



MAYOR  
JON MITCHELL

## City of New Bedford Department of City Planning

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

### PLANNING BOARD

August 12, 2021

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

RE: REZONING REQUEST  
CASE #21-25: Rezoning Request – Potomska Street, South Water Street, South Front Street, and Rivet Street

Dear Chairman Dunn:

This is to advise you of the Planning Board's action on Wednesday, August 11, 2021 regarding the request by City Councilor Joseph P. Lopes for the Planning Board to review and make a recommendation to the City Council for its consideration regarding the rezoning from Industrial-B (IB) to Mixed-Use Business (MUB) of the properties shown on the Assessor's Map as Map 31, Lot 142 (13 Rivet Street); Map 31, Lot 143 (1 Rivet Street); Map 31, Lot 197 (371, 383 R South Front Street); Map 31, Lot 232 (756 South Water Street); and Map 31, Lot 239 (56 Potomska Street). **The Planning Board sends a favorable recommendation for the rezoning request.**

At the hearing, Planning Board Chair Kathryn Duff read the request and asked if there was anyone present to speak on the matter. Attorney Marc Deshaies introduced himself as the representative for the owner of a subject parcel and discussed the history behind the rezoning request. Attorney Deshaies contended that the subject parcels are relatively small and would be difficult to repurpose for an industrial use. He concluded by saying that the rezoning proposal would create uniformity on the easterly side of JFK Boulevard.

Chair Duff then opened the floor to any members of the public who wished to speak in favor or in opposition to the proposed changes. Hearing no such comments, Chair Duff read into the record a support letter from Councilor Lopes; a support letter from the general manager of Guy Cotten, which is located on a subject parcel; and an opposition letter signed by ten seafood industry business owners.

The Board discussed the concerns raised by the opposition letter.

In discussing the request, the board members agreed that the subject parcels are in a different category and character than the nearby waterfront industrial properties. Chair Duff stated that she felt the request did not represent spot zoning. She reminded the Board and the audience that the purpose of this hearing was to make a recommendation to the City Council, not approve or deny the request.

Responding to a question from Board member Khalife, Attorney Deshaies confirmed that the property owners of the vacant warehouse located at 756 South Water Street had plans to redevelop the site into a Dunkin' drive thru and that the rezoning would allow that use.

Hearing no further comments, Chair Duff asked for a motion.

Board member Glassman made a motion **to affirmatively recommend to the City Council to consider the rezoning request** by City Councilor Joseph P. Lopes regarding the rezoning from Industrial-B (IB) to Mixed-Use Business (MUB) of the properties shown on the Assessor's Map as Map 31, Lot 142 (13 Rivet Street); Map 31, Lot 143 (1 Rivet Street); Map 31, Lot 197 (371, 383 R South Front Street); Map 31, Lot 232 (756 South Water Street); and Map 31, Lot 239 (56 Potomska Street).

**The motion passed on a vote of 5-0**, with board members A. Kalife, P. Cruz, A. Glassman, K. Khazan, and K. Duff recorded in favor; no board members recorded in opposition.

As such, the **Planning Board sends a favorable recommendation**. Please find enclosed a copy of the Planning Division Staff Report regarding this matter and the letters received by the Planning Board for the Council's convenience and reference.

Sincerely,



Jennifer Carloni  
Director, Department of City Planning

encl.

- Department of City Planning Staff Report, dated 8/2/2021
- Councilor Lopes Support Letter, dated 8/3/2021
- Guy Cotten Support Letter, dated 7/20/2021
- Waterfront Industry Opposition Letter, dated 8/10/2021

cc.	Jon Mitchell, Mayor	Mickaela McDermott, City Solicitor
	Danny Romanowicz, Building Commissioner	Dennis Farias, City Clerk
	Joseph Lopes, Council President	



**MAYOR**  
JON MITCHELL  
**PLANNING DIRECTOR**  
JENNIFER CARLONI

## City of New Bedford

### Department of City Planning

133 William Street · Room 303 · New Bedford, Massachusetts 02740

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

# STAFF REPORT

#### REPORT DATE

August 2, 2021

#### MEETING DATE

AUGUST 11, 2021

#### Case #21-25: REZONING REQUEST

56 Potomska Street, 756 South Water Street, 1 & 13 Rivet Street, and 371 & 383 R South Front Street

Map: 31 Lots: 142, 143, 197, 232, & 239

#### Overview of Request

On June 24, Ward Six Councilor and City Council President Joe Lopes requested that the Planning Board review and make a recommendation on a rezoning request from Industrial B (IB) to Mixed-Use Business (MUB) for the following parcels: Map 31, Lot 142 (13 Rivet Street); Map 31, Lot 143 (1 Rivet Street); Map 31, Lot 197 (371, 383 R South Front Street); Map 31, Lot 232 (756 South Water Street); Map 31, Lot 239 (56 Potomska Street).

#### Existing Conditions

The table below outlines the current use and zoning of the subject parcels

Map & Lot	Address	Current Use	Current Zoning	Proposed Zoning
<b>31-142</b>	13 Rivet Street	Multifamily home	IB	MUB
<b>31-143</b>	1 Rivet Street	Multifamily home	IB	MUB
<b>31-197</b>	371-383R S. Front Street	Warehouse/Retail	IB	MUB
<b>31-232</b>	756 S. Water Street	Warehouse (vacant)	IB	MUB
<b>31-239</b>	56 Potomska Street	Gas station & convenience store	IB	MUB

The subject parcels comprise one block bound to the north by Potomska Street, to the east by South Front Street, to the west by JFK Memorial Highway, and to the south by Rivet Street. All the parcels are currently zoned IB.. The surrounding neighborhood to the east and north is zoned IB or Waterfront Industrial and is primarily composed of businesses engaged in or supporting the seafood industry. Further south, the neighborhood is zoned IB and remains a mix of residential buildings and industrial uses. West of JFK Highway/Route 18 is MUB district that consists of a mix of multifamily housing and businesses.

For reference purposes Exhibit B provided at the end of the report outlines the subject parcels on the existing City zoning map. Exhibit C identifies the parcels on an aerial image.

## Background

The subject parcels have benefitted from recent streetscape improvements to Route 18. These infrastructure improvements to the southern section of the roadway have improved the walkability of the area and created additional connections to the neighborhoods on the east side of the highway. In particular, Rivet Street, which previously ended in a cul-de-sac on the east side of the highway, now connects across Route 18 with a traffic light and crosswalks.

In 2019, the owner of 56 Potomska Street and 756 South Water Street received site plan approval (Case #19-01) and a special permit for a reduction in parking (Case #19-02) from the Planning Board.

An appeal was filed for Case #19-02 on the grounds that the Planning Board did not consider all uses of the property when issuing a reduction in parking. The appeal was subsequently dismissed when the Court determined that the plaintiff did not qualify as an “aggrieved party.”

The approvals for Cases #19-01 and #19-02 have since lapsed.

A similar rezoning request was submitted in March requesting a neighborhood-wide rezoning. The request was withdrawn to refine the request and avoid potential use conflicts identified at that time. The current proposal is more limited in the number of parcels requested to be rezoned.

## Input from other City Departments

The rezoning request was distributed to relevant City departments. No comments have been received as the writing of this memo. Any comments subsequently received will be provided at the Planning Board’s public hearing.

**New Intersection at Rivet Street and Route 18 intersection adjacent to residential properties included in the rezoning request.**

Looking west from South Front Street.



**Streetscaping improvement along Potomska Street near the Mutual Oil gas station property.**

Looking east from Route 18.



### For Board Member Consideration

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

Criteria
<b>Uniformity:</b> the extent to which the zoning change would resemble the surrounding zoning.
<b>Consistency:</b> whether the parcel is being singled out for a zoning change.
<b>Surroundings:</b> how the proposal would change the neighborhood?
<b>Fiscal Impact:</b> what impact on local/city economic development the rezoning would have?
<b>Discriminating Benefit:</b> assess whether the reclassification of a single parcel that allows a use beneficial to the property owner is made to the detriment of the neighbors or community-at-large.

The table below (Exhibit A) compares current IB uses to proposed MUB uses. Uses highlighted in **green** will be newly permitted in the subject parcels, while uses highlighted in **grey** will no longer be permitted. **If the proposed rezoning is approved, there will be 25 newly permitted uses for the subject parcels**, which include residential and commercial uses. **Rezoning will eliminate 16 uses that are currently allowed**, including motor vehicle body repair and most industrial uses, such as manufacturing and warehousing. All marijuana-related uses will also be zoned out, but the subject parcels fall within a buffer zone and therefore none could be permitted as a marijuana establishment.

The requested rezoning would allow for more uses and flexibility for development that aligns with the goals of recently completed Route 18/JFK Boulevard project and would not constitute spot zoning as the request contains multiple parcels bordering an existing Mixed-Use Business zoned district.

### EXHIBIT A - Zoning Comparison Table

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

<b>A. Residential</b>	<b>IB</b>	<b>MUB</b>
1. Single-family dwelling	N	Y
2. Two-family dwelling	N	Y
3. Multi-family townhouse (3 stories)	N	Y
4. Multi-family garden style (4 stories)	N	N
5. Multi-family mixed use (6 stories)	N	PB
6. Multi-family mid-rise (12 stories)	N	N
7. Multi-family high-rise (18 stories)	N	N
8. Boarding house	N	BA
9. Group residence	BA	BA
10. Assisted or Independent living facility	BA	BA
11. Nursing or Convalescent home	BA	BA
12. Trailer camp or park	N	N
13. Hoofed animals	N	N
14. Animals or head of poultry, not to exceed one animal or head of poultry per one thousand (1,000) square feet of net area of the lot... (See Ordinance for full text)	N	Y
<b>B. Exempt and Institutional Uses</b>	<b>IB</b>	<b>MUB</b>
1. Use of land or structures for religious purposes	Y	Y
2. Use of land or structures for educational purposes on land owned or leased by the commonwealth or any of its agencies... (See Ordinance for full text)	Y	Y
3. Child care facility (in existing building)	Y	Y
4. Child care facility (not in existing building)	Y	Y
5. Use of land for the primary purpose of agriculture, horticulture, floriculture, or viticulture on a parcel of more than five acres in area	Y	Y
6. Facilities for the sale of produce, and wine and dairy products... (See Ordinance for full text)	Y	Y
7. Municipal facilities	Y	Y
8. Essential services	BA	BA
9. Cemeteries	N	Y
10. Hospital	N	Y
<b>C. Commercial</b>	<b>IB</b>	<b>MUB</b>
1. Nonexempt agricultural use	BA	BA
2. Nonexempt educational use	BA	Y
3. Animal clinic or hospital; with ancillary animal boarding	BA	SP
4. Adult day care	BA	BA
5. Family day care	N	BA



6. Large family day care	N	BA
7. Club or lodge, nonprofit	N	CC
8. Funeral home	N	BA
9. Adult entertainment establishment	CC	CC
10. Bed & Breakfast	N	BA
11. Motel, hotel or inn	Y	Y
12. Retail stores and services not elsewhere set forth	Y	Y
13. Grocery stores	BA	Y
14. Big Box Retail (60,000 Sq. ft. or greater)	N	BA
15. Health clubs	Y	Y
16. Mixed use	N	Y
17. Live /work	N	BA
18. Motor vehicle sales and rental	CC	CC
19. Motor vehicle general repairs	CC	CC
20. Motor Vehicle body repairs	CC	N
21. Motor vehicle light service	CC	CC
22. Restaurant	N	Y
23. Restaurant, fast-food	N	BA
24. Business or professional office	N	Y
25. Medical offices, center, or clinic	N	BA
26. Bank, financial agency	N	Y
27. Indoor commercial recreation	N	Y
28. Outdoor commercial recreation	N	BA
29. Wireless Communications Facilities	PB	PB
30. Theatres and auditoriums	N	PB
31. Convention Centers	PB	PB
32. Marijuana Retailer	PB	N
<b>D. Industrial</b>	<b>IB</b>	<b>MUB</b>
1. Earth removal	N	N
2. Manufacturing	Y	N
3. Light manufacturing	Y	N
4. Research, development or testing laboratories and facilities	Y	Y
5. Biotechnology facilities	Y	N
6. Medical devices manufacturing	Y	N
7. Fish processing	N	N
8. Wholesale, warehouse, self-storage mini-warehouse, or distribution facility	Y	N
9. Transportation terminal	Y	N
10. Water freight terminal	N	N

11. Businesses engaged in the sale, distribution or storage of grain, petroleum products, building materials and industrial machinery provided that such businesses shall be primarily reliant upon a waterfront location or shall be in direct support of an industrial use which requires a waterfront location	N	N
12. Businesses engaged in the sale, distribution or storage of grain, petroleum products, building materials and industrial machinery	N	N
13. Businesses engaged in salvaging, dismantling and reprocessing of scrap and waste materials... (See Ordinance for full text)	N	N
14. Junkyard or automobile graveyard	N	N
15. Contractor's yard	Y	N
16. Low-level radioactive or nuclear waste facility	N	N
17. Tire recycling & re-treading	N	N
18. Batch asphalt & concrete plants	CC	N
19. Craft Marijuana Cooperative	PB	N
20. Independent Testing Laboratory	PB	N
21. Marijuana Cultivator	PB	N
22. Marijuana Product Manufacturer	PB	N
23. Marijuana Research Facility	PB	N
24. Medical Marijuana Treatment Center	PB	N



## EXHIBIT B – Existing Zoning Map with Subject Parcels Identified

### Zoning

-  Residential A
-  Residential AA
-  Residential B
-  Residential C
-  Mixed Use Business
-  Planned Business
-  Industrial A
-  Industrial B
-  Industrial C
-  Waterfront Industrial
-  Proposed zoning change from IB to MUB



## Exhibit C – Aerial Image of Area of Rezoning Request







## City of New Bedford

### Office of City Council

133 William Street • New Bedford, Massachusetts 02740  
508 979-1455 • Fax 508 979-1451

Joseph P. Lopes, MBA  
Councillor Ward Six  
City Council President 2014

August 03, 2021

Members of the Planning Board  
133 William Street  
Room 304  
New Bedford, MA 02740

Dear Members:

RE: Planning Board Meeting of Wednesday, August 11, 2021

I am writing to inform you of my full support of the following matters:

#### **Public Hearings - New Business:**

**Case #21-25: Rezoning Request** – Request by City Councillor Joseph P. Lopes for the Planning Board to review and make a recommendation to the City Council for its consideration regarding the zoning from Industrial B to Mixed-Use Business of the properties shown on Assessors Map as Map 31/Lot 142 (13 Rivet Street); Map 31/Lot 143 (1 Rivet Street); Map 31/Lot 197 (371, 383 R South Front Street); Map 31/Lot 232 (756 South Water Street); and Map 31/Lot 239 (56 Potomska Street).

**Case #21-27: 157-161 Coggeshall Street** – Request by applicant for a Special Permit for the construction of a fast-food restaurant with a drive-through and associated site improvements at 157-161 Coggeshall Street (Map: 93/Lots 168, 169, 275), a 35,212± square foot site zoned Industrial-B (IB) and Mixed-Use Business (MUB) in the Hicks-Logan-Sawyer IPOD. Owners: Scott R. Boutin & Tammy M. Boutin (358 Beam Street, New Bedford, MA 02744); Michael J. Khalife & Antoine J. Khalife (171 Coggeshall Street, New Bedford, MA 02746); Mitchell Street Trust-2013 (83 Point Road, Portsmouth, RI 02871). Applicant: ALRIG USA Development, LLC (30200 Telegraph Road, Suite 205, Bingham Farms, MI 48025).

**Case #21-28 & #21-29: 278 Union Street** – Request by applicant for **Site Plan Review** and a **Special Permit** for the construction of a Mixed-Use building with one commercial unit, 53 residential units, and associated underground parking at 278 Union Street, a 16,071 square foot Mixed-Use Business (MUB) zoned site in the Downtown Business Overlay District (Map 46/Lot 18). Owner/Applicant: Duane Jackson & Deborah C. Jackson (278 Union Street, New Bedford, MA 02740).

Please read this letter into the record to make my colleagues, those in attendance and the public aware of my support of the aforementioned matters.

If you have any questions or concerns regarding my support of said matters, please do not hesitate to contact me.

Very truly yours,

Joseph P. Lopes/City Council President 2021  
Councillor Ward Six

JPL: rrr

cc: File



July 20, 2021

Kathryn Duff, Chairperson  
New Bedford Planning Board  
133 William Street, Room 303  
New Bedford, MA 02740

Dear Chairperson Duff:

I am writing to you as the General Manager of Guy Cotten, Inc., located at 782 South Water Street in New Bedford, MA.

I have previously written to the President of the New Bedford City Council, Joseph P. Lopes, to express Guy Cotten's support for the proposed zoning change for our parcel of land in New Bedford. I want to take this opportunity to share our thoughts with the Planning Board as well.

Guy Cotten is the creator of fishermen and outdoor workers' gear using the highest quality components and manufacturing techniques for over 50 years. Our product is known throughout the world. Guy Cotten is proud to be a member of the New Bedford business community located in the historic Port of New Bedford. Please be advised that our company supports the proposed zoning change which rezones our parcel of land from "Industrial B" to "Mixed Use Business." Our company believes that such a change will help further economic development in our City and will specifically have a favorable impact on our business. Thank you for your attention to this matter.

Sincerely,

*JR Santos*

**JR Santos**

**General Manager**

**Guy Cotten USA**

[JR@guycottenusa.com](mailto:JR@guycottenusa.com)

<https://www.guycottenusa.com/>

Cell # (774)-930-8231 Office # (800)-444-6050



August 10, 2021

*Re: Hand delivered*

New Bedford Planning Board  
New Bedford City Hall  
133 William Street  
New Bedford, MA 02740

**Re: Proposed Zoning Change – Case #21-25**

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Dear Members of the Planning Board:

We are writing to you as property owners, taxpayers, business owners and most importantly as employers to express our strong objection to the above referenced proposed zoning change.

We are all long-time participants / investors in New Bedford's Working Waterfront. We directly employ hundreds of people and indirectly employ hundreds more – providing them with a chance to earn a living and support their family. For decades, our businesses have been essential to making New Bedford the Number One Fishing Port in the United States. Our investments and hard work have been the single most important driver of New Bedford's economy for decades – in good times and in bad times.

In recent years, our businesses have been pressured by two separate interests that have made it more difficult for us to continue to operate and to grow our businesses: (a) the wind industry; and (ii) retail businesses. We recognize and appreciate that change is natural and evolution is required. We are willing to adapt over time. In so doing, however, we ask that the City recognize and prioritize our waterfront industrial needs. We feel strongly that the existing zoning along Route 18 and south of the Eversource site is appropriate to support the seafood industry which is the most important part of New Bedford's economy. The current zoning also supports the wind industry. In contrast, the proposed zoning would also take away from both the Working Waterfront and the new wind industry.

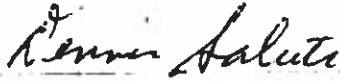
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New Bedford Planning Board  
August 10, 2021  
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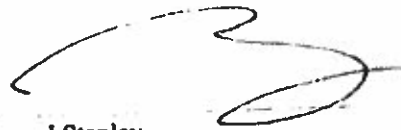
As you evaluate the situation and vote upon your recommendation to the City Council, we respectfully ask that you strongly consider the hundreds of jobs that maybe placed at risk if New Bedford's Working Waterfront is squeezed out of its long standing and natural space.

We appreciate your thoughtful consideration of this request.

Sincerely,



Dennis Saluti  
Quality Custom Packaging



Norval Stanley  
Bergie's Seafood



Brian Marder  
Marder Trawling



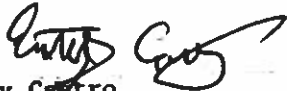
Stephanie DeMello  
Carlos Seafood



Tony Castro  
Maritime Realty



Richard Barry  
Pier Fish



Tony Castro  
Portside Realty



Lars Vinjerud, II  
Fleet Management, LLC

New Bedford Planning Board

August 10, 2021

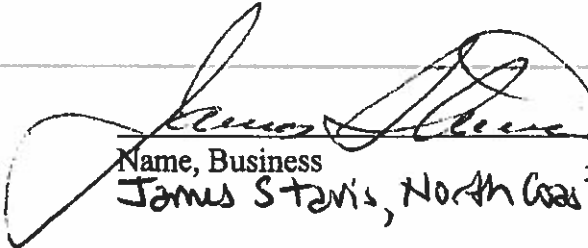
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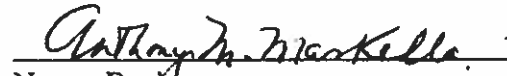
We appreciate your thoughtful consideration of this request.

Sincerely,

\_\_\_\_\_  
Name, Business

  
Name, Business  
James Stavis, North Coast Spots

\_\_\_\_\_  
Name, Business

  
Name, Business  
ANTHONY M. MARKELLA, DIRECTOR  
OCEAN CLIFF CORPORATION

\_\_\_\_\_  
Name, Business

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Name, Business

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Name, Business

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Name, Business