB	N	Y†
7. Shipyard, shipbuilding	N	Y	N	Y†
8. Waterfront Storage & Distribution Facility	N	PB	N	YA**
E. Agriculture				
1. Aquaculture	Y	Y	N	Y†
2. Aquaponics	Y	Y	N	Y†

4751A. Designated Port Area Additional Restrictions.

Subarea D is restricted by DPA and General Laws, Chapter 91 (the Waterways Act). Uses and structures within WMU Subarea D are subject to additional regulations and requirements as promulgated by the Massachusetts Coastal Zone Management Office as it relates to the Designated Port Area of New Bedford Harbor. If these regulations and requirements conflict with an otherwise permitted use or structure within Subarea D as listed above, the regulations and requirements of the Designated Port Area shall apply.

- A. Uses marked Y† in Subarea D are allowed subject to a determination by CZM of Water-dependency as defined in 310 CMR 9.12 or by a state-approved municipal harbor plan for the New Bedford/Fairhaven Harbor in effect at the time of application.
- B. Uses marked YA** in Subarea D are allowed subject to a determination by CZM that they are accessory to a Water-dependent Use as defined in 310 CMR 9.12(3) or by a state-approved municipal harbor plan for the New Bedford/Fairhaven Harbor in effect at the time of application. Such uses are subject to a Special Permit from the Planning Board.

4760A. Table of Dimensional Regulations Applicable to Section 4700A.

<u>REQUIREMENT</u>	<u>WMU SUBAREA A</u>	<u>WMU SUBAREA B</u>	<u>WMU SUBAREA C</u>	<u>WMU SUBAREA D</u>
Minimum Lot Size (sq. ft.)	15,000 for 3 or more family units	5,000	5,000	5,000
Density of Dwelling Units per Lot	1 per 1,000 sq. feet for three or more family	N/A	N/A	N/A
Lot Frontage (ft.)	150 for 3 or more family; 20 for other allowed uses	50	50	50
Height of Buildings (ft.) ¹	60	60	60	60
Height of Buildings (# stories) ¹	4	4	4	4
Front Yard (ft.) ²	10	10	0	0
Side Yard (ft.)	10	10	10	10
Rear Yard (ft.)	20	20	20	20
Lot Coverage by Buildings (%) ¹	60	60	60	60
Green Space (%) ¹	35 for residential uses; 10 for other uses	10	10	10

¹ See Section 4773A. Development Incentives.

² So as to preserve the existing location of an historic building listed or eligible to be listed on the

State or National Historic Registers, the Planning Board may waive the front yard setback. Additionally, the Planning Board may waive the front yard setback to allow a publicly accessible plaza between the lot line and the principal façade of the building. Parking is not allowed within the front yard setback.

4770A. Approval of Site Plans, Special Permits and Development Incentives.

The requirements of Section 5300 and 5400 of the Zoning Ordinance shall govern unless specifically noted below. Consistency with the purpose and intent of Section 4700A, other relevant provisions of the Zoning Ordinance and the New Bedford Waterfront Redevelopment Plan: Focus Area North (applicable to Subareas A and B) and New Bedford Waterfront Redevelopment Plan: Focus Area South (applicable to Subareas C and D), 2021 shall guide Planning Board decisions in all applications for site plan, special permits and development incentives as set forth below.

4771A. Criteria for Site Plan Approval Where a Special Permit Is Not Required.

This section supersedes Section 5470 for purposes of this Section only; all other provisions of Section 5400 shall otherwise apply. The Planning Board shall grant site plan approval upon the determination that the requirements set forth in subsections A-C, below are met. Notwithstanding compliance with subsections A-C, the Planning Board may impose any rationally related condition on a Site Plan approval that is intended to protect public health or safety, or otherwise further the purpose and intent of the Zoning Ordinance.

- A. The application is complete with respect to Sections 5440 and 5450 of the Zoning Ordinance.
- B. The application is consistent with the intent of Section 4710A and the New Bedford Waterfront Redevelopment Plan: Focus Area North (applicable to Subareas A and B) and New Bedford Waterfront Redevelopment Plan: Focus Area South (applicable to Subareas C and D), 2021.
- C. The application meets the relevant development standards in Section 4780A, below.

4772A. Criteria for Approval of a Special Permit.

When required, a special permit may be granted by the Planning Board, unless otherwise specified herein, only upon its written determination that the benefit to the City, the WMU District, and the neighborhood, outweighs the adverse effects of the proposed use or structure, taking into consideration the characteristics of the site and the proposal in relation to the site, as well as Section 5320 of the Zoning Ordinance and the criteria listed below:

- A. The consistency of the application and the site plan with the intent of Section 4710A and the New Bedford Waterfront Redevelopment Plan: Focus Area North (applicable to Subareas A and B) and New Bedford Waterfront Redevelopment

Plan: Focus Area South (applicable to Subareas C and D), 2021.

- B. Consistency with the design guidelines, defined in Section 4790A. Although these are not mandatory, consistency with the guidelines shows consideration of the City's desires for development that includes low-impact design strategies for landscape and on-site stormwater management; building design that is consistent with LEED criteria (or other similar rating system); and a mixed-use area that is cognizant of the needs of both truck movements and amenities for pedestrians and bicyclists.
- C. Traffic and circulatory impact on the roads and neighborhoods adjacent to the Waterfront Overlay District.
- D. Where relevant, compliance with the requirements of G.L. c. 91 et seq. and the provisions of the state-approved municipal harbor plan for the New Bedford-Fairhaven Harbor.

Any special permit issued pursuant to this section shall incorporate the Planning Board's findings, conditions, and approval of the site plan. Notwithstanding compliance with subsections A-D, above, the Planning Board may impose any rationally related conditions of special permit approval that is intended to protect public health or safety, or otherwise further the purpose and intent of this Section 4700A et seq. or the Zoning Ordinance in general.

4773A. Development Incentives Applicable to Section 4700A.

In the sole discretion of the Planning Board and provided that: (1) the special permit application demonstrates compliance with at least one of the public benefit requirements noted in subsections A-E below, (2) the special permit application demonstrates compliance with the New Bedford Waterfront Redevelopment Plan: Focus Area North (applicable to Subareas A and B) and New Bedford Waterfront Redevelopment Plan: Focus Area South (applicable to Subareas C and D), 2021 and (3) the Planning Board approves a special permit in accordance with the requirements of the Zoning Ordinance; the Planning Board may allow building heights to be increased to a maximum of seventy-five (75) feet, and/or the requirements applicable to residential density, maximum lot coverage and minimum green space to be waived, in whole or in part.

- A. WMU Subarea A. In this subarea, such benefit would include one or more of the following: development of a plaza or pocket park open to the public and fronted by active uses, including office, educational, service, retail, restaurants and artist studios, on the ground floor along Logan Street or North Front Street and improvements to the fire pond and abutting land to provide and extend public open space.
- B. WMU Subarea B. In this subarea, such benefit would include one or more of the following: an easement to allow the extension of Logan Street from North Front Street to the water's edge; an expanded public walkway and/or plaza of 25 feet or more from the water's edge; and a pocket park on Logan Street between Acushnet Avenue and North Front Street open to the public and connected to the public

sidewalk.

- C. WMU Subarea C. In this subarea, such benefit would include one or more of the following: a public plaza and/or public pocket park along MacArthur Drive and coordinated street trees, street furniture, and other pedestrian amenities in the private front yard setback along MacArthur Drive.
- D. WMU Subarea D. In this subarea, such benefit would include one or more of the following: a park along the water's edge at Leonard's Wharf; a public plaza and/or public pocket park along MacArthur Drive; and coordinated street trees, street furniture, and other pedestrian amenities in the private front yard setback along MacArthur Drive.
- E. In all subareas. Green space requirements may also be fulfilled by incorporating permeable hardscape, tree canopy, and roof decks integrated into the onsite stormwater management program. Public amenities (e.g., public sitting areas including benches, lighting, bike racks, and trash receptacles, public viewing decks or terraces, public parking spaces, and/or landscaped green space in addition to the required 10% minimum) require maintenance agreements to be established with the owner/developer to maintain these amenities in good, safe, and usable condition, consistent with the purpose of these regulations and Section 4780A et seq., below.
- F. In all subsareas, the Planning Board shall include as a condition of special permit approval the requirement that the above noted parks, walkways and other amenities intended for public use and public access be: (1) made safe; (2) maintained, (3) remain accessible, and (4) remain available for public use and access in perpetuity or for the longest period permitted by law.

4780A. Development Standards Applicable to Section 4700A.

In addition to all other applicable requirements set forth herein or contained within the Zoning Ordinance, all projects or uses within the WMU District shall comply with the following:

4781A. Rehabilitation of Existing Buildings.

For conversions of existing structures, the Planning Board must find that the proposal protects the City's heritage by minimizing removal or disruption of historic, traditional, or significant uses, structures, or architectural elements, whether these exist on the site or adjacent properties.

4782A. Development Standards for New Construction.

The following standards apply to all subareas, unless noted below.

A. Public Access to the Waterfront

1. In WMU Subarea B, public access requirements along the water shall be met by a continuous public walkway, which may include integrated public plazas or private plazas accessible to the public, running from Washburn Street to the intersection of North Front Street and Wamsutta Street. Public access shall consist of a landscaped area with a minimum width of twenty-five (25) feet from the project shoreline and include a designated walking/biking area with a minimum width of twelve (12) feet. To ensure compliance with the above noted public access requirements and regardless of whether the new construction is permitted with or without the requirement for a special permit, prior to the issuance of a building permit for new construction, the landowner shall provide the City with legal documentation, to be approved by the City Solicitor, granting perpetual public access along the above noted continuous public walkway.
2. Notwithstanding subsection (1) above, for water-dependent industrial uses in WMU Subarea B and WMU Subarea D, public access shall be consistent with safety requirements and the need for industrial operations to access the water directly. The public walkway must terminate with access to a public right-of-way.

B. Treatment of Buildings

1. Buildings shall be oriented with their main entrance and elevation facing the street.
2. New buildings along Logan Street and North Front Street and buildings with frontage on MacArthur Drive shall have ground floors with active uses that are allowed in the subarea. Active uses include office, educational, service, retail, restaurant, and artist studios.
3. At least 60% of the ground floor façade of buildings along Logan Street, Washburn Street, and Hicks Street shall have storefronts, doors, windows, or fenestration that allow clear views from the street to the active uses inside the building. The use of reflective or tinted glass shall not be permitted on the ground floor.
4. Construction materials shall be durable, resilient, and traditional to the waterfront area (e.g., brick, stone, steel, wood, shingles or clapboard finishes). Vinyl siding or Exterior Insulation and Finish Systems (EIFS) shall not be permitted on the ground floor.
5. Building signs shall be located within a sign-band between the ground floor and the second floor, including projecting/blade signs. All signs are subject to Planning Department administrative review and Section 3200 of the Zoning Ordinance.

C. Treatment of the Site and Landscape

1. Projects shall implement low-impact stormwater management techniques to control runoff and manage stormwater on-site, such as the use of structured soils, engineered tree wells, biofiltration swales, or other best management practices suited to an urban environment. Stormwater management practices should be consistent with Article VIII Stormwater Management of the City's Code of Ordinances; any alteration of land will require a stormwater management permit unless such alteration meets the exemptions in the ordinance. Stormwater shall not be permitted to drain into the City's sewer system, onto other properties, into surface waters or into New Bedford Harbor.
2. Parking areas contiguous with a public sidewalk shall provide a landscaped buffer between the parking area and the public sidewalk with a minimum width of five (5) feet.
3. Healthy mature trees and vegetation shall be maintained and incorporated into the new site plan to the greatest extent possible.
4. Invasive species included in the Massachusetts Prohibited Plant List are prohibited.
5. Hardscape materials that connect to public infrastructure shall smoothly connect to ensure public safety and mobility and shall be consistent or compatible with the public infrastructure in terms of material type and durability (e.g., a concrete public sidewalk shall be matched with either a concrete private sidewalk or decorative pavers, private asphalt sidewalks should not overrun public sidewalks).
6. Lighting shall be shielded or at a 75 to 90-degree cut-off. Lights shall not be operational during non-business hours, except for minimal lighting required for safety.

D. Public and Private Infrastructure

1. Public amenities (including benches, lighting, bike racks, and trash receptacles) and landscape materials (planting choices, paving materials) shall be consistent in quality and appearance throughout the WMU District and are subject to administrative review by the Planning Department and the Department of Public Infrastructure.
2. Bicycle parking and storage facilities shall be incorporated into all new facilities. Bike racks shall be U frame or similar, as directed by the Planning Department and the Department of Public Infrastructure.

3. Utility lines shall be located underground or to the rear of buildings to improve the visual quality of the streetscape and to eliminate conflicts between sidewalks, plantings, and utility poles.

4790A. Design Guidelines.

Design guidelines to assist Applicants with the design of projects within the WMU Overlay District are contained in the New Bedford Waterfront Redevelopment Plan: Focus Area North (applicable to Subareas A and B) and New Bedford Waterfront Redevelopment Plan: Focus Area South (applicable to Subareas C and D), 2021.

4795A. Severability.

If any provision of this Section 4700A et seq. is found to be invalid by a court of competent jurisdiction, the remainder of Section 4700A shall not be affected but shall remain in full force. The invalidity of any provision of Section 4700A shall not affect the validity of the remainder of the City's Zoning Ordinance.

Section 6.

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



Item Title:

EASEMENT - NEW BEDFORD HOUSING AUTHORITY - INSTALL & MAINTAIN SEWER
PIPES - ACUSHNET AVENUE/MANUEL E. COSTA SR MEMORIAL WAY - MAP42/LOT 26

Item Detail:

M5. COMMUNICATION, Mayor Mitchell, to City Council, submitting AN ORDER, authorizing the City to accept an Easement from the New Bedford Housing Authority to install and maintain sewer pipes on Acushnet Avenue and Manuel E. Costa Sr. Memorial Way, Assessors Map 42, Lot 26.

M5a. AN ORDER,

Additional Information:

ATTACHMENTS:

Description	Type
□ ORDER-EASEMENT FROM NEW BEDFORD HOUSING AUTHORITY -ACUSHNET AVE. & MANUEL COSTA SR. MEMORIAL WAY	Cover Memo



CITY OF NEW BEDFORD

JONATHAN F. MITCHELL, MAYOR

December 10, 2020

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

Re: Easement from New Bedford Housing Authority to City of New Bedford
Acushnet Avenue & Manuel E. Costa Sr. Memorial Way

Dear Council President Lopes and Honorable Members:

I am submitting herewith for your consideration, a proposed Order authorizing the City of New Bedford to accept an easement from the New Bedford Housing Authority in consideration of \$1.00 payable to New Bedford Housing Authority by the City of New Bedford. The easement authorizes the City of New Bedford to install and maintain sewer pipes on land shown as a **SEWER EASEMENT** containing 292 SF on a plan entitled: "SEWER EASEMENT PLAN" Acushnet Avenue & Manuel E. Costa. Sr. Memorial Way, Assessors Map 42 – Lot 26, New Bedford, MA, Scale: 1"=10', Date: October 19, 2020, by AVT Associates Civil Engineering & Surveying, a copy of which is attached hereto as Exhibit "B".

Very truly yours,

Jonathan F. Mitchell
Mayor

JFM/lp
enc.



CITY OF NEW BEDFORD

CITY COUNCIL

January 14, 2021

Ordered, that the City of New Bedford accept an easement from the New Bedford Housing Authority in consideration of One Dollar (\$1.00) payable to New Bedford Housing Authority by the City of New Bedford in substantially the same form as attached hereto. The easement authorizes the City of New Bedford to install and maintain sewer pipes on land shown as a **SEWER EASEMENT** containing 292 SF on a plan entitled: "SEWER EASEMENT PLAN" Acushnet Avenue & Manuel E. Costa. Sr. Memorial Way, Assessors Map 42 – Lot 26, New Bedford, MA, Scale: 1"=10', Date: October 19, 2020, by AVT Associates Civil Engineering & Surveying, a copy of which is attached hereto as Exhibit "B".

EASEMENT

KNOW ALL MEN BY THESE PRESENTS THAT, the **NEW BEDFORD HOUSING AUTHORITY**, a public body corporate duly created and existing pursuant to Massachusetts General Laws Chapter 121B with an address of 700 Pleasant Street, 5th Floor, New Bedford, Massachusetts 02740 (hereinafter called the "GRANTOR") for consideration of ONE (\$1.00) DOLLAR paid, grants to the **CITY OF NEW BEDFORD**, a municipal corporation, with an address at 133 William Street, New Bedford, Massachusetts 02740 (hereinafter called the "GRANTEE"), with quitclaim covenants, for the purpose of providing a sewer easement, the perpetual right of access and easement to construct, locate, relocate, erect, reconstruct, install, lay, dig-up, operate, maintain, inspect, repair, alter or remove one or more sewer pipes or lines and any other utility apparatus, equipment and fixtures deemed necessary for the purposes specified above (hereinafter "utilities") as the GRANTEE may from time to time desire along, upon, across and over the land of the GRANTOR situated in the City of New Bedford, Bristol County, Massachusetts, described as follows:

SEE EXHIBIT "A" ATTACHED HERETO AND INCORPORATED HEREIN BY REFERENCE

The GRANTEE shall further have all other rights and benefits that it deems necessary for the full implementation and use of the rights herein granted, including but not limited to, the right to remove and clear all rocks, trees, brush, limbs, structures and other obstructions which in the opinion of the GRANTEE might interfere with the rights herein granted, and the right to pass along the land of the GRANTOR for all the above purposes.

The GRANTEE, by its acceptance of the rights granted under this Easement, agrees to indemnify and hold the GRANTOR harmless from and against any and all claims, liabilities, loss, cost, expense and damage, including reasonable attorneys' fees, arising in connection with the exercise of any of the GRANTEE'S rights hereunder, including the exercise of those rights by anyone on behalf of the GRANTEE.

Any construction or other activities conducted hereunder by the GRANTEE shall be conducted in compliance with all applicable laws, ordinances and regulations, and the GRANTEE shall obtain all licenses and permits required by applicable governmental authority for the exercise of its rights hereunder and promptly provide copies of the same to GRANTOR. The GRANTEE shall not exercise its rights under this Easement in such a manner as to violate the terms of any licenses or permits required or issued by applicable governmental authority with respect to the Premises or any activity of GRANTOR on the Premises. In the event that the GRANTEE is required to remove landscaping or paving or otherwise damage the Premises in the exercise of its rights hereunder, the GRANTEE shall, at its sole expense, replace such landscaping or paving or substantially restore such damage to the satisfaction of GRANTOR, in their reasonable discretion. All work performed by the GRANTEE hereunder shall be done in a good workmanlike manner.

After installation, construction or repair has been completed and in each instance, the surface of the land shall be restored to a condition as good as existed prior to such construction or occupancy.

Reserving to the GRANTOR, their successors and assigns, the right to pass and re-pass over the land subject to this easement on foot and with vehicles and to use the surface of the land for any purpose which will not endanger the said utilities or otherwise obstruct the GRANTEE'S use of this easement.

The rights and obligations provided for herein shall be binding upon and inure to the benefit of the parties hereto and their respective heirs, successors, and assigns, and shall run with the land of the GRANTOR.

As used herein, the GRANTOR shall mean and include the GRANTOR and their successors and assigns.

For title see Book 1188, Page 392, recorded with the Bristol County (S.D.) Registry of Deeds.

IN WITNESS WHEREOF the GRANTOR has hereunto set its hand and seal on November 18 2020.

GRANTOR:

New Bedford Housing Authority

Wendy Mendoza-Rivera
Witness

Steven A. Beauregard
Steven A. Beauregard, its

Executive Director and Authorized Signatory

COMMONWEALTH OF MASSACHUSETTS

Bristol, ss

November 18, 2020

Then personally appeared the above-named Steven A. Beauregard, its Executive Director and Authorized Signatory, proved to me through satisfactory evidence of identification, which was a Massachusetts Driver's License, to be the person whose name is signed on the within document, and acknowledged the foregoing Instrument to be his free act and deed, on behalf of the New Bedford Housing Authority, before me

[Signature]
Notary Public

My Commission Expires: 2-8-24

EXHIBIT "A"

BEING shown as a **SEWER EASEMENT** containing 292 SF on a plan entitled: "SEWER EASEMENT PLAN" Acushnet Avenue & Manuel E. Costa. Sr. Memorial Way, Assessors Map 42 – Lot 26, New Bedford, MA, Scale: 1"=10', Date: October 19, 2020, by AVT Associates Civil Engineering & Surveying, a copy of which is attached hereto as Exhibit "B". See also Plan recorded herewith.



Item Title:

EASEMENT - BETA REALTY LLC - INSTALL & MAINTAIN DRAINAGE PIPES & EQUIPMENT
- 209 THEODORE RICE BOULEVARD

Item Detail:

M6. COMMUNICATION, Mayor Mitchell, to City Council, submitting AN ORDER, authorizing the City to accept an Easement from Beta Realty, LLC to install and maintain drainage pipes or equipment located at 209 Theodore Rice Boulevard.

M6a. AN ORDER,

Additional Information:

ATTACHMENTS:

Description	Type
□ ORDER-EASEMENT FROM BETA REALTY, LLC-209 THEODORE RICE BOULEVARD	Cover Memo



CITY OF NEW BEDFORD

JONATHAN F. MITCHELL, MAYOR

December 10, 2020

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

Re: Easement from Beta Realty, LLC to City of New Bedford
209 Theodore Rice Boulevard

Dear Council President Lopes and Honorable Members:

I am submitting herewith for your consideration, a proposed Order authorizing the City of New Bedford to accept an easement from Beta Realty, LLC in consideration of One Dollar (\$1.00) payable to Beta Realty, LLC by the City of New Bedford in substantially the same form as attached hereto. The easement authorizes the City of New Bedford to install and maintain drainage pipes or equipment on said land located at 209 Theodore Rice Boulevard, New Bedford, MA.

Very truly yours,


Jonathan F. Mitchell
Mayor

JFM/lp
enc.



CITY OF NEW BEDFORD

CITY COUNCIL

January 14, 2021

Ordered, that the City of New Bedford accept an easement from Beta Realty, LLC in consideration of One Dollar (\$1.00) payable to Beta Realty, LLC by the City of New Bedford in substantially the same form as attached hereto. The easement authorizes the City of New Bedford to install and maintain drainage pipes or equipment on said land located at 209 Theodore Rice Boulevard, New Bedford, MA.

DRAINAGE EASEMENT

KNOW ALL MEN BY THESE PRESENTS THAT, **Beta Realty, LLC** ("Grantor"), a Massachusetts limited liability company having an address at 280 Ayer Road, Harvard, Massachusetts 01451, for consideration of ONE (\$1.00) DOLLAR paid, grants to the **City of New Bedford**, a municipal corporation, with an address at 133 William Street, New Bedford, Massachusetts 02470 (hereinafter called the "Grantee"), with quitclaim covenants, for the purpose of providing a drainage easement as described in **EXHIBIT "A"** attached hereto and incorporated herein by reference, the perpetual right of access and easement to construct, locate, relocate, erect, reconstruct, install, lay, dig-up, operate, maintain, inspect, repair, alter or remove one or more drainage pipes or lines and any other utility apparatus, equipment and fixtures deemed necessary for the purposes set forth above (hereinafter, "utilities") as the Grantee may from time to time desire along, upon, across and over the land of the Grantor situated in the City of New Bedford, Bristol County, Massachusetts, described as follows:

SEE EXHIBIT "B" ATTACHED HERETO AND INCORPORATED HEREIN BY REFERENCE

The Grantee shall further have all other rights and benefits that it deems necessary for the full implementation and use of the rights herein granted, including but not limited to, the right to remove and clear all rocks, trees, brush, limbs, structures and other obstructions which in the opinion of the Grantee might interfere with rights herein granted, and the right to pass along the land of the Grantor for all the above purposes.

The Grantee, by its acceptance of the rights granted under this Easement, agrees to indemnify and hold the Grantor harmless from and against any and all claims, liabilities, loss, cost and expense and damage, including reasonable attorneys' fee, arising in connection with the exercise of any of the Grantee's rights hereunder, including the exercise of those rights by anyone on behalf of the Grantee.

Any construction or other activities conducted hereunder by the Grantee shall be conducted in compliance with all applicable laws, ordinances and regulations, and the Grantee shall obtain all license and permits required by applicable governmental authority for the exercise of its rights hereunder and promptly provide copies of the same to Grantor. The Grantee shall exercise its rights under this Easement in such a manner as to violate the terms of any licenses or permits required or issued by applicable

governmental authority with respect to the Premises or any activity of Grantor on the Premises. In the event the Grantee is required to remove landscaping or paving or otherwise damage the Premises in the exercise of its rights hereunder, the Grantee shall, at its sole expense, replace such landscaping or paving or substantially restore such damage to the satisfaction of the Grantor, in their reasonable discretion. All work performed by the Grantee hereunder shall be done in a good workmanlike manner.

After installation, construction or repair has been completed and in each instance, the surface of the land shall be restored to a condition as good as existed prior to such construction or occupancy.

Reserving to the Grantor, its respective successor and assigns, the right to pass and re-pass over the land subject to this easement on foot and with vehicles and to use the surface of the land for any purpose which will not endanger the said utilities or otherwise obstruct the Grantee's use of this easement.

The rights and obligations provided for herein shall be binding upon and inure to the benefit of the parties hereto and their respective heirs, successors, and assigns, and shall run with the land of the Grantor.

As used herein, the "Grantor" shall mean the Grantor and its respective successors and assigns.

For Grantor's title, see Deed recorded in the Bristol County (S.D.) Registry of Deeds in Book 12310, Page 189.

PROPERTY ADDRESS: 209 Theodore Rice Boulevard, New Bedford, MA

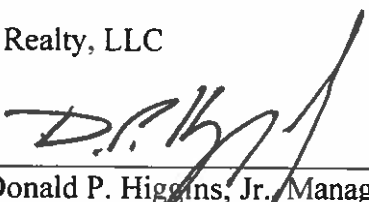
In witness whereof, the Grantor has hereunto set its hand and seal this 3RD day of June, 2020

Signatures are on the following pages.

Grantor:

Beta Realty, LLC

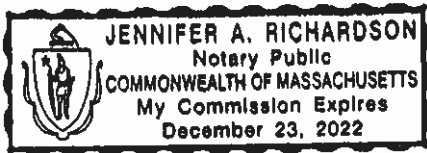
By:


Donald P. Higgins, Jr., Manager and
Authorized Person

COMMONWEALTH OF MASSACHUSETTS

MIDDLESEX, ss.

On this 3rd day of June, 2020, before me, the undersigned Notary Public, personally appeared Donald P. Higgins, Jr., Manager and Authorized Person of Beta Realty, LLC, proved to me through satisfactory evidence of identification, which were MA Drivers License, to be the person whose name is signed on the preceding or attached document in my presence, and acknowledged to me that he signed it voluntarily for its stated purpose in such capacity.





Notary Public Jennifer A. Richardson
My Commission Expires:
December 23, 2022

EXHIBIT "A"

BEING shown as "Proposed Drainage Easement 17,737 +/- S.F." on DRAINAGE EASEMENT PLAN, dated June 3, 2020 and prepared by Sitec Civil and Environmental Engineering, , a copy of which is attached hereto as **EXHIBIT "B"**.

BLVD.

[illegible]



Item Title:

RELEASE OF EASEMENT - COMMUNITY ACTION FOR BETTER HOUSING INC. -
RELOCATE EXISTING PARKING LOT - NEW PUBLIC SAFETY BUILDING

Item Detail:

M7. COMMUNICATION, Mayor Mitchell, to City Council, submitting AN ORDER, authorizing the City to execute a Release of Easement with Community Action for Better Housing, Inc, to relocate the existing parking easement in order to rectify access issues for the new public safety building.

M7a. AN ORDER,

Additional Information:

ATTACHMENTS:

Description	Type
□ ORDER-RELEASE OF EASEMENT WITH COMMUNITY ACTION FOR BETTER HOUSING	Cover Memo



CITY OF NEW BEDFORD

JONATHAN F. MITCHELL, MAYOR

December 15, 2020

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

Re: Public Safety Building

Dear Council President Lopes and Honorable Members:

I am submitting herewith for your consideration, a proposed Order authorizing the Mayor to execute a Release of Easement with Community Action for Better Housing, Inc. on behalf of the City of New Bedford. I have also enclosed a proposed Order authorizing the Mayor to execute an Easement with Community Action for Better Housing, Inc. The purpose of the Release of Easement and Easement is to relocate the existing parking easement in order to rectify access issues for the new public safety building.

Very truly yours,


Jonathan F. Mitchell
Mayor

JFM/lp
enc.



CITY OF NEW BEDFORD

CITY COUNCIL

January 14, 2021

Ordered, that the Mayor is hereby authorized on behalf of the City of New Bedford to execute a Release of Easement with Community Action for Better Housing Inc. in consideration of One Dollar (\$1.00) The easement to be discontinued is shown on a plan entitled, "EXISTING CONDITIONS 890 BROCK AVENUE & 45 SALISBURY STREET, NEW BEDFORD, MASSACHUSETTS PREPARED FOR THE GALANTE ARCHITECTURE STUDIO" prepared by Farland Corp. A copy of said Release of Easement is attached hereto and made a part thereof.

RELEASE OF EASEMENT

This RELEASE OF EASEMENT is made and entered into effective as of this ____ day of _____ 2020, by and between the **Community Action for Better Housing Inc.** (CABH) a Massachusetts non-profit corporation existing in accordance with 501(c)(3) of the Internal Revenue Code, having an address at 72 Eighth Street, New Bedford, Massachusetts 02740 (hereinafter called the "CABH") and The **CITY OF NEW BEDFORD**, a municipal corporation with offices at 133 William Street, New Bedford, Massachusetts 02740 (hereinafter called the "CITY").

RECITALS

WHEREAS, the CABH is the owner of the land located at and commonly known as 116 Ruth Street, New Bedford, Massachusetts 02744 (the "Property");

WHEREAS, the Property has the benefit of a Parking Easement (the "Easement") as recited in the Quitclaim Deed dated June 2, 2006 and recorded in the Bristol County (S.D.) Registry of Deeds in Book **8167**, Page **223** (the "Deed"); and

WHEREAS, the CITY owns the property encumbered by the Easement; and

WHEREAS, the CABH and the CITY wish to relocate the easement and release the current Easement;

NOW THEREFORE, in consideration One (\$1.00) Dollar, and for other good and valuable consideration, the receipt and sufficiency of which is hereby acknowledged, CABH and the CITY, hereby covenants and agrees as follows:

CABH hereby releases and forever discharges the easement rights contained in the Quitclaim Deed dated June 2, 2006 and recorded in the Bristol County (S.D.) Registry of Deeds in Book **8167**, Page **223**.

SEE NEXT PAGE FOR SIGNATURES

IN WITNESS WHEREOF, the CABH has caused Release to be executed by its proper representative thereunto duly authorized, under seal, as of the date first above written.

Community Action for Better Housing, Inc.

Witness

By: _____
Name: _____
Title: _____

Commonwealth of Massachusetts

Bristol, ss.

On this ____ day of _____ 2020, before me, the undersigned notary public, personally appeared _____, and proved to me through satisfactory evidence of identification, which was _____ to be the person whose name is signed on the preceding document, and acknowledged to me that he/she signed it voluntarily for its stated purpose as _____ of the Community Action for Better Housing, Inc.

Printed Name:
Notary Public

My Commission Expires: _____

COMMONWEALTH OF MASSACHUSETTS

Bristol, ss.

March __, 2017

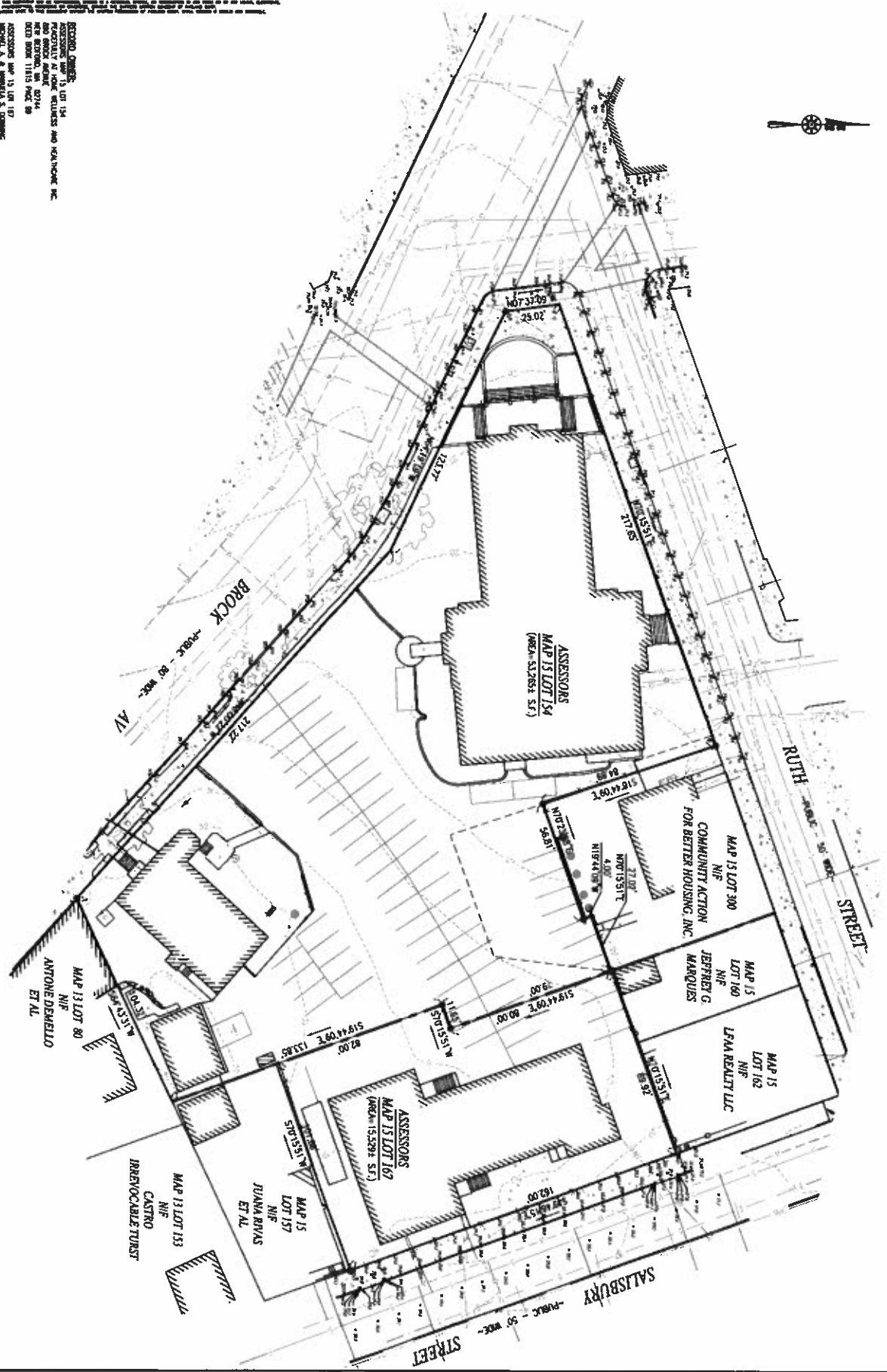
Before me, the undersigned notary public, personally appeared Jonathan F. Mitchell, Mayor of City of New Bedford, Massachusetts, proved to me through satisfactory evidence of identification which was a Massachusetts Drivers License, to be the person whose name is signed on the preceding or attached document and acknowledged to me that he signed it voluntarily for its stated purpose.

Printed Name:

Notary Public

My Commission Expires: _____

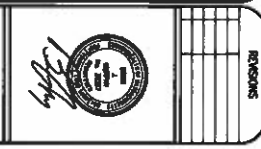
RECORD OWNERS:
 ASSASSORS MAP 15 LOT 154
 PLACED AT NEW BEDFORD, MASSACHUSETTS
 NEW BEDFORD, MA 02744
 DEED BOOK 11815 PAGE 89
 ASSASSORS MAP 15 LOT 167
 PLACED AT NEW BEDFORD, MASSACHUSETTS
 NEW BEDFORD, MA 02744
 DEED BOOK 8072 PAGE 20



EXISTING CONDITIONS
 890 BROCK AVENUE & 45 SALISBURY STREET
 ASSESSORS MAP 15 LOTS 154 & 167
 NEW BEDFORD, MASSACHUSETTS

PREPARED BY THE GALANTE ARCHITECTURE STUDIO
 148 MT. ALBANY STREET
 CAMBRIDGE, MA 02138

DATE: 07/20/2018
 DRAWN BY: CHG/JS
 CHECKED BY: JAM
 401 COUNTRY STREET
 NEW BEDFORD, MA 02740
 P: 508.771.3419
 F: 508.771.3418
 WWW.FARLANDCORP.COM



SHEET 2 OF 2
 DATE: 07/20/2018
 SCALE: 1"=20'
 MAP NO. 17-080
 LATEST REVISION



LOCUS MAP SCALE: 1" = 2,000' ±

Conclusion

44-38861-10

NEW BRIDGE, NJ 02744

NOTES

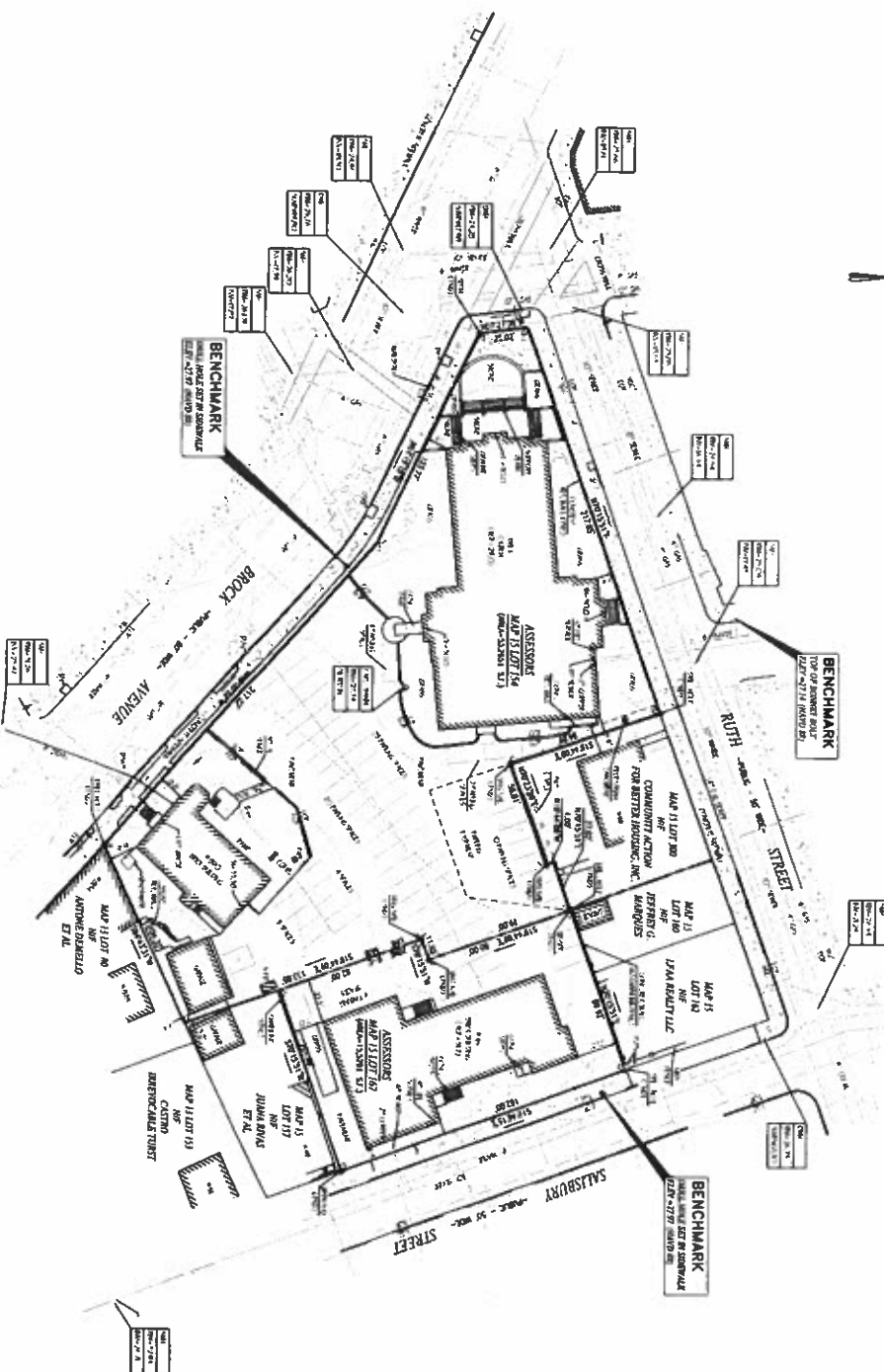
5. REFERENCE TO SCHEDULE 2 OF 2 FOR REQUESTED SPOT PRICE OF LUMBER

7.

ON RECORDS OF VARIOUS UTILITY COMPANIES AND WHERE POSSIBLE, MUSEUMS/TAKEN IN THE INFORMATION IS NOT TO BE BUILT ON AS BEING EXACT OR COMPLETE

WAP 15 LOT 154: WORLD WIDE BUSINESS

100



PREPARED BY: THE GALANTE ARCHITECTURE STUDIO
FOR: 146 MT. AUBURN STREET
CAMBRIDGE, MA 02138

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11

SHEET 1 OF 2

1	8/27/10	RECEIVED UNIT 08
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401 COUNTY STREET

OFFICES IN:

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JUL 27, 2018

doi:10.1186/1745-6215-14-104

SHEET 1 OF 2



CITY OF NEW BEDFORD

CITY COUNCIL

January 14, 2021

Ordered, that the Mayor is hereby authorized on behalf of the City of New Bedford to execute a parking easement from the City of New Bedford to Community Action for Better Housing Inc. in consideration of One Dollar (\$1.00) The easement is shown on Parking Easement Plan, AS-102, Dated 6/24/2019, by The Galante Architecture Group, Inc. A copy of said Easement is attached hereto and made a part thereof.

PARKING EASEMENT

The **CITY OF NEW BEDFORD**, a municipal corporation with offices at 133 William Street, New Bedford, Massachusetts 02740 (hereinafter called the "Grantor") for consideration of One (\$1.00) Dollar paid, grants to **Community Action for Better Housing Inc. (CABH)** a Massachusetts non-profit corporation existing in accordance with 501(c)(3) of the Internal Revenue Code, having an address at 72 Eighth Street, New Bedford, Massachusetts 02740 (hereinafter called the "Grantee"), without covenants express or implied, as appurtenant to land owned by Grantee in New Bedford, Bristol County, Massachusetts, a parking easement, described as follows:

As shown on Parking Easement Plan, AS-102, Dated 6/24/2019, by The Galante Architecture Group, Inc. a copy of which is attached hereto as EXHIBIT "A" and incorporated herein by reference.

With respect to said right and easement hereby conveyed by the Grantor, and the Grantee by its acceptance hereof, hereby for itself and its successors and assigns hereby agrees as follows:

- (a) The Grantee and its successors and assigns shall have the right to use and enjoy the foregoing right and easement in perpetuity for the purposes stated;
- (b) The Grantee shall indemnify the Grantor from and against any loss, damage, or liability arising out of their exercise of said right and easement;
- © The Grantor shall bear the costs associated with permitting, construction and maintaining the easement areas.

For Grantor's title see deed dated September 12, 2018 and recorded on September 14, 2018 in the Bristol County (S.D.) Registry of Deeds in Book 12567, Page 243.

SEE NEXT PAGE FOR SIGNATURES

IN WITNESS WHEREOF, the said City of New Bedford, Massachusetts, has caused its corporate seal to be hereto affixed and these presents to be signed, acknowledged, and delivered in its name and behalf by Jonathan F. Mitchell, its Mayor, hereto duly authorized, this _____ day of _____ in the year two thousand twenty.

Signed and sealed in the presence of:

City of New Bedford, Massachusetts

Witness

By: _____

Jonathan F. Mitchell, Mayor

Approved as to form:

Mikaela A. McDermott, City Solicitor

COMMONWEALTH OF MASSACHUSETTS

Bristol, ss.

_____, 2020

Before me, the undersigned notary public, personally appeared Jonathan F. Mitchell, Mayor of City of New Bedford, Massachusetts, proved to me through satisfactory evidence of identification which was a Massachusetts Drivers License, to be the person whose name is signed on the preceding or attached document and acknowledged to me that he signed it voluntarily for its stated purpose, on behalf of the City of New Bedford.

Printed Name:

Notary Public

My Commission Expires: _____



Project Number
1701

Project Title
New Bedford South
Public Safety Facility

890 Brock Avenue
New Bedford, MA
02744

Drawing Title
**Parking Easement
Plan**

Date of Review of File
06.24.2019
Easement

Page 24 of 36

as noted

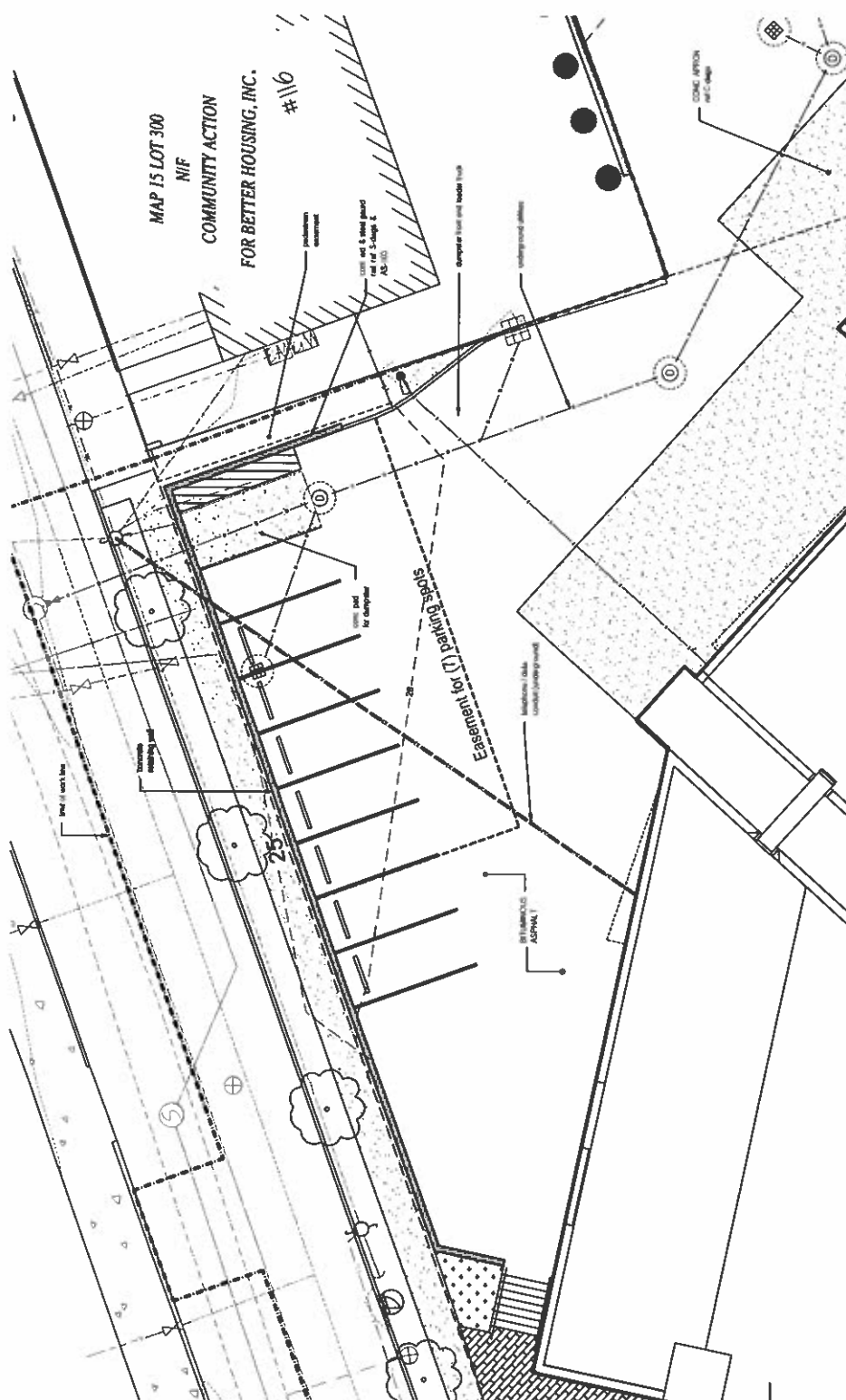
Drawn by
IGAS

Drawing: Huisman

AS-102

LEGEND

- LIMIT OF WORK LINE
 CONTOUR LINE
 UTILITY LINE
 PLANTING BED
 LOAM & SEED
 CONCRETE APRON
 LANDSCAPE PAVERS



Proposed Partial Site Plan for Parking Easement



Item Title:

LAURIE ALFONSO - APPOINTMENT EX. SECRETARY/PARKING CLERK OF THE TRAFFIC COMMISSION

Item Detail:

M8. COMMUNICATION, Mayor Mitchell, to City Council, submitting the Appointment of LAURIE ALFONSO, as EXECUTIVE SECRETARY/PARKING CLERK OF THE TRAFFIC COMMISSION.

Additional Information:

ATTACHMENTS:

Description	Type
□ APPOINTMENT-LAURIE ALFONSO-EXECUTIVE SECRETARY_PARKING CLERK OF TRAFFIC COMMISSION	Cover Memo



CITY OF NEW BEDFORD
JONATHAN F. MITCHELL, MAYOR

January 7, 2021

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 pleased to submit for your confirmation the appointment of Laurie Alfonso as Executive Secretary/Parking Clerk of the Traffic Commission.

Ms. Alfonso is a devoted and committed employee of the City of New Bedford. Serving as Temporary Administrative Manager since November 25, 2018, she has effectively been the acting department head for over two years and has been employed with the City since February 9, 2015. During her tenure with the City, Ms. Alfonso has displayed strong leadership qualities, a strong work ethic, and the ability to deftly manage the personnel and operations of the Traffic Commission.

Ms. Alfonso has a thorough knowledge of the overall operations of the Traffic Commission, and two years of solid leadership experience within the department. In sum, Ms. Alfonso is an excellent choice for the position of Executive Secretary/Parking Clerk of the Traffic Commission, and I am confident she will continue to serve the City with a high degree of dedication and professionalism.

Sincerely,


Jonathan F. Mitchell
Mayor

JFM/sds
Attachment

cc: Laurie Alfonso
Personnel



Item Title:

BROOKE VINAGRE - APPOINTMENT DIRECTOR OF TOURISM & MARKETING

Item Detail:

M9. COMMUNICATION, Mayor Mitchell, to City Council, submitting the Appointment of BROOKE VINAGRE, as the DIRECTOR OF TOURISM AND MARKETING.

Additional Information:

ATTACHMENTS:

Description	Type
□ APPOINTMENT-BROOKE VINAGRE-DIRECTOR OF TOURISM & MARKETING	Cover Memo



CITY OF NEW BEDFORD
JONATHAN F. MITCHELL, MAYOR

January 5, 2021

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 pleased to submit for your confirmation the appointment of Brooke Vinagre as the Director of Tourism & Marketing.

Ms. Vinagre was appointed as the Tourism & Marketing Manager on June 19, 2019 and has served as the Acting Director of Tourism & Marketing since March 15, 2020.

Ms. Vinagre's experience in managing the Tourism & Marketing Department for the past year, including through the challenges of a pandemic, will serve the City well as she leads the Department on a permanent basis.

Tourism and marketing will be a crucial part of New Bedford's recovery in the aftermath of the pandemic as we aim to bring visitors to the City and with them support for our local business community.

Sincerely,


Jonathan F. Mitchell
Mayor

JFM/sds
Attachment

cc: Brooke Vinagre
Personnel



Item Title:

CONSTABLE REAPPOINTMENT - GREGORY S. KAMON

Item Detail:

M10. COMMUNICATION, Mayor Mitchell, to City Council, submitting the REAPPOINTMENT of GREGORY S. KAMON, Fairhaven, MA 02719 as a CONSTABLE.

M10a. AN APPLICATION,

Additional Information:

ATTACHMENTS:

Description	Type
RE-APPOINTMENT-CONSTABLE-GREGORY S. KAMON	Cover Memo



CITY OF NEW BEDFORD
JONATHAN F. MITCHELL, MAYOR

January 5, 2021

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 Council:

I am submitting for your approval the application for the **RE-APPOINTMENT** as a
CONSTABLE for

GREGORY S. KAMON
6 WILBUR'S POINT DRIVE
FAIRHAVEN, MA 02719

This appointment is subject to confirmation by the City Council.

Sincerely,


Jonathan F. Mitchell
Mayor

JFM/sds

Attachment

cc: Gregory S. Kamon

CITY OF NEW BEDFORD
MASSACHUSETTS

APPLICATION FOR REAPPOINTMENT AS CONSTABLE

New Bedford, Massachusetts

11/5/20
date

To the Mayor:

I hereby make application for reappointment as a Constable of the City of New Bedford, Massachusetts, under General Laws Chapter 41, Section 91, 91b, 92 and 93 for the following reasons:

This is how I make my living

FEE IS \$150.00 AND APPLICATION MUST BE RENEWED EVERY THREE YEARS.

Full name of Applicant Gregory S Kaman

Residence 6 Wilbur's Point Dr Fairhaven MA 02719
street address zip telephone #

Business Address 6 Wilbur's Point Dr Fairhaven MA 02719 508-509-4554
street address city state zip

Place of birth Boston Date of birth 6-28-48

If naturalized, date and court NIA

How long a resident of New Bedford Fairhaven MA

Present occupation Constable + Deputy Sheriff Plymouth County 32 yrs

Ever convicted of a crime? No
(if so, state case briefly)

(above statements are made under the penalties of perjury)

Signature of Applicant [Signature]

Are you still working as a Constable? YES

Is your address the same? YES

PRESENT LICENSE EXPIRES: Nov 21 2020

REQUIREMENT:
TWO 2x2 PASSPORT PICTURES
NEEDED AT TIME OF OATH



Item Title:

CONSTABLE REAPPOINTMENT - ABEL C. LEITE

Item Detail:

M11. COMMUNICATION, Mayor Mitchell, to City Council, submitting the REAPPOINTMENT of ABEL C. LEITE, New Bedford, MA 02745 as a CONSTABLE.

M11a. AN APPLICATION,

Additional Information:

ATTACHMENTS:

Description	Type
📎 CONSTABLE-RE-APPOINTMENT-ABEL C. LEITE	Cover Memo



CITY OF NEW BEDFORD

JONATHAN F. MITCHELL, MAYOR

January 6, 2021

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

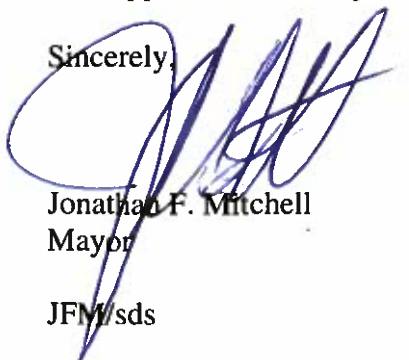
Dear Council President Lopes and Honorable Members of the Council:

I am submitting for your approval the application for the **RE-APPOINTMENT** as a
CONSTABLE for

ABEL C. LEITE
4630 ACUSHNET AVE.
NEW BEDFORD, MA 02745

This appointment is subject to confirmation by the City Council.

Sincerely,



Jonathan F. Mitchell
Mayor

JFM/sds

Attachment
cc: Abel C. Leite

CITY OF NEW BEDFORD
MASSACHUSETTS

APPLICATION FOR REAPPOINTMENT AS CONSTABLE

New Bedford, Massachusetts 16 NOV 2020
date

To the Mayor:

I hereby make application for reappointment as a Constable of the City of New Bedford, Massachusetts, under General Laws Chapter 41, Section 91, 91b, 92 and 93 for the following reasons:

To EXERCISE ALL LAWFUL DUTIES OF A CONSTABLE IN
THE COMMONWEALTH OF MASSACHUSETTS.

FEE IS \$150.00 AND APPLICATION MUST BE RENEWED EVERY THREE YEARS.

Full name of Applicant Abel C. Leite (Abel Condeina Leite)

Residence 4630 Acushnet Ave. New Bedford MA 02745 508-951-5873
street address zip telephone #

Business Address 4630 Acushnet Ave New Bedford MA 02745
street address city state zip

Place of birth New Bedford, MA Date of birth 24 March 1944

If naturalized, date and court _____

How long a resident of New Bedford 76 YEARS

Present occupation Retired

Ever convicted of a crime? No
(if so, state case briefly)

(above statements are made under the penalties of perjury)

Signature of Applicant 

Are you still working as a Constable? Yes

Is your address the same? Yes

PRESENT LICENSE EXPIRES: November 21, 2020

REQUIREMENT:
TWO 2x2 PASSPORT PICTURES
NEEDED AT TIME OF OATH



Item Title:

CONSTABLE REAPPOINTMENT - RENALD RUSSO III

Item Detail:

M12. COMMUNICATION, Mayor Mitchell, to City Council, submitting the REAPPOINTMENT of RENALD RUSSO, III, New Bedford, MA 02740 as a CONSTABLE.

M12a. AN APPLICATION,

Additional Information:

ATTACHMENTS:

Description	Type
RE-APPOINTMENT-CONSTABLE-RENALD RUSSO, III	Cover Memo



CITY OF NEW BEDFORD

JONATHAN F. MITCHELL, MAYOR

January 5, 2021

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 Council:

I am submitting for your approval the application for the **RE-APPOINTMENT** as a
CONSTABLE for

RENALD RUSSO, III
21 SETH DANIEL DR.
NEW BEDFORD, MA 02740

This appointment is subject to confirmation by the City Council.

Sincerely,

Jonathan F. Mitchell
Mayor

JFM/sds
Attachment
cc: Renald Russo, III

CITY OF NEW BEDFORD
MASSACHUSETTS

APPLICATION FOR REAPPOINTMENT AS CONSTABLE

New Bedford, Massachusetts 9 SEP 2020
date

To the Mayor:

I hereby make application for reappointment as a Constable of the City of New Bedford, Massachusetts, under General Laws Chapter 41, Section 91, 91b, 92 and 93 for the following reasons:

TO HAVE A POSITIVE IMPACT ON THE
COMMUNITY.

FEE IS \$150.00 AND APPLICATION MUST BE RENEWED EVERY THREE YEARS.

Full name of Applicant RENATO ROSSO III

Residence 21 SETH DANIEL DR 774-406-0607
street address zip telephone #

Business Address _____
street address city state zip

Place of birth QUINCY MASS Date of birth 08/01/1971

If naturalized, date and court _____

How long a resident of New Bedford 15 YEARS

Present occupation NBFF

Ever convicted of a crime? NO
(if so, state case briefly)

(above statements are made under the penalties of perjury)

Signature of Applicant Renato Rosso

Are you still working as a Constable? YES

Is your address the same? YES

PRESENT LICENSE EXPIRES: OCTOBER 26, 2020

REQUIREMENT:
TWO 2x2 PASSPORT PICTURES
NEEDED AT TIME OF OATH



Item Title:

AN ORDINANCE - RELATIVE TO RESIDENCY OF CITY PERSONNEL

Item Detail:

1. AN ORDINANCE, Relative to Residency of City Personnel. (Passed to be Ordained- November 12, 2020; Vetoed by Mayor Mitchell – November 25, 2020; Veto Received and Ordered Spread on the Records – December 9, 2020.)

Additional Information:

ATTACHMENTS:

Description	Type
□ AN ORDINANCE,	Cover Memo



CITY OF NEW BEDFORD

In the Year Two Thousand and Twenty

AN ORDINANCE

RELATIVE TO RESIDENCY OF CITY PERSONNEL

31- 509

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

SECTION 1.

Article II of Chapter 19 of the Code of Ordinances is hereby amended by striking said Article, in its' entirety and inserting, in place thereof, the following new Article:

ARTICLE II. – EMPLOYEE RESIDENCY.

Sec. 19-20. - Definitions.

As used in this article, the following terms shall have the respective meanings ascribed to them:

Employee: Any person:

1. Receiving monies from the city, subject to withholding taxes by the commonwealth or federal government;
2. Employed on a full- or part-time basis; or
3. Appointed, reappointed, elected, selected or chosen to serve on all authorities, boards, commissions or committees, whether compensated or not for such service.

Residence: The actual principal residence of the individual where such individual normally eats and sleeps and maintains such individual's normal personal and household effects. This article shall be deemed to affect both civil service and non-civil service employees of the city.

Sec. 19-22. - Maintenance of list of subject personnel.

The director of labor relations and personnel shall prepare and maintain a list of all persons subject to this article based on the position held by each respective person.

Sec. 19-23. – Residency and compensation.

1. All employees employed by the city shall receive the ordinary and regular compensation for the position held if said employee maintains their residence in the city.
2. Any employee who is not maintaining residence in the city and has not attained 10 years of total employment service to the city shall receive compensation equal to the ordinary and regular compensation for the position but adjusted by reducing said ordinary and regular compensation by 10%.
3. For any employee having their salary adjusted pursuant to paragraph 2 of this section, the adjustment shall no longer be applied upon either of the following occurring: -
 - (a) the employee attaining 10 years of total employment service to the city
 - or
 - (b) the employee becomes a resident of the city.
4. Every person who is reappointed, elected, selected or chosen to serve on an authority, board, commission, or committee, whether compensated or not for such service, shall maintain residence in the city regardless of whether said person has attained 10 years of service. This provision shall not apply to persons who are employed by the city on a part-time or full-time basis and by virtue of such employment are appointed to serve in an ex officio basis on an authority, board, commission, or committee.
5. Any person holding any of the following positions shall be required to live in the city of New Bedford and the provisions of section 19-23 (2) and (3) shall not apply: -
 - Administrative Assistant to the Board of Assessors;
 - City Planner;
 - Director of Human Resources/ Director of Personnel;
 - Director of Public Health;
 - Director of Purchasing/ Purchasing Agent;

First Assistant City Solicitor;
Parking Supervisor

19-24. - Exemptions.

The following shall be exempt from the provisions of section 19-23 (1) and (2).

1. Any person who is employed by the city on June 30, 2020 and who has received a waiver to the residency requirements in effect on June 30, 2020.
2. Any person receiving a waiver pursuant to section 19-25 during the duration of said waiver.

Sec. 19-25. - Waiver authorized.

In the event that the mayor and the city council determine it to be in the best interest of the public to do so, the provisions of section 19-23 (1) , (2) and (5) may be waived for a period of 6 consecutive months with respect to a particular person by a two-thirds (2/3) vote of the city council. At the end of the 6 consecutive months of any approved waiver, the mayor and city council by 2/3 vote may extend the waiver to an additional 6 consecutive months if necessary. No person or employee shall receive more than 1 waiver and 1 extension. The employee shall receive the ordinary and regular compensation for the respective position during the time such waiver is effective. Such waiver shall not act to defeat the application of this article to every other person.

Sec. 19-26. – Notice of residency/filing certificate annually.

It shall be the responsibility of the employee to immediately notify their department head or like officer if they cease to maintain or establish residence in the city. Failing to do so may be grounds for termination.

In any event, annually, on July 1, every person subject to this article shall file with each such person's department head or like officer, a certificate signed under the pains and penalties of perjury, stating such person's name and place of residence as defined herein. Each department head shall forward all certificates to the director of labor relations and personnel.

The compensation of the employees who have not attained at least 10 years of employment service to the city who were so employed and have ceased to be residents of the city shall have their compensation adjusted pursuant to section 19-23 (2). The director of labor relations and personnel shall transmit the names of the employees, their respective position and the effective date of the adjustment or removal of an adjustment to the mayor and the city council.

Sec. 19-27. - Validity.

In the event that this article shall be deemed to be in conflict with a provision of any general or special law, the provision of that general or special law shall govern and shall not defeat the application of this article with respect to any position not governed by the law. Any action of a court of competent jurisdiction declaring this article invalid with respect to any position or person shall not be held to apply to any other person or position.

SECTION 2. Section 10-93 of Chapter 10 of the Code of Ordinances is hereby amended by striking, in the first sentence, the words "a resident of the City of New Bedford,"

SECTION 3. Section 19-2 of Chapter 19 of the Code of Ordinances is hereby amended by striking, in the first sentence, the words "a resident of the city,"

SECTION 4. Section 10-51 of Chapter 10 of the Code of Ordinances is hereby amended by striking said section in its' entirety and inserting, in place thereof the following section:

-

Sec. 10-51. - Purchasing agent—Appointment; qualifications.

The executive officer of the purchasing department shall be the purchasing agent, who shall be appointed by the mayor subject to confirmation by the city council and shall qualify by oath before entrance upon the duties of the office. The purchasing agent shall have not less than five (5) years of general diversified business experience, which shall include experience in the purchasing of commodities.

SECTION 5. Section 2-82 of Chapter 2 of the Code of Ordinances is hereby amended by striking, in the first sentence, the words "and must be a resident of the city"

SECTION 6. Subsection (a) of Section 2-47 of Chapter 2 of the Code of Ordinances is hereby amended by striking the words "shall be subject to residency requirements under chapter 19 article II"

SECTION 7. Section 23-1 of Chapter 23 of the Code of Ordinances is hereby amended by striking the first sentence and inserting in place thereof, the following sentence: -

"The mayor with the approval of the city council shall appoint the parking supervisor."

Section 8.

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



Item Title:

WRITTEN MOTION - WAIVE RULE 21A - UNTIL APRIL 30, 2021

Item Detail:

2. WRITTEN MOTION, Council President Lopes, requesting that Rule 21A of the City Council Rules of Order be suspended until **April 30, 2021**, whereby members of the City Council will be able to participate and vote on matters in City Council and Committee meetings from remote locations by utilizing a suitable electronic means that establishes meaningful participation in any such meeting up to, but not after, said date.

Additional Information:



Item Title:

WRITTEN MOTION - REZONING VARIOUS LOCATIONS TO MIXED-USE BUSINESS

Item Detail:

3. WRITTEN MOTION, Council President Lopes, requesting, the following locations be rezoned from Industrial "B" to Mixed-Use Business: Map 21/Lots 42,1,2, and 4, West side Morton Court Street; Map 25/Lots 122,113,150,72,131,71 and 70, Part of the Right of Way to Route 18; Map 31/Lot 197, 371-383R South Front Street, Lot 142, 13 Rivet Street, Lot 143, 1 Rivet Street; Map 31/Lot 239 56 Potomska Street, Lot 232, 756 South Water Street; Map 31/Lot 245, 65 Potomska Street, Lot 241, Lot 248, 75 MacArthur Drive, (Warehouse I/Industrial "B"), Lot 255, WS MacArthur Drive, (Warehouse I/Industrial "B"); Lot 256, Lots 250 and 257, WS MacArthur Drive, Lot 242, 49 Potomska Street and Map 37-1/Lots 293 and 312, 39 South Street. (Proposed Zoning Change and Ownership Parcel List enclosed.) (To be Referred to the Committee on Ordinances, the Planning Board and Planning Office.)

Additional Information:



Item Title:

WRITTEN MOTION - OPPOSITION TO COMCAST RATE INCREASE

Item Detail:

4. WRITTEN MOTION, Council President Lopes, requesting, on behalf of local cable subscribers, to go on record in opposition to the recent Comcast rate increase during the current global health crisis.

Additional Information:



Item Title:

WRITTEN MOTION - EMS AMBULANCE RESPONSE SERVICE

Item Detail:

5. WRITTEN MOTION, Councillor Gomes, requesting, that the Committee on Public Safety and Neighborhoods meet with EMS Director Mark McGraw, for the purpose of discussing the overworked, overwhelmed EMS system and ambulance response service in the City of New Bedford; and further, that the EMS Director make available to the Committee the number of mutual aid ambulances that have been called to the City to service the residents since January 1, 2020 to December 31, 2020; and further, that a breakdown of how much revenue is being lost, in addition to the time that it is taking for us to get mutual aid to the residents of the City; and further, to also re-look at how we are dispatching EMS Fire and Police during emergency medical calls.

Additional Information:



Item Title:

WRITTEN MOTION - COVID STIMULUS SOLUTIONS/RECOVERY

Item Detail:

6. WRITTEN MOTION, Councillors Abreu, Lima, Council President Lopes, Councillors Giesta and Markey, requesting, that our Federal Delegation offer financial stimulus solutions and economic recovery pathways for New Bedford and Massachusetts-based businesses who opened after September 01, 2019, under the current terms of the "City of New Bedford COVID-19 Small Business Grant & Loan Program," is a Federally funded U.S. Department of Housing and Urban Development Community Development Block Grant (CDBG) program and its terms of eligibility are very specific, so the City of New Bedford has no authority to financially assist this particular business population through this mechanism. (To be Referred to Congressman William Keating, Senator Edward Markey and Senator Elizabeth Warren).

Additional Information:



Item Title:

LIVERY RENEWAL - MAGIC WHEELS TRANSPORTATION LLC

Item Detail:

7. COMMUNICATION, City Clerk/Clerk of the City Council, to City Council, on behalf of **ALI BOKHARI, 44 Liberty Street, New Bedford, MA 02740 d/b/a MAGIC TRANSPORTATION, LLC, 44 Liberty Street, New Bedford, MA 02740**, hereby submits a copy of the Application requesting a **RENEWAL** of a **PRIVATE LIVERY LICENSE**, to carry passengers for hire over the streets of New Bedford. **(Term of License July 01, 2020 – June 30, 2021.)**

Additional Information:

ATTACHMENTS:

Description	Type
□ Livery License RENEWAL - MAGIC WHEELS TRANSPORTATION LLC - Ali Bokhari	Cover Memo



DATE: IN CITY COUNCIL, **JANUARY 14, 2021**
TO: HONORABLE MEMBERS OF THE NEW BEDFORD CITY COUNCIL
FROM: CITY CLERK/CLERK OF THE CITY COUNCIL
SUBJECT: LIVERY LICENSE APPLICATION –**RENEWAL**

The undersigned, on behalf of the Applicant, hereby submits a copy of the Application requesting a PRIVATE LIVERY LICENSE, under the provisions of M.G.L., Chapter 159A, Section 1 and amendments thereto, and M.L.G. Chapter 270, Section 22 (Smoke-Free Workplace Law) and all other laws applicable to such operation, to carry passenger for hire over the streets of New Bedford.

NAME	ALI BOKHARI	
BUSINESS NAME	MAGIC WHEELS TRANSPORTATION, LLC	
ADDRESS	44 LIBERTY STREET	
BUSINESS ADDRESS	44 LIBERTY STREET	
CITY/STATE/ZIP	NEW BEDFORD, MA 02740	
BUSINESS CITY/STATE/ZIP	NEW BEDFORD, MA 02740	

Please note that the City Clerk's Office has the Original Application on File, as well as additional paperwork necessary to receive the Private Livery License (CORI, DOR TAX, Smoke-Free Information, etc.).

Thank you in advance for your attention to this matter.

Sincerely,

Dennis W. Farias
City Clerk/Clerk of the City Council

DWF: rrr

Enclosure (Copy of Application)

cc: File



Item Title:

COMMUNICATION - REMEDIAL ACTIVITIES AT THE FORMER AEROVOX PROPERTY

Item Detail:

8. COMMUNICATION, Brown and Caldwell, 1 Tech Drive, Andover, MA submitting a copy of the Environmental Notification Form for Remedial Activities at the former Aerovox property 700-740 Belleville Avenue and 74 Howard Street. (To be Received and Placed on File.)

Additional Information:

ATTACHMENTS:

Description	Type
□ COMMUNICATION,	Cover Memo

1 Tech Drive, Suite 310
Andover, MA 01810

T: 978.794.0336



SUBMITTED VIA EMAIL

December 14, 2020

Secretary Kathleen A. Theoharides
Secretary of Executive Office of Energy and Environmental Affairs (EEA)
100 Cambridge Street, Suite 900
Boston, MA 02114

RE: Environmental Notification Form for Remedial Activities at the Former Aerovox Property, 700-740 Belleville Avenue and 74 Howard Avenue, New Bedford, MA


Dear Secretary Theoharides:


On behalf of AVX Corporation, Brown and Caldwell submits the enclosed Environmental Notification Form (ENF) for remediation activities centered at the former Aerovox property located at 740 Belleville Avenue in New Bedford, Massachusetts and including adjacent properties at 700 Belleville Avenue and 74 Howard Avenue. The remediation activities involve removal of contaminated soil; on-site consolidation or off-site disposal of contaminated soil; in-situ chemical oxidation treatment of groundwater; construction of an engineered barrier, asphalt cap, and permeable reactive barrier, and monitoring of indoor air. The project is mandated by the Department of Environmental Protection pursuant to an Administrative Consent Order and an Administrative Order on Consent between the U.S. Environmental Protection Agency and AVX Corporation.

This ENF is being provided to all parties on the Distribution List.

Should you have any questions or need further information, please contact either of the undersigned at 978-983-2055 or 978-983-2056, respectively.

Very truly yours,
Brown and Caldwell


Marilyn Wade, P.E., LSP
Managing Engineer


Elizabeth W. Wilson
Principal Scientist

KS/ew

cc: Evan Slavitt, AVX Corporation, Senior Vice President

Attachments (4)

- Attachment 1 Environmental Notification Form
- Attachment 2 Public Notice
- Attachment 3 Distribution List
- Attachment 4 ENF Narrative and Appendices



FIGURE 1
SITE LOCATION MAP
FORMER AEROVOX FACILITY
740 BELLEVILLE AVENUE
NEW BEDFORD, MASSACHUSETTS



Item Title:

TABLED - NO ITEMS ON THIS AGENDA.

Item Detail:

NO ITEMS ON THIS AGENDA.

Additional Information: