



City of New Bedford

Department of City Planning

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

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

MAYOR
JON MITCHELL
PLANNING DIRECTOR
JENNIFER CARLONI

STAFF REPORT

REPORT DATE

September 9, 2022

MEETING DATE

SEPTEMBER 14, 2022

Case #22-35: REZONING REQUEST

WS Braley Road

Map: 135 Lots: 9 & 11

Overview of Request

On July 21, the City Council requested that the Planning Board review and make a recommendation on a request from City Council President Ian Abreu and Ward One Councillor Brad Markey to rezone two parcels on the westside of Braley Road (Map 135, Lots 9 & 11) from Industrial C (IC) to Residential B (RB).

A memorandum from Attorney John Markey, who represents the owner of the subject parcels is attached to the referral from City Council. In the memo, Attorney Markey requests that a portion of the lots abutting Braley Road

Undeveloped land on the west side of Braley Road.
Looking south from Lot 9 on Braley Road.



be rezoned from IC to RB. The proposed RB areas would extend approximately 300 ft west into the parcels from Braley Road (see Exhibit B & C). Staff note that the request does not include Lot 46, which is between Lot 9 and Lot 11, but it is shown as rezoned on the accompanying plan. **The Board may wish to discuss the rezoning of Lot 46 with the petitioner.**

Note: Staff notes for clarification that the written motion is for of Map 135 Lot 9 and 11 in their entirety. The motion does not reflect the request in the letter from Attorney Markey accompanying the motion.

Existing Conditions

Lots 9 and 11 are large, vacant parcels north of the New Bedford Business Park and adjacent to the Freetown/New Bedford line. Both parcels are mostly wetlands, except for upland forest and wooded areas along the roadway. A former cranberry bog and a pond occupy most of the land on Lot 9, which is the northern most of the two subject parcels. Wooded swamp land occupies most of Lot 11.

Between the two subject parcels on Braley Road is a recently constructed solar farm on Lot 46, which is also zoned IC. Directly abutting Lot 9 along Braley Road are six each of which contains a single-family homes and are RB-zoned lots.

Abutting to the south is the New Bedford Business Park, which is entirely zoned IC. The Mass Coastal Railroad abuts to the west. Wetlands in the Business Park are beyond the tracks further west.

The east side of Braley Road across from the subject parcels is a mix of zoning districts – RB and RA to the south and Mixed-use Business (MUB) to the north. Accordingly, the east side of the road is a mix of development, with single-family homes and subdivision to the south, and condominium and apartment complexes to the north near the Freetown border. Exhibit B shows the current zoning layout for the area.

Background

The subject parcels have been zoned IC since at least the 1960s. For much of their history, the subject parcels were used for agricultural purposes. Lot 11, like most of the adjacent Business Park, was owned by the Acushnet Sawmill Company. Much of Lot 9 was used as a cranberry bog by the Sassaquin Cranberry Company. Throughout the 1970s, lots were split off from the subject parcels to create the single-family homes that exist on the west side of Braley Road today.

Input from other City Departments

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

For Board Member Consideration

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

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

The table below (Exhibit A) compares current IC uses to proposed RB 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 10 newly permitted uses**, including single and two-family residences, institutional uses, and lodging. **Rezoning will eliminate 27 uses that are currently allowed**, which include all industrial uses and many commercial uses.

If Lot 46 were included in the rezoning, it would create a uniform RB zoning district along the frontage of Barley Road. The board should consider the proximity of the adjacent industrial park relative to the boundaries of the proposed district and conflicts between industrial and residential uses in close proximity.

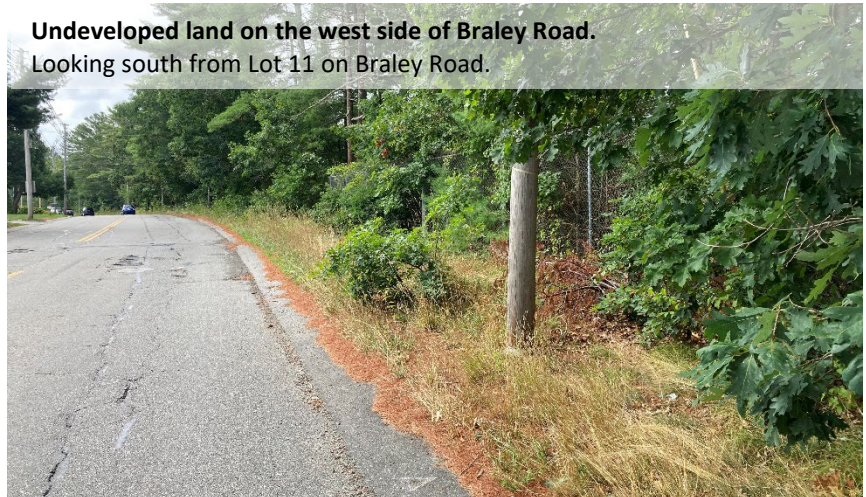


EXHIBIT A - Zoning Comparison Table

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

A. Residential		IC	RB
1. Single-family dwelling		N	Y
2. Two-family dwelling		N	Y
3. Multi-family townhouse (3 stories)		N	N
4. Multi-family garden style (4 stories)		N	N
5. Multi-family mixed use (6 stories)		N	N
6. Multi-family mid-rise (12 stories)		N	N
7. Multi-family high-rise (18 stories)		N	N
8. Boarding house		N	N
9. Group residence		BA	BA
10. Assisted or Independent living facility		BA	BA
11. Nursing or Convalescent home		BA	BA
12. Trailer camp or park		N	N
13. Hoofed animals		N	N
14. Animals or head of poultry, not to exceed one animal or head of poultry per one thousand (1,000) square feet of net area of the lot...(See Ordinance for full text)		N	Y
B. Exempt and Institutional Uses		IB	RB
1. Use of land or structures for religious purposes		Y	Y
2. Use of land or structures for educational purposes on land owned or leased by the commonwealth or any of its agencies...(See Ordinance for full text)		Y	Y
3. Child care facility (in existing building)		Y	Y
4. Child care facility (not in existing building)		Y	Y
5. Use of land for the primary purpose of agriculture, horticulture, floriculture, or viticulture on a parcel of more than five acres in area		Y	Y
6. Facilities for the sale of produce, and wine and dairy products...(See Ordinance for full text)		Y	Y
7. Municipal facilities		Y	Y
8. Essential services		BA	BA
9. Cemeteries		N	Y
10. Hospital		N	Y
C. Commercial		IB	RB
1. Nonexempt agricultural use		BA	BA
2. Nonexempt educational use		BA	N
3. Animal clinic or hospital; with ancillary animal boarding		BA	N
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	N
10. Bed & Breakfast	N	BA
11. Motel, hotel or inn	Y	N
12. Retail stores and services not elsewhere set forth	Y	N
13. Grocery stores	BA	N
14. Big Box Retail (60,000 Sq. ft. or greater)	N	N
15. Health clubs	Y	N
16. Mixed use	N	N
17. Live /work	N	N
18. Motor vehicle sales and rental	N	N
19. Motor vehicle general repairs	N	N
20. Motor Vehicle body repairs	N	N
21. Motor vehicle light service	N	N
22. Restaurant	SP	N
23. Restaurant, fast-food	N	N
24. Business or professional office	Y	N
25. Medical offices, center, or clinic	BA	N
26. Bank, financial agency	Y	N
27. Indoor commercial recreation	N	N
28. Outdoor commercial recreation	BA	N
29. Wireless Communications Facilities	PB	PB
30. Theatres and auditoriums	N	N
31. Convention Centers	PB	N
32. Marijuana Retailer	PB	N
D. Industrial	IB	RB
1. Earth removal	N	N
2. Manufacturing	Y	N
3. Light manufacturing	Y	N
4. Research, development or testing laboratories and facilities	Y	N
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... <i>(See Ordinance for full text)</i>	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 <i>Ordinance for full text</i>)	N	N
14. Junkyard or automobile graveyard	N	N
15. Contractor's yard	N	N
16. Low-level radioactive or nuclear waste facility	N	N
17. Tire recycling & re-treading	N	N
18. Batch asphalt & concrete plants	N	N
19. Craft Marijuana Cooperative	PB	N
20. Independent Testing Laboratory	PB	N
21. Marijuana Cultivator	PB	N
22. Marijuana Product Manufacturer	PB	N
23. Marijuana Research Facility	PB	N
24. Medical Marijuana Treatment Center	PB	N

EXHIBIT B – Current Zoning Map with Subject Parcels and Proposed Rezoning Area Identified

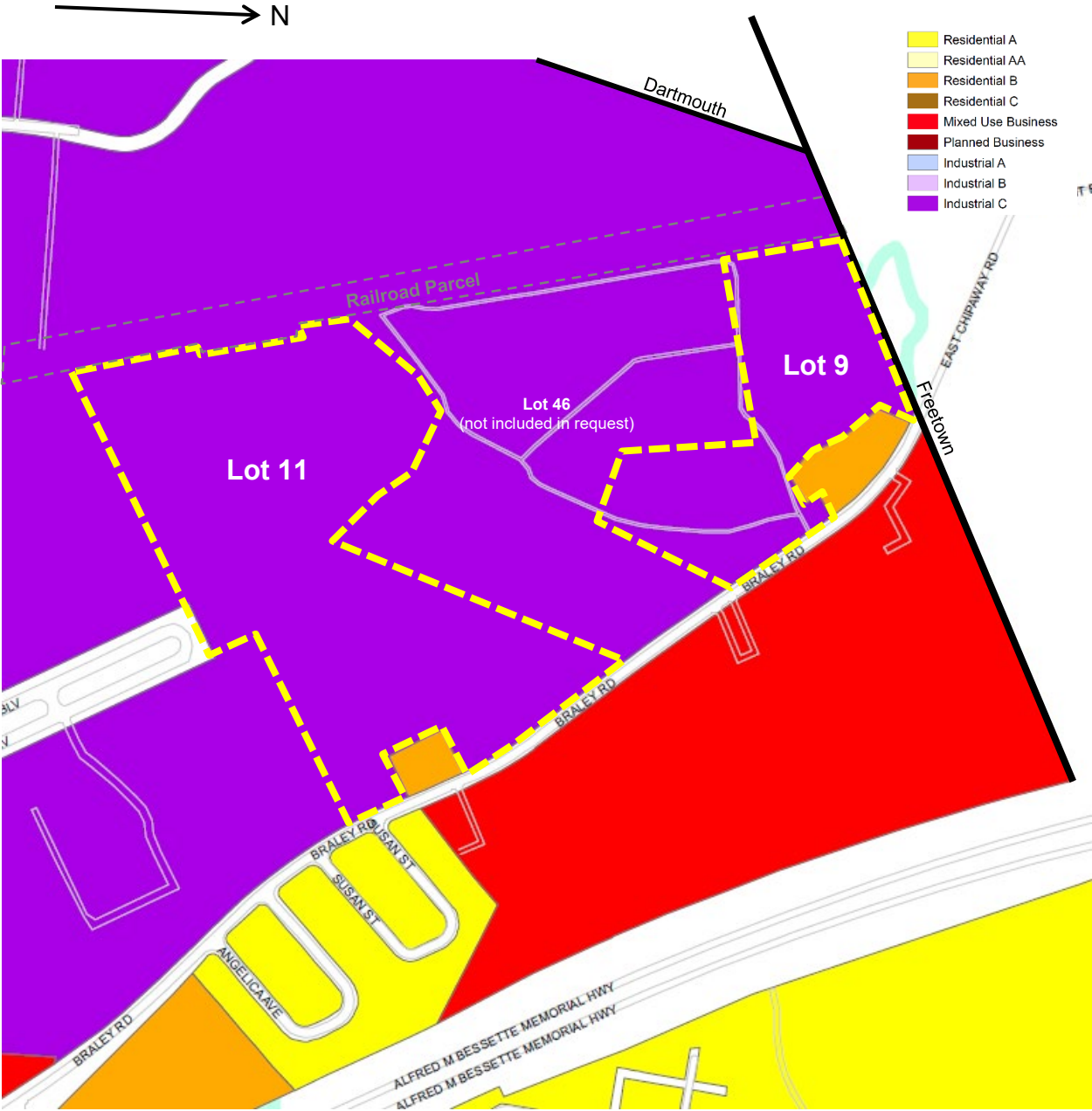


Exhibit C – Aerial Image of Rezoning Request



WS Braley Road

Map: 135 Lots: 9 & 11

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