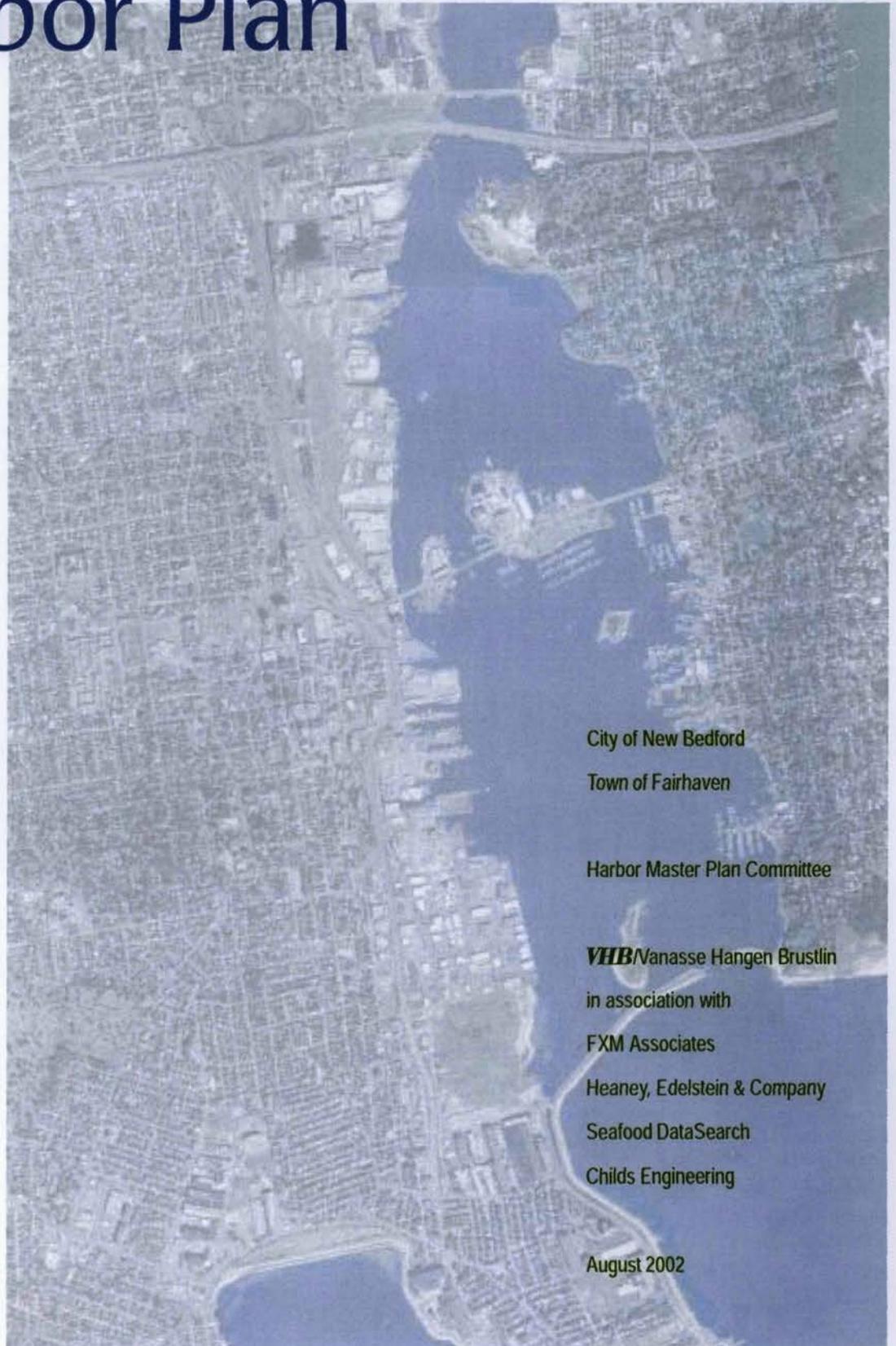


New Bedford  
176  
S.M. 294759



# New Bedford/Fairhaven Harbor Plan



City of New Bedford  
Town of Fairhaven

Harbor Master Plan Committee

**VHB**/Vanasse Hangen Brustlin

in association with

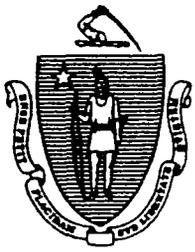
FXM Associates

Heaney, Edelstein & Company

Seafood DataSearch

Childs Engineering

August 2002



*The Commonwealth of Massachusetts*

*Executive Office of Environmental Affairs*

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September 25, 2002

Honorable Frederick M. Kalisz, Jr.  
New Bedford City Hall  
133 William Street  
New Bedford, MA 02740

Honorable Michael Silvia  
Chairman, Board of Selectmen  
Fairhaven Town Hall  
40 Center Street  
Fairhaven, MA 02719

Dear Mayor Kalisz and Selectman Silvia:

I am pleased to inform you that I have approved the New Bedford/Fairhaven Harbor Plan, dated August, 2002, in accordance with the procedures and standards set forth in 301 CMR 23.00. My Approval Decision is enclosed.

The New Bedford/Fairhaven Harbor Plan is the third Municipal Harbor Plan approved for our four major ports outside of Boston. It is also only the third MHP state-wide to have included a Designated Port Area (DPA) Master Plan as an integral part of the overall harbor plan. Both the City and Town should feel proud of this accomplishment, and I want to congratulate all who participated in the harbor planning process. The close cooperation and innovation demonstrated by Harbor Planning Committee Representatives from both communities deserves special recognition, and I applaud the dedicated individuals who worked so effectively under the capable leadership of Committee Chairman Antone Souza. Several municipal representatives also contributed significantly to this planning effort, including Matthew Thomas, the New Bedford City Solicitor, Jeffrey Osuch, the Fairhaven Executive Secretary, and John Simpson, the Director of the New Bedford Harbor Development Commission.

Let me further congratulate the City and Town for submission of the most progressive harbor plan ever produced in the Commonwealth. It is a plan that not only includes an unequivocal commitment to protect and promote local traditional port industries, but also an



innovative and remarkable approach to expanding the port's visitor economy without compromising traditional maritime industrial port interests. The Plan represents an excellent example of how municipal objectives and priorities can be pursued in harmony with state policies pertaining to the promotion and control of development on tidelands, especially those within a DPA. In this respect, I especially note the innovative Eligibility Credit Program created in the plan that not only identifies appropriate locations for supporting commercial uses within the Designated Port Area, but also creates the first direct mechanism for support of maritime activities by commercial activities. The Plan masterfully uses the flexibility inherent in state Chapter 91 regulations to accommodate specific development initiatives while safeguarding against inappropriate types and amounts of nonwater-dependent use throughout the harbor.

Again, please accept my congratulations for the outstanding plan you have completed. I look forward to working with you further on plan implementation and additional plan development, and you can be assured of continuing assistance in this regard from my staff within the Office of Coastal Zone Management (CZM) and the Department of Environmental Protection (DEP).

Very truly yours,



Bob Durand

cc: Tom Skinner, CZM Director  
David Janik, CZM Shore Coastal Regional Coordinator  
Ben Lynch, DEP Waterways Regulation Program Chief (Acting)  
Rick Armstrong, Seaport Council Executive Director  
Jeffrey Osuch, Fairhaven Executive Secretary  
Matthew Thomas, New Bedford City Solicitor  
John Simpson, New Bedford Harbor Development Commission Director

DECISION ON THE JOINT  
REQUEST FOR APPROVAL OF THE  
NEW BEDFORD/FAIRHAVEN HARBOR PLAN  
PURSUANT TO 301 CMR 23.00

September 24, 2002

Commonwealth of Massachusetts  
Executive Office of Environmental Affairs  
Robert Durand, Secretary

DECISION ON THE JOINT  
REQUEST FOR APPROVAL OF THE  
NEW BEDFORD/FAIRHAVEN HARBOR PLAN  
PURSUANT TO 301 CMR 23.00

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## I. INTRODUCTION

Today I am pleased to approve the joint Harbor Plan for the City of New Bedford and Town of Fairhaven, dated August 2002 ("Plan"). This Decision presents a synopsis of Plan content, together with my determinations on how the Plan complies with the standards for approval set forth in the municipal harbor planning (MHP) regulations at 301 CMR 23.00.

The Plan has been reviewed in accordance with procedures contained in the MHP regulations, beginning with advance consultation to obtain submittal guidance from the Massachusetts Coastal Zone Management (CZM) Office and the Waterways Regulation Program of the Department of Environmental Protection (DEP). The Plan, together with a separate document addressing compliance with the plan approval standards<sup>1</sup> ("Compliance Statement"), was initially submitted on February 9, 2001. Following a review for completeness, CZM published a notice of public hearing and 30-day opportunity to comment in the Environmental Monitor dated February 24, 2001. A public hearing was held in New Bedford on March 15, 2001 and, prior to the close of the comment period on March 26, 2001, written comments were received from thirteen parties including four public agencies, seven private businesses, and two non-profit advocacy organizations. Based on this input and subsequent consultation with CZM, the City of New Bedford determined that certain minor modifications to the Plan were appropriate and a completed final version was submitted in August 2002. In reaching my approval decision, I have taken into account all oral and written testimony submitted by the public, together with responses from municipal representatives.<sup>2</sup>

As shown in Figure 1, the harbor planning area encompasses the entire basin at the mouth of the Acushnet River, together with all adjacent shorelands and four sizable islands, bounded by the Coggeshall Street Bridge to the north and the Hurricane Barrier to the south. To the east and west, the landside boundary incorporates the arterial roadways closest to the shoreline, as well as portions of the downtown business districts in the immediate vicinity thereof. It is important to note that all of these waters and a high percentage of the lands -- the extensive areas created by previous filling -- are tidelands subject to state regulatory jurisdiction under M.G.L. c.91 (the Public Waterfront Act) and implementing regulations at 310 CMR 9.00.

Further, a significant majority of the lands and waters of the harbor planning area lie within the New Bedford/Fairhaven Designated Port Area (DPA), a working waterfront of special state significance that was first officially identified as such in 1978. The DPA portion of the harbor, which is uniformly industrial in character, has been home to seafaring activities for over 150 years. From its origins as the world center of the whaling industry, New Bedford today remains one of the nation's preeminent fishing ports. Routinely, it boasts the first- or second-highest value of landed product in the country, and has established a major seafood processing

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<sup>1</sup> See "New Bedford/Fairhaven Harbor Plan: Compliance with Standards for Plan Approval, Including DPA Master Plan Approval Standards," enclosed with the plan submission letter of New Bedford Mayor Frederick M. Kalisz, Jr., dated February 9, 2001.

<sup>2</sup> See comment response letter from John A. Simpson, New Bedford Harbor Development Commission Director, dated December 10, 2001.



sector with a cutting-edge reputation in both national and international circles. Fairhaven, for its part, has served for many years as one of the most important locations for vessel servicing and repair on the East Coast.

New Bedford and Fairhaven share a vision of the future that is built squarely on this longstanding success as a working port. As Mayor Fred Kalisz, Jr. of New Bedford has put it:<sup>3</sup>

*This Plan...is firmly grounded in our traditional waterfront industries and activities such as fishing, water-borne freight and marine repair services. The plan also provides a framework within which emerging industries such as tourism and educational uses may develop in a fashion that complements and enhances our maritime heritage.*

This avowed desire to maintain the harbor's tradition as a major port is certainly consistent with my high priority goal of community preservation, and is very much in keeping with the statewide public interest in maximizing the capacity of DPAs to accommodate water-dependent industry. In this respect, I also find myself in complete agreement with Mayor Kalisz when he writes that the New Bedford/Fairhaven Harbor Plan "unlocks the full potential" of such a document as a template for shaping both public and private development in the port. Indeed, I would go even further and say that the Plan is unquestionably the most progressive that has come before me to date, because it includes a master plan for the DPA that far exceeds the minimum approval requirements and all other reasonable expectations.

DPA master planning, as encouraged and assisted by my CZM Office, has two primary functions. The first is to identify a joint state/local strategy for stimulating water-dependent industrial development, the highest and best use of the Commonwealth's working waterfronts. The second role of a DPA Master Plan is to ensure that state and local regulatory programs are coordinated effectively to control non-maritime uses, in order to avoid excessive consumption of prime port space and incompatibilities that discourage marine enterprise. In a nutshell, a DPA Master Plan should serve as a guide for intergovernmental actions to both promote development that is appropriate for a working harbor and prevent that which is not.

The New Bedford-Fairhaven Harbor Plan excels on both counts. On the promotional front, it combines a \$12 million array of short-term (five-year) public initiatives -- estimated to leverage \$60 million in private investment and the creation of 700-800 private sector jobs -- with a series of longer-term (10-year) initiatives designed to effect a significant expansion in harbor capacity for maritime commerce. On the regulatory front, the Plan combines an equally impressive array of controls to protect prime port properties with a first-of-its-kind program under which New Bedford allows tourism and other commercial activities only in selected and relatively few locations, in a manner that does not conflict with nearby maritime operations. Among the several inventive features of this regulatory scheme is a cross-subsidy mechanism, whereby developers of non-port projects are required to provide direct financial assistance to waterfront business owners. By strategically inserting such "supporting" uses into spaces not of primary importance in attracting maritime development, the Plan takes full constructive advantage of the flexibility in the Chapter 91 regulations. These DEP rules allow a significant amount of DPA land area to be used for general

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<sup>3</sup> See harbor plan submission letter from Mayor Frederick M. Kalisz, Jr., dated February 9, 2001.

commercial and industrial purposes in a mutually beneficial, synergistic relationship with maritime development that makes the port as productive an economic engine as possible.

In spearheading the preparation of this highly innovative DPA Master Plan, the City of New Bedford in particular has demonstrated a steadfast commitment to port promotion and protection that few if any harbor communities elsewhere in the Commonwealth can match. In devising a remarkable approach to expanding the visitor economy without compromising its aggressive program of port improvement, the City sets an example that other DPA communities would do well to follow. I truly applaud this pioneering effort, and pledge my strong support and the continued cooperation of all affected EOEAs to facilitate implementation of this exceptional Plan in the years ahead.

## II. PLAN CONTENT

For planning purposes, the overall harbor was divided into six sub-areas, each with its own unique characteristics and issues. These include:

- the New Bedford Central Waterfront, consisting of several large piers (including State Pier) that are actively utilized by the fishing fleet and a variety of other commercial vessels, together with a major redevelopment parcel on the site of an abandoned power plant;
- the New Bedford North Terminal/Mills area, home to mill complexes, fish processing and cold storage facilities, marine terminals, and an extensive former rail yard;
- the New Bedford South Terminal/Hurricane Barrier area, the hub of the City's seafood processing industry and also including the large undeveloped Standard Times field and the Berkshire Hathaway mill complex;
- Route 6 Bridge/Popes Island/Fish Island, predominantly a marine industrial area but with some retail and a major marina/park on Popes Island;
- the Fairhaven Central Waterfront, dominated by significant marine repair, fishing, and marina operations but also including a public boat ramp and hotel; and
- the Fairhaven North/South Waterfront, predominantly residential and marine recreational areas but including the Fairhaven Shipyard in the southerly segment.

For each of these districts the Plan includes a separate section describing specific goals, proposed projects, and other planning initiatives. Also described separately are a number of projects and initiatives with harbor-wide significance, presented first to provide context for the discussion of each individual sub-area. At the outset the Plan also describes four overriding principles that translate into support for a wealth of discrete actions that the Plan recommends. For purposes of this summary the recommendations can be reviewed under two basic headings: mobilizing investment in the working port, and diversifying the harbor economy through tourism and environmental enhancement.

### A. Mobilizing Investment in the Working Port

As a baseline improvement program with immediate benefits to all port users, the Plan first outlines a number of major steps to upgrade essential transportation infrastructure. On the waterside, the program calls for extensive maintenance dredging to restore all the federal channels in the harbor to authorized depths, and for additional dredging of driveways, anchorages, turning basins, and other berthing and maneuvering areas serving a multitude of public and private shorefront facilities. A related initiative involves substantial repair and improvement to public piers, including Union Wharf in Fairhaven and Homer's and Leonard's Wharf in New Bedford (where an improved pier fendering system and, ultimately, a seaward expansion is needed to provide adequate berthing for the harbor's main fishing fleet).

On the landside, two ambitious projects have been undertaken to achieve far more efficient circulation along and to the New Bedford waterfront than presently exists. First is development in the North Terminal area of a major Intermodal Transportation Center for commuter and freight rail, local/regional bus service, taxis, and waterfront trolley service (with expected future links to a nearby water transportation terminal). Second is the complete redesign and redevelopment of state Route 18, the major artery that connects New Bedford to the regional highway system but stands as a barrier between its waterfront and downtown business districts. This key project will greatly improve harbor access across-the-board, for commercial vehicles and pedestrians and even bicyclists, and has the added benefit of creating new development parcels that can serve to further reconnect the City to the port.

Coupled with these generic infrastructure enhancements are two additional public projects intended to capture market-driven opportunities that exist in water-borne freight and seafood processing. Projected to cost nearly \$5 million, these are:

- construction of a Roll On/Roll Off (Quick Start) Freight Ferry Terminal and associated repair to the north side of State Pier, in order to provide freight service to Martha's Vineyard and Nantucket as well as other East Coast ports; the wholesaling and distribution activity associated with the Quick Start Ferry Terminal is estimated in the Plan to be as high as \$50-75 million, supporting 125-150 full-time equivalent jobs; and
- development of the last major vacant parcel on the waterfront (Standard Times Field) into a Marine Industrial Park, containing approximately nine separate parcels suitable for both large and medium-sized businesses; the predominant use of the site would be seafood processing, a growing industry that is anticipated to require as much as 230,000 square feet of expansion space in the next five years (an amount that is well within the capacity of the proposed industrial park, which is as much as 500,000 sf at full build).

Apart from these centerpiece projects on behalf of maritime industry, the Plan identifies a number of lesser-scale initiatives, including further enhancements to State Pier to renew break bulk cargo activities (on an interim basis) and to provide new berthing opportunities for excursion, charter fishing, and visiting cruise vessels. Also significant is that the Plan calls for additional studies on pressing port-related issues, ranging from how to improve the operation of the Electronic Fish Auction in New Bedford, to the need for wharf extensions for fishing vessel berthing in Fairhaven, to whether the harbor has adequate capacity to absorb substantial expansion of recreational boating without significant detriment to commercial navigation.

As a result of the 5-year actions described above, it is anticipated that the harborlands south of Route 6 will approach full development. Foreseeing that space to accommodate future port growth will be in short supply in this segment of the harbor, the Plan calls for a second wave of major capital improvement to commence over a longer-term (i.e., 10-year) horizon, centered in the North Harbor area on the New Bedford side. Described as the "new frontier" for harbor development in the next century, North Harbor is served by the main deep-water channel and will soon experience two significant landside improvements: the restoration of freight rail service by the

Intermodal Transportation Center mentioned previously, and the nearby creation of new waterfront land (adjacent to the existing North Terminal).<sup>4</sup> On the other hand, a major obstacle to intensified port activity is the obsolete design and unreliable operation of the Route 6 Bridge, which poses serious constraints on vessel access to the North Harbor waterfronts.

To remove this critical bottleneck, the Plan envisions wholesale relocation of the Route 6 crossing to a position considerably farther to the north, a "mega-project" that would open the door to still further land- and water-side improvements. These improvements would include:

- maintenance dredging of the main federal channel in this reach, together with additional improvement dredging of non-federal driveways and berthing areas;
- development of a Multimodal Freight Terminal for break bulk and/or container shipping on the westerly waterfront, on the proposed new fill and bulkhead known as New Harbor Terminal;
- further land creation on the easterly side of the main channel, through expansion of Popes Island with dredge disposal materials; and
- construction of a Freight Haul Road from Interstate 95 to provide designated truck access to the expanded port facilities at North Terminal.

While acknowledging that funding is uncertain, and that many design and permitting issues will need to be resolved as planning moves into greater detail, the Plan is unequivocal in stating the necessity of additional public investment in North Harbor as a cornerstone of the future harbor economy.

#### B. Diversifying the Harbor Economy Through Tourism

While New Bedford/Fairhaven harbor is a working port, first and foremost, it is also a visually attractive and culturally interesting waterway with great potential to become one of the premier tourist destinations in the region. The Plan sees this potential very clearly; indeed, it envisions a program of growth in visitor services and facilities that is, in some ways, nearly as ambitious as that contemplated for maritime industry. This is especially true for the New Bedford side of the harbor, which in recent years has established a strong base of cultural attractions within its downtown historic district, anchored by the renowned Whaling Museum and given additional impetus by the creation of the New Bedford Whaling National Historic Park in 1996. The nearby harbor is the next logical resource to be employed in attracting visitors to the City; the Plan estimates, in fact, that even a modest investment in waterfront facilities of public accommodation could result in a whopping 60% increase in annual visitation, with gross receipts close to \$4 million.

The visitor program, like the port program, begins with a focus on harbor-wide infrastructure on both water and land. On the waterside, the Plan supports expansion of recreational

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<sup>4</sup> The location of "New Harbor Terminal," including its new land portion to be created with dredged material, is shown in Plan Figure 1.1.

boating slips and mooring fields outside the DPA, together with the establishment of cross-harbor water taxi/launch service linking the downtown waterfronts and the major marinas in New Bedford and Fairhaven. On the landside, the vision is to establish a network of major open space destinations, anchored by large "island parks" (again outside the DPA) at each of the harbor's extremities (Marsh Island to the north and Palmer's Island to the south). More central to the harbor will be two "gateway" areas intended to establish strong visual and pedestrian links between the downtown and central waterfront in each harbor community. In Fairhaven, this gateway will be established through extensive streetscape improvements along Main and Middle Streets; and in New Bedford, it will take the form of a major Harbor Promenade along the landside edge of the New Bedford fishing piers and the State Pier.

The Harbor Promenade, on the fringe of the New Bedford DPA and very close to the downtown historic district, will allow public observation of the waterfront at work without interfering with activity on the piers themselves. The Promenade will also serve to link a series of new recreational destinations sprinkled throughout the central waterfront. In particular, the Plan envisions that:

- a collection of historical structures will be adaptively reused predominantly for visitor services; these include the Wharfinger Building (previously a fish auction, to become an interpretive center on the past and present working waterfront), the Bourne Counting House (once used by a prominent whaling ship owner, now programmed for a mix of historical exhibits and contemporary maritime office/support space), and the former Twin Piers Restaurant (a traditional gathering place for fishermen, to be restored to this use with public patronage as well);
- the southwest corner of the State Pier, adjacent to the new floating dock for charter and excursion vessels and the proposed new location for the Commonwealth's educational Schooner Ernestina, will be activated with water transportation support services, interpretive displays, and a seasonal open air market operating from temporary structures such as push carts; other nearby spaces on State Pier will be utilized more often for waterfront festivals and special events, to the extent compatible with the operations of Pier tenants under the terms of applicable lease agreements;<sup>5</sup> and
- the massive, 83,347 sf former power plant currently owned by NSTAR Gas Company (NSTAR) will be redeveloped to house the New Bedford Oceanarium, consisting of numerous fish tanks and related displays together with extensive accessory spaces for research and education, staff offices and meeting/conference rooms, and public restaurants and retail/concession activities; the remainder of the NSTAR site, excluding the portion

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<sup>5</sup> The Plan makes specific reference to such lease conditions at the behest of the U.S. Coast Guard. See comment letter from Commander M.A. Frost dated March 26, 2001, and as further discussed in section III.D herein.

immediately adjacent to the water's edge,<sup>6</sup> will be utilized for parking and ultimately for additional commercial uses related to the Oceanarium program (which may also include a hotel on a separate parcel being created just outside the DPA as a result of the Route 18 realignment project).

When the first two of these core program elements are completed, visitation to the New Bedford Central Waterfront is expected to increase significantly, to nearly 50,000 visits per year. And when the Oceanarium comes on line, as the crown jewel of the tourism enhancement program, the figure will rise even more dramatically to as many as one million annual visitations.<sup>7</sup>

As a corollary to these measures to enhance the visitor economy, the City has established a mechanism to ensure that the Oceanarium and other commercial development will play an important role in its campaign to improve the port as well. This mechanism is known as the Supporting DPA Use Eligibility Credit Program, and it is designed to function in a way roughly analogous to so-called "transfers of development rights." Basically, the program earmarks certain parcels (called "receiving zones") as being appropriate for non-port commercial uses and requires, as a condition of obtaining state and/or local permits, that developers purchase a "credit" costing \$2500 for every 1000 square feet of occupied surface area within the receiving zone. Credits are distributed initially, on a pro rated basis, only to the owners of properties devoted to water-dependent industrial uses (called "sending zones"), which are expected to benefit directly from the proceeds of credit sales. Based on the combined developable area of all receiving zones established by the Plan, at full buildout as much as \$4 million in financial assistance could flow into the port economy in conjunction with the development of tourism-related facilities in the DPA.

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<sup>6</sup> See Plan Appendix A (Maps CW-005 to CW-008) which requires the entire NSTAR waterfront to be dedicated to port uses, including the existing petroleum distribution facilities currently operated by Global Companies LLC (with minor relocation of certain existing accessory structures). For additional discussion see section III.C herein, as well as the Final Environmental Impact Report (FEIR), New Bedford Oceanarium Project (March 15, 2001). From the FEIR I understand the City is exploring the possibility of assuming responsibility for development of water-dependent industrial uses at the northerly end of this waterfront, and that one such use may be berthing of the restored vessel SS Nobska (as noted in the Plan at p. 71). Such berthing is allowable under the waterways regulations provided this historic vessel is returned to operation as a passenger ferry, pursuant to the stated intent of its owner. See comment letter from Judy Jordan, Business Director of the New England Steamship Foundation, dated March 23, 2001.

<sup>7</sup> The City of New Bedford is keenly aware that this projected increase in tourist activity will be concentrated in one of the busiest areas of the working waterfront, and has been careful to ensure that no significant conflict will exist with present or future maritime operations. See Plan Appendix B, "DPA Compatibility Assessment," and as further discussed in section III.C herein.

### III. COMPLIANCE WITH PLAN APPROVAL STANDARDS

#### A. Consistency with CZM Harbor Planning Guidelines

The manner in which the CZM "Harbor Planning Guidelines" (Revised, 1988) apply to New Bedford/Fairhaven was set forth in the Scope for the municipal harbor plan issued by the prior Secretary of Environmental Affairs on February 12, 1997. The Scope identified the geographic area to be covered by the plan and established a work program to address priority issues, based on an extensive prior study effort carried out during 1996 as an integral part of the scoping process, with the assistance of MIT consultants and CZM.<sup>8</sup> The Scope also explained the make-up and role of the Harbor Planning Committee, and established guidelines for further public participation in each of the six major tasks to be carried out by the Committee's planning consultant.

The record before me, including the separate Compliance Statement submitted in conjunction with the Plan, indicates that both the study program and the public participation process were carried out in a manner that adequately and properly complied with the Scope. The Plan is very comprehensive in both geographic coverage and scope of issues; and its substantive recommendations are coherent, detailed, and very well supported by technical analyses, ranging from extensive studies of economic feasibility to careful assessment of compatibility between port and tourism activities.<sup>9</sup> Moreover, the Plan enjoys a broad base of support, attributable to a consensus-building style of work that involved extensive stakeholder participation at the municipal level as well as close collaboration with CZM and DEP.

Accordingly, I find that the Plan is consistent with the CZM "Harbor Planning Guidelines" as required by 301 CMR 23.05(1).

#### B. Consistency with CZM Policies

As required by the harbor plan approval regulations at 301 CMR 23.05(2), I further find the Plan to be consistent with all applicable CZM Policies. At the time the Request for Scope was submitted there were 27 separate Policies,<sup>10</sup> of which the following were determined to be applicable to the New Bedford/Fairhaven Harbor Plan:

- Policy 1: protect ecologically significant resource areas
- Policy 3: support attainment of national water quality goals
- Policy 5: minimize adverse effects of dredging

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<sup>8</sup> See Massachusetts Institute of Technology, Department of Urban Studies and Planning, New Bedford/Fairhaven Harbor Study (June, 1996).

<sup>9</sup> See Plan Appendix C, "Interim Supporting Documents," dated December 1999. This appendix was published under separate cover and submitted for background purposes only, and as such is not to be construed as part of the Plan I have approved with this Decision.

<sup>10</sup> The current policy statements are set forth in EOE regulations at 301 CMR 21.98 (effective March 11, 1997). The prior policy statements were contained in 301 CMR 20.05(3). While the new policies were re-organized under categories and renumbered, changes in the policies applicable to this plan were minimal. The Plan is consistent with these policy revisions, contained in Water Quality Policies 1 and 2, Habitat Policy 1, Protected Area Policy 3, and Ports Policies 1-3.

- Policy 7: encourage location of maritime industry in DPAs
- Policy 12: minimize adverse impacts on historic districts/sites
- Policy 19: provide public benefit from channel dredging
- Policy 20: encourage water-dependent use of developed harbors

The substantive information contained in the very thorough Compliance Statement submitted with the Plan demonstrates that it embraces the spirit and intent of these Policies. Of particular note is that the Plan not only supports the continuation of existing marine industrial uses in the DPA, but also proposes significant expansion of multi-use terminal capacity within a ten-year timeframe. This is a vote of confidence in the long-term viability of the maritime economy of southeast Massachusetts, and it is a welcome addition to the state's dwindling supply of port infrastructure. Virtually all that remains of our once-extensive industrialized coast is the DPA system, which must be conserved in the same manner as any nonrenewable resource of high social and economic value.

### C. Consistency with Tidelands Policy Objectives

In accordance with 301 CMR 23.05(3), I also find the Plan to be consistent with state tidelands policy objectives and associated regulatory principles, as set forth in the waterways regulations of DEP. Again, the Plan sections relating to this standard have been summarized effectively in the City's Compliance Statement, from which it is clear that the Plan contains a wealth of both generic and site-specific guidance that will have a direct bearing on DEP licensing decisions within the harbor planning area.<sup>11</sup> Included in this guidance are, in particular, a set of provisions that together comprise a Master Plan for the lands and waters within the New Bedford/Fairhaven DPA. The provisions of this DPA Master Plan are subject to a specific set of approval criteria under 301 CMR 23.05(3)(e), and I find that all such criteria have been met.

Foremost among the Plan's provisions that will be enforced through state waterways regulation is the Eligibility Credit Program (ECP), which governs the basic allocation of land uses within the New Bedford DPA.<sup>12</sup> This is accomplished by creating two mutually exclusive areas: Sending Zones and Receiving Zones. In Sending Zones, the Plan establishes a categorical prohibition on any further non-port use, except on a temporary basis; more precisely, the ECP stipulates that only Water-dependent Industrial Uses, Temporary Uses, and certain existing non-port uses shall be eligible for authorization on filled tidelands within such zones.<sup>13</sup> With Sending Zones and other restricted areas comprising almost 7.9 million square feet of the total 9.3 million square feet of land within the New Bedford portion of the DPA, the effect of the Plan is that

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<sup>11</sup> Note that any substantive guidance in the Plan related to development on tidelands is generally binding on the DEP regulatory process. Under 310 CMR 9.31(1)(c) and 9.34(2), no license or permit may be issued for a project unless it has been determined to conform to all applicable provisions of an approved municipal harbor plan. [A similar provision appears in New Bedford's Code of Ordinances, as discussed further in section III.E herein.] It should also be noted that, pursuant to 310 CMR 9.34(2)(a)(2), DEP generally will not make a finding of conformance if a proposed project "requires a variance or similar form of exemption from the substantive provisions of the municipal harbor plan. . ."

<sup>12</sup> See Plan Appendix A, "New Bedford Supporting DPA Use Eligibility Credit Program (ECP)."

<sup>13</sup> Definitions for these allowable uses are found in the waterways regulations at 310 CMR 9.02. Note that the ECP further stipulates that Temporary Uses shall be allowed in Sending Zones only if reasonable efforts have been made to secure a marine industrial use for the parcel. See Plan Appendix A, at section 3.1.

approximately 85% of this land area will be reserved in the long run for water-dependent industry.<sup>14</sup> With Fairhaven figures included, the reserved area across the entire DPA is slightly less (approximately 81%),<sup>15</sup> but is still an "extensive amount" in full compliance with the regulations for approval of a DPA Master Plan.<sup>16</sup>

Receiving Zones, by contrast, are the relatively small collection of sites where new development for non-maritime purposes is allowable, in the form of commercial Supporting DPA Uses or Temporary Uses only.<sup>17</sup> A total of 15 individual parcels are earmarked as Receiving Zones, comprising approximately 15% of the land area of the New Bedford DPA - again, well within the parameters set forth in the approval regulations.<sup>18</sup> Apart from establishing these basic ground-rules for eligible use,<sup>19</sup> the New Bedford ECP serves to "customize" the definition of Supporting DPA Use in two additional ways:

- direct financial support: the ECP stipulates that a project applicant must acquire sufficient Eligibility Credits to accommodate the combined footprint of all commercial Supporting DPA Uses and accessory uses thereto to be developed within the Receiving Zone in question;<sup>20</sup>

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<sup>14</sup> See Compliance Statement, at page 2 of "DPA Master Plan Approval Standards." Note that the quoted percentage also includes areas dedicated to maritime industry on certain Receiving Zone parcels, which add approximately 268,000 sf to the total reserved area. In practice, the area actually available for port activities will be somewhat reduced by the presence of existing non-conforming uses; on the other hand, some additional space is likely to be available where the waterways regulations require greater setbacks for new, nonwater-dependent uses than does the ECP.

<sup>15</sup> Note that Fairhaven is not covered by the ECP, nor does the Town employ its zoning powers to reserve any lands specifically for water-dependent industrial use beyond the base amount protected under the waterways regulations. However, the Plan at p. 84 states a general intent that the Fairhaven portion of the DPA "will continue to serve as the heart of the community's marine industrial waterfront with a strong commitment to preserving and strengthening existing marine industrial businesses," and further stipulates that "any commercial or industrial supporting uses will be concentrated along Water Street away from the water's edge."

<sup>16</sup> See 301 CMR 23.05(3)(e)(1).

<sup>17</sup> Supporting DPA Uses are defined as commercial or industrial in the waterways regulations at 310 CMR 9.02, but general industrial uses are excluded under the provisions of the ECP. Note also that Marine Industrial Parks, which as defined in the waterways regulations may contain a substantial percentage (one-third) of general industrial use on tidelands, also are not allowable within ECP Receiving Zones. See Plan Appendix A, at section 4.4.

<sup>18</sup> See 301 CMR 23.05(e)(2), requiring that commercial uses and any accessory uses thereto generally may not occupy more than 25% of the total land area covered by a DPA Master Plan. In this regard it should be noted that the City's upper limit on commercial uses, stated in Plan Appendix A at section 5.1, shall not be construed to render commercial Supporting DPA Uses eligible for licensing on any parcel other than those specifically identified as Receiving Zones and mapped in Plan Appendix A.

<sup>19</sup> I note that Plan Appendix A, section 2.15 indicates that Receiving Zone Specification Schedules may contain "planning justifications, allowed and excluded uses, use limitations and numerical standards," but no such information is contained in the initial Schedules provided therein. Thus, only the categorical use statements in the text of the ECP shall be applicable for licensing purposes under this approval Decision, and any changes to such initial Schedules shall be considered a plan amendment subject to further review and approval pursuant to 301 CMR 23.06(1).

<sup>20</sup> See Plan Appendix A, at section 4.1. It should also be noted that no waterways license or permit will be issued by DEP until any options to acquire the necessary Eligibility Credits have been exercised with payment in full, an obligation that is implied but not expressly stated in the text of the ECP.

- maximum surface coverage: the ECP stipulates that commercial Supporting DPA Uses may occupy up to the entire footprint of the Receiving Zone, exclusive of any portion designated as a Harbor Management Plan (HMP) Setback Area<sup>21</sup> and subject to all other applicable dimensional restrictions.<sup>22</sup>

The ECP is also instructive in that it provides presumptive evidence of compatibility between commercial activity in the Receiving Zones and marine industrial operations nearby. Except in one significant case (the large power plant site where the Oceanarium complex is proposed), the Receiving Zones are interstitial sites where small nonwater-dependent businesses have functioned without detriment to the port for many years, and where no water-dependent industrial use is operating currently.<sup>23</sup> For the first phase of the Oceanarium project, the presumption of compatibility is based on a reassuring assessment that potential for conflict between projected pedestrian activity and nearby fishing and other maritime facilities is minor.<sup>24</sup>

Beyond the Eligibility Credit Program, a regulatory highlight of New Bedford's DPA Master Plan is that it specifies locations for a series of public projects to enhance the capacity of the working port.<sup>25</sup> These site-specific projects include the Quick Start Ferry Terminal on the north side of State Pier and the floating dock for excursion/charter boats at its southwest corner; the pier extensions for fishing vessels at Leonard's and Homer's wharfs and the water taxi dock

<sup>21</sup> See Plan Appendix A, section 2.8 and accompanying maps which identify HMP Setback Areas on 11 of the 15 Receiving Zones, in order to ensure that appropriate space on or near the waterfront of such zones will remain available only for water-dependent industry (or temporary uses).

<sup>22</sup> In Receiving Zones the ECP allows commercial development to exceed the 25% site coverage cap that applies in the absence of a DPA Master Plan, as stipulated in the definition of Supporting DPA Use at 310 CMR 9.02. It should be noted, however, that the footprint of commercial uses might be constrained independently by other dimensional restrictions of the waterways regulations, none of which have been modified by the Plan and remain in full force and effect. These include the minimum requirement for open space surrounding buildings for nonwater-dependent use [at 310 CMR 9.51(3)(d)] and the minimum requirements for setback of parking facilities and new buildings-structures for nonwater-dependent use from a project shoreline [at 310 CMR 9.51(3)(c) and 9.36(5)(b)(2)].

<sup>23</sup> One of the Receiving Zones on the NSTAR property (CW-006) contains some accessory structures and accessways to the oil storage and distribution facility operated by Global Companies, LLC, but the New Bedford Oceanarium Corporation intends to relocate such facilities in a manner that avoids displacement of any component of Global operations, in accordance with the criteria set forth in 310 CMR 9.36(4). The Oceanarium Corporation has also stated a commitment to assume all costs associated with the proposed reconfiguration of the Global facility, including design and permitting as well as actual construction expenses. See Final Environmental Impact Report (FEIR), New Bedford Oceanarium Project (March 15, 2001), at pages 7 and 29-30.

<sup>24</sup> See Plan Appendix B, "DPA Compatibility Assessment," which concludes at page 15 that "the accumulated peak visitor use (Oceanarium plus other visitor facilities planned for the central waterfront) on the peak weekend day in the peak season would represent. . . a small fraction of the peak visitation level associated with a major festival such as Summerfest, and well within the attendance range of the smaller waterfront festivals." At the same time, I note this finding is described as preliminary and in need of verification as the overall development program continues to evolve, especially if further build-out of the site for retail and other corollary uses is proposed. Because such additional development will occur closer to the working piers and will substantially increase general visitation to the Central Waterfront, I will require further extensive analysis of potential tourism impacts on the DPA as an essential element of the MEPA review process at that time.

<sup>25</sup> Outside the DPA, the Plan calls for new recreational boating facilities in the form of a new marina and public boat ramp adjacent to the Hicks Logan Industrial Park, and two new mooring fields along the Fairhaven shoreline.

at Fisherman's Wharf; and the Marine Industrial Park at Standard Times Field.<sup>26</sup> Licensing of such worthwhile capital improvements can be facilitated by DEP, which can also take steps under the waterways regulations to maintain the availability of the designated sites by preventing development that would preempt or discourage the facilities stipulated in the DPA Master Plan.

An additional project, not yet on the drawing boards but worthy of mention on a cautious note, is the potential use of maintenance dredge material to create a new land area on the north side of Popes Island. This project would include a large new bulkhead along the westerly edge for commercial and fishing vessels, and as such is an approach to long-term dredge material disposal that also offers significant port-expansion advantages. Nevertheless, my approval Decision cannot be construed to include this element of the New Bedford/Fairhaven Harbor Plan, because the disposal site selection process is currently undergoing separate regulatory review under the auspices of CZM's Dredge Material Management Program (DMMP). With this review still pending, it would be inappropriate for me or any EOE agency to endorse a particular outcome at this time.

Yet another prescriptive element of New Bedford's DPA Master Plan is that it maintains a surrounding land development pattern that provides an appropriate buffer between industrial uses in the DPA and community uses that might otherwise give rise to significant operational conflict. At the northern DPA periphery this is accomplished by dedicating one large non-DPA site to the Intermodal Transportation Center, and by stipulating that development at another bordering location -- the Hicks Logan Urban Industrial Park -- shall involve reuse of existing buildings with enhanced roadway capacity for truck operations and a corresponding prohibition on residential use. A similar scenario for revitalization is contemplated for the Berkshire Hathaway Mill Complex just outside the southerly border of the DPA, where the Plan calls for a focus on commercial and industrial uses. To the extent these use restrictions apply to filled tidelands subject to Chapter 91 jurisdiction, they will be enforceable by DEP in the course of licensing proposed projects on the sites in question.<sup>27</sup>

Apart from the careful controls it imposes on non-port development, a final distinguishing feature of the New Bedford DPA Master Plan is that it is the first of its kind to regulate the intermingling of port-related uses as well. It does this by requiring certain types of water-borne freight activity to be confined to specific locations in the harbor, and by declaring that such designated locations shall be off-limits to all other permanent uses -- even other types of water-dependent industry.<sup>28</sup> The site-use pairings are as follows:

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<sup>26</sup> See Plan at page 78, which stipulates (among other things) that the tidelands portion of the property will be reserved exclusively for water-dependent industry and/or temporary port-related support uses (like ferry terminal parking); and that commercial uses will not be allowed by the City on the upland portion of the property, which is reserved for industrial use.

<sup>27</sup> See Plan, at pages 76 and 79.

<sup>28</sup> See Plan, at page 60. Apart from Temporary Uses, the only new non-freight uses allowed at any of these designated locations is waterborne passenger service at New Harbor Terminal. Note also that "validly existing uses holding all necessary federal, state, and local permits and licenses are grandfathered from this restriction until there is a substantial change of use or increase in the intensity of the use or the renewal of a Chapter 91 License "

- Roll-On/Roll-Off Operations are limited to the Quick Start Ferry Terminal on State Pier and the proposed New Harbor Terminal;
- Container Operations are limited to Maritime Terminal, Bridge Terminal, and the east face of State Pier on a short-term basis, and to the proposed New Harbor Terminal on a long-term basis;
- Breakbulk Operations are limited to Maritime Terminal, Bridge Terminal, and the east face of State Pier;
- Fuel Handling Operations are limited to the sites of existing petroleum businesses generally located at the southeast corner of the NSTAR property (Global Oil site<sup>29</sup>) and on the west side of Fish Island (north of Route 6); and
- Bulk Commodity and Marine Contractor Operations are limited to the side of Fish Island south of Route 6, the side of Popes Island north of Route 6 (excluding any Receiving Zones), and the site of the former Herman Melville Shipyard (on an interim basis only, until work is completed on the proposed filling and bulkhead expansion to create the New Harbor Terminal).

The rationale for such limitations is to facilitate an orderly, efficient, and equitable process of port management, and to protect prior and future public investments to accommodate freight operations. As the Plan states, "this approach provides a cohesive framework for long-term port planning . . . [that] ensures freight uses are accommodated in locations that are compatible with the needs of other DPA users [rather than] on an ad hoc basis."<sup>30</sup>

In principle I support this type of restriction, which is generally within the prerogative of a DPA municipality to identify reasonable priorities among maritime industrial uses that may be in competition for limited DPA resources. In practice, however, it is important to ensure that such restrictions are not so severe as to have a chilling effect on future prospects for port development, or violate any tidelands regulatory principles that afford protection to existing port activities.

In this respect I applaud the Plan for making a concerted effort to avoid undue negative impacts on the one maritime business most affected by the siting restrictions on freight-related activities -- Packer Marine Inc.(PMI), the largest carrier of aggregate, construction material/equipment, and other bulk commodities in the harbor. As a result of the EPA's cleanup dredging project, PMI's present site in North Terminal will be needed for a dewatering/transfer station, yet the opportunities are presently limited for PMI to be relocated to the primary area the

<sup>29</sup> For purposes of Chapter 91 licensing pursuant to this Decision, the earmarked site is the footprint occupied as of February 9, 2001 by all Global Companies LLC facilities such as docks, storage tanks, piping systems, and accessory uses (except for the oil blending house, truck filling station, and office building as proposed to be relocated in conjunction with the adjoining Oceanarium project).

<sup>30</sup> See Plan, at page 61.

Plan earmarks for bulk freight shipments, the north side of Popes Island.<sup>31</sup> Recognizing the need for a transition strategy to deal constructively with this problem, the Plan allows for PMI to continue operations in the North Terminal area on an interim basis, at a nearby City-owned site (the former Herman Melville Shipyard) that is somewhat larger and otherwise has attributes that equal or surpass those of PMI's current location.

PMI confirms (with gratitude to the City) that the interim site is suitable for its needs, and advises me that constructive discussions have occurred on a detailed licensing agreement.<sup>32</sup> At the same time, the company voices concern that some potential for inadvertent eviction from the DPA still exists: in the short run because a written agreement has not been finalized as yet, and in the longer term because the interim tenancy rights conceivably could expire before a suitable site for final relocation is available on Popes Island. To remove such timing uncertainties, PMI requests that I withhold approval of the Plan until a formal license agreement containing appropriate contingencies concerning Popes Island has been executed with the City.

While I appreciate the unease that delay in finalizing this agreement may cause, I am not persuaded that a concomitant delay on my part is necessary to achieve consistency with tidelands policy objectives. In fact, I believe the objective in question -- to prevent involuntary displacement of an existing water-dependent use -- will be well-served by this Decision operating in concert with the waterways regulations of DEP. As to the immediate relocation need, it is implicit in the City's commitment to provide PMI with space at the former shipyard property that the commitment will be fulfilled in a timely manner, relative to the schedule under which PMI will be required to vacate its present location.<sup>33</sup> My approval of the Plan's restrictions on bulk freight siting is based in part on this understanding, and such approval would become void if the interim site is not made available by the City within an appropriate timeframe. In that unlikely event, DEP could issue a Chapter 91 license to PMI for any site within the harbor that is otherwise available to general maritime industry, provided the site also meets all other applicable requirements of the approved Plan and the waterway regulations.

Likewise, as to the eventual PMI relocation from the interim site, I expect that any such proposal will be subject to DEP review for conformance with the applicable non-displacement provisions of the waterways regulations.<sup>34</sup> The Plan does not require PMI relocation to occur until the City's work on the fill and bulkhead construction at New Harbor Terminal has been

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<sup>31</sup> Apparently, there is no property on the present landmass of Popes Island that is both large enough to accommodate PMI operations and available for lease from the current owners. Also, by the Plan's own admission, expanding the island via dredged material disposal is a long-range proposition at best, with a number of planning and regulatory hurdles yet to be overcome.

<sup>32</sup> See follow-up comment letter on behalf of PMI submitted by Robert L. Fultz, dated April 4, 2002. According to this letter, PMI has received EPA support for its relocation to the former Herman Melville shipyard and has agreed to make certain capital improvements to the site with EPA relocation funds.

<sup>33</sup> See comment response letter from John A. Simpson, at note 2 supra, which states (at page 11) that "the HDC will license space to Mr. Packer at the former Herman Melville Shipyard as a temporary use" (emphasis added). The letter also reflects a City awareness of possible timing complications but expresses optimism for a mutually agreeable resolution, pending timely EPA cleanup action to prepare the Herman Melville site for PMI occupancy.

<sup>34</sup> See 310 CMR 9.36(4).

"completed," which presumably cannot be accomplished without prior Chapter 91 authorization.<sup>35</sup> A final salient point is that the timeframe for this ambitious project -- for which no funding has been secured to date -- may well exceed the Plan approval term of five years. If the issue of finding a suitable long-term location for PMI on Popes Island has not been resolved when my approval comes up for renewal, it can and should be revisited at that time.

Thus, I am satisfied that nothing in the Plan or this approval Decision will diminish any protection from displacement, either in the short- or long-term, for which PMI may be eligible under state tidelands law. I am also convinced that the City supports continuation of PMI operations within the New Bedford/Fairhaven DPA, and will make every reasonable effort to attain this important goal.

#### D. Relationship to State Agency Plans

The Compliance Statement submitted with the Plan asserts that it was developed in close consultation with state agencies owning real property or otherwise responsible for projects within the harbor planning area. Principally, these include the Massachusetts Highway Department (MassHighway), which is undertaking redevelopment of state Route 18; the Massachusetts Bay Transportation Authority (MBTA), developer of the proposed Intermodal Transportation Center as part of the larger New Bedford/Fall River Commuter Rail Improvement Project; and the Massachusetts Department of Environmental Management (DEM), which owns and operates the New Bedford State Pier. No significant conflicts or inconsistencies between the Plan and the planned activities of these agencies were identified during such consultation nor in any comments submitted to the record of my approval proceeding.<sup>36</sup>

However, with respect to day-to-day operations on the State Pier, the potential for incompatibility remains. At this key port facility, New Bedford's desire to intensify both water-dependent industry and water-related tourism will undoubtedly present DEM with occasional management challenges, arising in part from the need to honor contractual obligations with existing pier users -- most notably the United States Coast Guard, whose presence as a long-term tenant is highly valued by both DEM and the City. Among the factors DEM has identified as creating potential for user conflict are size and space constraints, structural integrity of the Pier and associated infrastructure, and competitive berthing needs. In this regard, the agency has articulated a basic management philosophy -- which is entirely appropriate for such a prime port property -- that

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<sup>35</sup> I assume a license application from the City will be necessary because I understand that the bulkhead construction/land creation project will no longer be carried out by EPA under the exemption from state permitting established by federal Superfund legislation.

<sup>36</sup> Although not rising to the level of an inconsistency for Plan approval purposes, one noteworthy reservation was expressed in a comment letter from MassHighway District Director Bernard McCourt, dated March 26, 2001, stating that the agency "does not currently endorse the plan to relocate the Route 6 Bridge." However, the letter also indicates that the current Regional Transportation Plan (RTP) covering New Bedford/Fairhaven recommends "a full feasibility and justification study be undertaken to evaluate the proposed bridge relocation." This is precisely what the Harbor Plan contemplates during the 5-year term of this Decision, and such study is the only bridge-related action that can be construed to have received my approval. If the project is ready to advance beyond the conceptual stage when the approved Plan is submitted for renewal, any issues of compatibility with the MassHighway RTP can be addressed at that time.

festivals and other tourism/pedestrian uses should remain secondary to, and generally separated from: the maritime industrial clientele of the Pier. Furthermore, DEM has indicated that public safety concerns may affect the capacity of the Pier to accommodate multiple uses in some situations.<sup>37</sup>

Despite such caveats, DEM has stated that "the various activities proposed for State Pier within New Bedford's Harbor Plan are not incompatible with DEM plans for the pier." As evidence to this effect, the agency cites the recent history of state-local cooperation to establish the Quick Start Ferry Terminal, to accommodate special uses in otherwise-leased areas of the Pier, and to facilitate federal dredging projects. Clearly, DEM shares the goal of maximizing the economic benefits of State Pier and is open to the Plan's recommendations as to how such benefits might best be accomplished,<sup>38</sup> including even the eventual transfer of management responsibility to the City. For the foreseeable future, however, the agency states that the key to avoiding use conflicts is "to be brought in as early as possible into the City's planning process" for Pier enhancement activities.

I have no doubt that the City will honor this request for early consultation, and am equally confident that the responsible officials both there and at DEM will make every effort to maintain a high standard of communication at all times. The track record for constructive collaboration has been generally solid to date, and it must continue for the sake of meaningful Plan implementation.

#### E. Implementation Strategy

The Plan devotes a separate chapter to the subject of implementation, featuring an extensive spreadsheet summarizing all proposed harbor improvement projects requiring public funding over both 5-year and 10-year timeframes. For each project, the spreadsheet indicates the activities to be funded, the estimated cost, the anticipated source of funds, and the current commitment status. A similar breakdown is also provided for additional planning studies that are recommended as a precursor to taking certain of the longer-term implementation actions.

Much to New Bedford's credit, it is worth noting that several of the projects recommended for immediate action within its jurisdiction are well underway. One example is the proposed Marine Industrial Park at Standard Times Field, where acquisition and subdivision has occurred already and business tenants have purchased a number of lots for development. Another is the Quick-Start Ferry Terminal at State Pier, where construction was not only commenced but actually completed while the harbor plan was in the final stages of preparation.

On the subject of port governance, the Plan's implementation strategy begins with the assignment of lead responsibility to existing entities in each community: the Harbor Development Commission (HDC) in New Bedford, and the Planning and Economic Development Department

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<sup>37</sup> See comment letter from DEM Director of Waterways, Nancy Thornton, dated May 20, 2002. The only current limitation identified in the DEM letter, which I endorse, is that structural improvements must occur before large cruise ships can be allowed to use the south face of the pier.

<sup>38</sup> One illustration is the stated willingness of DEM to consider relocation of the Schooner Ernestina from its current berth on the northerly side of State Pier to a more visible location in the southwest corner, as contemplated by the Plan.

in Fairhaven (in conjunction with the Board of Selectmen).<sup>39</sup> Both have sufficient legislative authority for this purpose, but the New Bedford HDC as historically constituted has neither adequate funding nor staff for a much-expanded role in harbor development and management, as contemplated by the Plan. Accordingly, the Implementation chapter sets forth a prescription for organizational growth that would create four new key positions: Marine Superintendent, Senior Waterfront Planner/Development Manager, Market Development Officer, and Bookkeeper/Financial Oversight Officer. In addition, the Plan calls for the establishment of several Task Forces to continue the work of the advisory committee that helped produce the Plan, by providing input to HDC Commissioners in key areas of harbor development. Such areas include dredging, promotion of four specific sectors of maritime industry as well as recreational and community boating, and development in North Harbor and the Central Waterfront.

As another key institutional improvement, New Bedford has recently amended its Code of Ordinances to require all future development within its portion of the harbor planning area, as well as changes or "intensifications" of existing uses, to obtain a certificate of consistency with the Plan from the HDC.<sup>40</sup> The most consequential aspect of this general (non-zoning) ordinance is that it applies to the entire DPA land area, including the "upland" portion that is not on historic fill and thus is not subject to DEP licensing authority under M.G.L. c.91. Without this legal initiative, conformance to the approved Plan would be a binding requirement only on the approximately two-thirds of the DPA that consists of filled tidelands,<sup>41</sup> leaving open the possibility that commercial or other non-conforming development of detriment to port interests could occur in the remainder, in violation of a key Plan approval standard.<sup>42</sup> New Bedford's new ordinance eliminates this potential flaw in Plan implementation and ensures that a unified state/local permitting system will control future land use everywhere within the New Bedford DPA. As the first municipality in the state to directly codify its approved harbor plan, the City has once again demonstrated it is a visionary leader in the field of DPA planning and regulation at the local level.

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<sup>39</sup> Among the implementation responsibilities of these lead agencies is that of certifying conformance with the approved Plan for waterways licensing purposes, in accordance with 310 CMR 9.34(2)(a)(1).

<sup>40</sup> See "Harbor Master Plan Provisions," Code of Ordinances of the City of New Bedford, Chapter 5, Section 5-7 (approved March 26, 2001).

<sup>41</sup> See Compliance Statement, "DPA Master Plan Approval Standards," at page 2.

<sup>42</sup> See 301 CMR 23.05(2)(e)(1), stating that "the master plan shall further ensure that commercial uses and any accessory uses thereto will not, as a general rule, occupy more than 25% of the total DPA land area covered by the master plan." My determination that this standard has been met relies significantly on the City's ability to limit commercial development in the upland portions of the DPA, through the permitting process established by the new Ordinance. Accordingly, my approval of the Plan is contingent on the expectation that its implementation will not be prejudiced by any subsequent amendment to said Ordinance, or by any variance or similar form of exception thereto, that would allow an exceedance of the 25% cap noted above.

#### IV. STATEMENT OF APPROVAL

Based on the planning information and public comment submitted to me pursuant to 301 CMR 23.04 and evaluated herein pursuant to the standards set forth in 301 CMR 23.05, I hereby approve the New Bedford/Fairhaven Harbor Plan as the municipal harbor plan for these respective municipalities, subject to any qualifications, limitations, or other conditions stated herein and to the general exclusions noted below. This Decision shall take effect on September 25, 2002 and shall expire on September 25, 2007, unless a renewal request is filed by New Bedford and Fairhaven prior to that date in accordance with 301 CMR 23.06(2)(a).

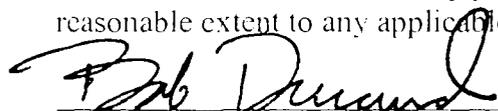
The Approved New Bedford/Fairhaven Harbor Plan ("Approved Plan") shall be the plan dated August 2002 (including the two appendices incorporated therein), as modified to incorporate this Approval Decision as a Foreword. Bound copies of the Approved Plan as defined above shall be kept on file by the New Bedford and Fairhaven Municipal Clerks, at CZM offices in Boston and Lakeville, and at the DEP/Waterways offices in Boston and Lakeville. A copy shall also be provided to DEM/Waterways in Hingham.

For waterways licensing purposes, the Approved Plan shall not be construed to include any of the following:

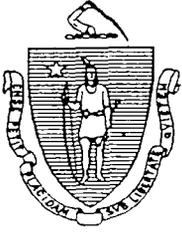
- (1) any subsequent addition, deletion, or other revision to the submitted plan dated August 2002, except as may be authorized in writing by the Secretary as a modification unrelated to the approval standards of 301 CMR 23.05 or as a plan amendment in accordance with 301 CMR 23.06(1); and
- (2) any provision which, as applied to the project-specific circumstances of an individual license application, is determined by DEP to be inconsistent with the waterways regulations at 310 CMR 9.00 or with any applicable qualification, limitation, or condition stated in this Decision.

Further, this Decision shall not be construed to incorporate any determination by DEP, express or implied, as to the conformance of any project requiring authorization under M.G.L. c.91 with the applicable standards of the waterways regulations at 310 CMR 9.00. DEP retains full discretion to modify or condition any specific use program or layout/design proposal to achieve conformance with said standards on a case-by-case basis.

By letter from the Acting Program Chief of the Waterways Regulation Program, dated September 17, 2002, DEP has stated that the Approved Plan will become operational for waterways licensing purposes for all applications for which the effective date of Plan approval occurs prior to the close of the public comment period. Except for applications reviewed under the amnesty provisions of 310 CMR 9.28, a determination of conformance with the Approved Plan will be required for all proposed projects in accordance with the provisions of 310 CMR 9.34(2). In the case of amnesty projects, DEP has stated that it will adhere to the greatest reasonable extent to any applicable guidance specified in the Approved Plan.

  
\_\_\_\_\_  
Robert Durand  
Secretary of Environmental Affairs

9/24/02  
\_\_\_\_\_  
Date



COMMONWEALTH OF MASSACHUSETTS  
EXECUTIVE OFFICE OF ENVIRONMENTAL AFFAIRS  
DEPARTMENT OF ENVIRONMENTAL PROTECTION  
ONE WINTER STREET, BOSTON, MA 02108 617-292-5500

JANE SWIFT  
Governor

BOB DURAND  
Secretary

LAUREN A. LISS  
Commissioner

September 17, 2002

Bob Durand, Secretary  
Executive Office of Environmental Affairs  
251 Causeway St., Suite 900  
Boston, MA 02114-2119

**RE: New Bedford/Fairhaven Municipal Harbor Plan (MHP)**

Dear Secretary Durand:

The Department of Environmental Protection, Waterways Regulation Program (WRP) has reviewed the Final Draft submitted by the New Bedford Harbor Development Commission to the Office of Coastal Zone Management (CZM) in August, 2002. The WRP staff has worked closely with the New Bedford Harbor Development Commission, the Town of Fairhaven and CZM staff throughout the planning process, and our comments have been adequately addressed and incorporated into the final MHP. The WRP, therefore, recommends that you approve the MHP and make a finding that it is consistent with state tidelands policy objectives, as required by 301 CMR 23.05(3).

In accordance with the provisions of 310 CMR 9.34(2), the Department will require conformance with any applicable provisions of New Bedford/Fairhaven's approved MHP in the case of all waterways license applications submitted subsequent to its effective date and, as appropriate, to the pending applications for which the public comment period has not expired. The MHP will also serve as a useful frame of reference for the WRP review of pending Amnesty applications pursuant to 310 CMR 9.28. In the review of any pending amnesty eligible applications, we will adhere to the greatest reasonable extent to any Plan recommendations pertaining to these projects.

It is our understanding that the MHP contains no provisions intended to substitute for any use limitations or numerical standards in the waterways regulation (as described at 310 CMR 9.51-53), nor does it amplify upon any discretionary requirement on either a generic or site-specific

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DEP on the World Wide Web: <http://www.mass.gov/dep>

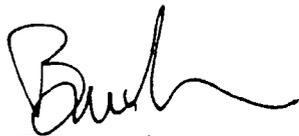
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basis. However, the MHP provides useful guidance to the WRP for project review purposes. The Eligibility Credit Program, in particular, establishes a mechanism by which a project can verify its Supporting DPA use classification by providing "direct economic or operational support" to the DPA, as required pursuant to 310 CMR 9.02. The organization of the Harbor Planning area into "sending" and "receiving" zones makes it possible to consolidate the allowable area for Supporting DPA uses onto discrete parcels in a manner that will ensure both compatibility with the primary marine industrial uses of the port and ongoing financial support for the maintenance of the industrial infrastructure .

The Department looks forward to helping the City of New Bedford and the Town of Fairhaven achieve their vision of preserving this lively and active port, while maintaining its character and charm for residents and visitors alike.

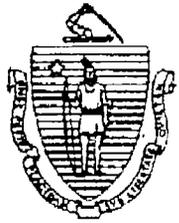
If you have any questions regarding these comments, please contact me at (617)292-5615.

Thank you,



Ben Lynch  
Acting Program Chief  
Waterways Regulation Program

cc: Tom Skinner, Director, Massachusetts CZM  
David Janik, Regional Coordinator, CZM  
John Simpson, Executive Director, New Bedford Harbor Development Commission  
Matthew Thomas, Esq., New Bedford City Solicitor  
WRP files



COMMONWEALTH OF MASSACHUSETTS  
EXECUTIVE OFFICE OF ENVIRONMENTAL AFFAIRS  
DEPARTMENT OF ENVIRONMENTAL MANAGEMENT



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Jane Swift  
GOVERNOR

Bob Durand  
SECRETARY

Peter C. Webber  
COMMISSIONER

May 20, 2002

Mr. Thomas Skinner, Director  
Office of Coastal Zone Management  
251 Causeway Street Suite 800  
Boston, MA 02110

**COPY**

Re: New Bedford /Fairhaven  
Municipal Harbor Plan

Dear Director Skinner:

This letter is in response to your communication to Commissioner Peter Webber dated April 1, 2002, in which you request DEM, in its capacity as the owner and manager of the New Bedford State Pier, to comment on the proposed New Bedford / Fairhaven Municipal Harbor Plan. Thank you for the opportunity to review and comment on the document.

The Harbor Plan is an ambitious proposal and considers a variety of activities for the State Pier; some of which will become necessary as other phases of the plan are implemented and require new locations. There is no question that the waterfront activities play a vital role in linking traditional maritime uses, economic development, tourism, and downtown New Bedford businesses together. DEM has over the years sought to play a role in that activity by working cooperatively with the city on issues of mutual interest at the Pier. In recent years, we entered into a Memorandum of Understanding (MOU) with the city for the establishment of the Quick Start ferry terminal on the north side of the pier. We have over the years worked to accommodate special uses in otherwise-leased areas of the pier, and have continued to support the berthing of the Schooner Ernestina, the official vessel of the Commonwealth and a National Historic Landmark. Through our long-term lease (25-years) with the United States Coast Guard, we have ensured a public safety presence and a quick response to maritime disasters. The 300 +/- families associated with the two USCG cutters provide beneficial economic impacts to the City, Cape Cod and the Southeastern Massachusetts citizens. This long-time relationship with the Coast Guard is of particular importance to DEM and to our efforts to ensure public safety for coastal communities.

**Recent Improvements by the Commonwealth**

In recognition of the State Pier's location within a Designated Port Area (DPA) and its prominence as a site for maritime commerce, DEM has taken significant steps towards development of a plan for expansion of maritime industry and commercial uses of the pier. Last year DEM hired a new State Pier manager with extensive maritime experience. He

generated an additional 28.8% increase in monthly pier revenues and collected over \$13,000 in dockage fees, increasing the volume of new maritime businesses to the State Pier and the New Bedford area. In addition, through Seaport funds, DEM has begun to address much-needed capital improvements to the State Pier, something that has been a concern to the city and DEM. Contracts for electrical and plumbing work are underway, and will be done this summer. These improvements will help further our ability to attract maritime commerce to the State Pier.

#### **Existing Contractual Obligations**

The Harbor Plan calls out a variety of proposed new uses, some of which are projected for space on the pier, which is currently leased to others. To assist the city in the development of the Harbor Plan, we have provided them with information concerning the past and current use of the State Pier, and in particular the contractual obligations we have with the United States Coast Guard (USCG) and other tenants at this facility. We have also worked closely with the city, state and federal agencies in development, design and construction of initial changes at our pier. This includes the facilitation of the freight ferry and staging areas and docking of the Schooner Ernestina and small waterfront park on the North Side of the Pier.

In all our discussions with the city, we have advised the city staff of the contractual obligations to our tenants and our intent to meet these obligations. For example, the USCG lease stipulates that their vessels have exclusive use of the South face and optional use of a portion of the East face of the Pier. Additionally, they have conditional and limited use of parking areas adjacent to the South face. We were pleased to see the current language in the plan recognizes this fact and realizes that the city's proposed plans for cruise ship use on the pier are "subject to availability of space on the south face" and "subject to any applicable leases on the south side of the State Pier". The city plan has also recognized that the floating dock system proposed will also be "subject to any applicable leases and would require approval from the Commonwealth". The proposed use of State Pier for special events and temporary uses also recognizes that these "uses will be limited to activities that are fully compatible with the needs of other pier users".

DEM recognizes and shares the city's desire to revitalize the State Pier and maximize the pier's uses and economic benefits to the city and Commonwealth. Although some of the activities proposed in the Harbor Plan are not incompatible with our plans for the pier, DEM believes expansion of the pier uses and users will present DEM with operational and management challenges. Therefore, we desire to be brought into the city's planning process as early as possible to foster the required close cooperation between DEM and the city to ensure use conflicts do not arise involving State Pier.

Our concerns about potential user conflicts, should certain elements of the Harbor Plan be implemented include but are not limited to: size and space constraints, structural integrity of the wharf, pier and associated infrastructure, public safety issues, berthing needs, and competitive uses as well as the best interests of our maritime commercial and industrial customers. While DEM is looking forward to working with the city on these opportunities, our management philosophy will be one that gives preference to water borne commerce and maritime transportation activities, while festivals and other tourism/pedestrian uses remain

secondary. We must look at competing uses with an eye to public safety concerns and keeping the general public separated from the commercial industrial maritime users. As owner/operator of the State Pier, all activities on the pier require prior DEM approval and license, permit and /or MOU agreements.

#### **The Schooner Ernestina**

The Harbor Plan calls for the continued berthing of the Schooner Ernestina, as well as space for dockside activities and programs. DEM feels it is very important to continue berthing the Ernestina at the pier; its present location on the north side is acceptable. In the future, if other berthing sites are better for the overall management and operation of the pier we would be happy to consider those sites at that time. We support the development of better storage and operational facilities portside for the Ernestina.

#### **Structural concerns**

The Harbor Plan calls for a number of new or revised activities on the pier, some of which we feel will require structural improvements or modifications before they can be successfully implemented. The State Pier dates from the 1800's, and has not seen routine capital investment due in large part to capital spending constraints imposed over the past fourteen years. The northeast corner of the pier is presently condemned due to public safety concerns relative to structural problems. We are presently evaluating the best way to address the northeast corner issue. A recent engineering survey conducted by Bourne Consulting Engineering concluded that the south side of the pier will require substantial structural improvements if it is to be used for purposes beyond that which it now supports. While the structure can support the current USCG activity, our consulting engineers indicate that it has insufficient capacity to carry the load of a large cruise ship. Currently DEM is in the process of developing a plan that will provide structural stability to the pile-supported and earthen-filled section of the Pier, which will require significant capital investment. These structural issues will need to be addressed prior to the cruise ship activities commencing.

#### **Dredging**

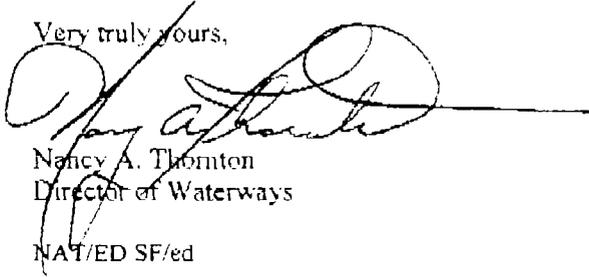
DEM supports the pursuit of federal support for the dredging of New Bedford harbor. The Army Corps of Engineers (ACOE) has signaled preliminary interest in the project, which will result in saving millions of dollars to the Commonwealth. We should take advantage of the sixty-five percent cost share that the ACOE could fund. DEM is willing to work with city on this application, and since traditionally DEM is the community's partner for dredging projects, we would expect to play this role in cooperation with the city of New Bedford.

In closing, the city's desire to take over pier operation/management from DEM is an issue that will need extensive discussion and agreement at many levels before it could actually occur. We also believe a change in the Massachusetts General Laws would be required. Until that time DEM through the Office of Waterways will continue to exercise its full responsibility and authority for pier operation and management. The various activities proposed for State Pier within New Bedford's harbor plan are not incompatible with DEM plans for the pier. However, given the ongoing operation/management of the pier by DEM for the foreseeable future, these proposed activities will require close cooperation between DEM and the city to ensure use conflicts do not arise.

Thank you for the opportunity to review and comment on the New Bedford / Fairhaven Municipal Harbor Plan. We look forward to working with our tenants, the city, and state and federal agencies to improve the State Pier's contribution to the maritime economy in New Bedford. The New Bedford State Pier is an integral part of the future success of the Port; DEM's goal is to work effectively to ensure the State Pier achieves its highest and best use for the citizens of New Bedford and the Commonwealth.

Should you have any questions please call me at (781) 740-1600 x 10 .

Very truly yours,



Nancy A. Thornton  
Director of Waterways

NAT/ED SF/ed

Cc: Peter Webber, Commissioner  
Cc: Susan Frechette, Deputy Commissioner

# ACKNOWLEDGEMENTS

The City of New Bedford and the Town of Fairhaven acknowledge the contributions of the following agencies and individuals in developing the original draft of the Harbor Master Plan. Please note that some individuals are no longer in the positions listed here, but were in those roles at that time. The New Bedford Harbor Development Commission also recognizes the contributions of the late Celestino Macedo, who was part of the Commission during development of the Plan.

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**PUBLIC PARTICIPATION**

The Harbor Master Plan Committee and the communities offer special thanks to the many harbor stakeholders, residents and businesspeople who have contributed their time and effort to shaping this Harbor Plan through participation in public meetings, workshops, and other public forums.

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*Funding for the New Bedford/Fairhaven Harbor Plan was provided by the Commonwealth of Massachusetts Executive Office of Environmental Affairs, Coastal Zone Management Office.*

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## Executive Summary

New Bedford Harbor has shaped the identities and economies of both New Bedford and Fairhaven for over 150 years. Today, New Bedford Harbor is one of nation's preeminent fishing ports, ranked first in 1996 among East Coast ports, and second nationally based on the value of product landed. The harbor's seafood processing industry has grown in size and sophistication in recent years and is a nationally and internationally established industry center. Marine service and vessel repair industries, centered in Fairhaven, have an established reputation all along the East Coast and have diversified to capture markets associated with recreational vessels. With over 950 recreational boat slips, the harbor is an important center for recreational boating and has potential for expansion. And with the recent establishment of the New Bedford Whaling National Historical Park, the harbor's history and cultural heritage is gaining increased visibility and recognition nationally, resulting in growing tourism visitation.

This Harbor Plan defines the communities' vision for the future of the harbor that builds on its strengths; it also identifies costs, responsibilities and strategies associated with implementing the Plan. The Harbor Plan combines immediate term lower cost public initiatives that can leverage private sector investment and job creation with longer term initiatives that expand the harbor's capacity and potential. Immediate term public investment of \$12 million, of which \$7 million is already committed, has the potential to leverage the creation of 700-800 private sector jobs and \$50-60 million in private investment.

The Harbor Plan also has a key regulatory function. Projects within the harbor under the Commonwealth's waterways regulations (Chapter 91) jurisdiction will be evaluated by the Massachusetts Department of Environmental Protection (DEP) for conformance with the Harbor Plan. In recognition of the harbor's prominence as a location for water-dependent industry, most of the New Bedford waterfront and a portion of the Fairhaven waterfront have been established as Designated Port Areas (DPAs) under state regulations. The Harbor Plan carries significant weight in DEP's assessment of individual projects during the permitting process. The communities have worked closely with officials from DEP and the state's Office of Coastal Zone Management (CZM) in developing the Plan.

The Harbor Plan is guided by four overriding principles:

Develop Traditional Harbor Industries – preserve and enhance the harbor's traditional strengths in fishing, seafood processing, and related port industries.

Capture New Opportunities in Tourism and Recreational Use – take advantage of economic and community enhancement opportunities presented by National Park designation and future development of the Aquarium and its related commercial development.

Rebuild Harbor Infrastructure – upgrade infrastructure that is essential to the success of both port-related development and tourism, including dredging, road, rail and pier improvements.

Enhance the Harbor Environment – further develop the harbor as an asset for the communities and the region and improve public access and enjoyment of the waterfront.

The area of the harbor addressed through this Harbor Plan extends from the Hurricane Barrier to the I-195 and Coggeshall Street bridges. The Harbor Plan provides a strong framework for advancing significant development and conservation activities within this area. Planning for the harbor did not begin with this process, but builds on the successes of numerous previous planning efforts within New Bedford and Fairhaven. The Harbor Plan integrates earlier planning work with new initiatives in order to provide optimum benefit to the communities and the region. Key planning analyses that have provided a framework for development of the Plan include the report of the Governor's Commission on Port Development of 1994 and two studies on port management, the SRPEDD/EOTC "Section 269 Port Authority Feasibility Study" and the Massachusetts Seaport Advisory Council "Port Governance Study."

Years of work by the communities of New Bedford and Fairhaven are now coming to fruition as several major infrastructure projects within the harbor area are moving from planning into implementation. The New Bedford Intermodal Transportation Center to be located within the North Terminal area is being advanced by the Massachusetts Bay Transportation Authority (MBTA) and will restore commuter rail service to the area, as well as providing improved freight rail access to the port. The redevelopment of Route 18 that will enhance access between the waterfront and downtown is soon to enter a design phase following New Bedford's successful initiative to secure \$15 million in state and federal funds to support implementation.

The Environmental Protection Agency (EPA) is moving into implementation of the harbor cleanup dredging—following years of discussions on appropriate sediment disposal methods—that will remove contaminated sediments from the harbor. Harbor cleanup will pave the way for subsequent harbor restoration efforts under the auspices of the New Bedford Harbor Trustees Council.

Several proposed projects have the potential to further enhance local employment opportunities, community identity, and tourism development:

Revitalization of the State Pier will be anchored by the new Quick Start Ferry Terminal facility that will provide roll-on/roll-off freight ferry capabilities commencing in 2000, complementing existing cargo use of the Pier. In addition, the establishment of a waterfront visitor destination space on the downtown edge of the Pier combining an open air seasonal market, views of the fishing fleet, a floating dock to provide berthing for commercial fishing charters and excursion vessels and the Schooner Ernestina, and a National Park presence will strengthen all important links between downtown and the waterfront.

Redevelopment of Standard Times Field as an industrial park providing 300-500,000 square feet of new development with the potential to serve the expansion needs of the seafood industry—and other industrial uses—in a location convenient to the Fish Auction.

Development of the New Bedford Aquarium project and its associated attractions has the potential to substantially enhance tourism within the region and to establish the central New Bedford waterfront as the area's premier destination attraction.

Improvements to the harbor's natural environment and open space network can also be advanced through acquisition and preservation of Marsh Island in Fairhaven for use as community open space. Improvements to the open space and structures on Palmer's Island in New Bedford, together with a long-term management strategy, are also needed to promote expanded public use and enjoyment of an underused harbor island.

Despite clear strengths, the harbor is also encountering problems. The difficulties of the fishing industry have had a substantial impact on fishing families throughout New England, no more so than in New Bedford and Fairhaven. Waterfront land south of the New Bedford-Fairhaven Bridge is in short supply, and land with deep-water access north of the bridge is underutilized due to the significant constraint the bridge poses for waterside access in this area. This situation is further exacerbated by the unreliable operation of the bridge, which again failed in December 1998, temporarily eliminating water access to and from businesses located to its north.

Ultimately, the constraint placed on the harbor by the current bridge location will only be resolved by relocating the bridge further to the north, a key proposal of this Harbor Plan. Harbor maintenance dredging has not been undertaken since the 1950s and the silting of channels and berthing areas is placing an increasing access constraint on businesses. An extensive dredging program is needed with disposal of dredge sediments in the harbor area creating new waterfront land, expanding the harbor's capacity. The statewide Dredge Materials Management Plan (DMMP) being advanced by CZM represents the key first step in resolving the environmental, siting and permitting issues associated with dredge disposal. Implementation of dredging will depend on the availability of federal, state and private-sector funding, including state funding allocated for this purpose under the Seaport Bond Bill.

The vision for the harbor advanced through this Harbor Plan will support and strengthen the competitive positions of the harbor's traditional strengths in fishing, seafood processing, vessel repair, niche cargo operations and recreational boating, while advancing emerging compatible opportunities related to tourism development and visitor services. The Harbor Plan reinforces the strength of the DPA as a location for water-dependent industry and identifies specific DPA locations where compatible tourist-related uses may be accommodated. Supporting DPA Uses in the New Bedford DPA are located primarily in the central area of the waterfront adjacent to the downtown business district and are not accommodated at the expense of maritime operations on State Pier or the needs of the fishing fleet.

### ECONOMIC CONTEXT

According to a study conducted in July 1998, harbor-related businesses account for an estimated \$671 million in sales and 3,700 jobs within the local area. The core seafood industry, comprising harvesting vessels and dealers/processors, contributes nearly \$609 million in sales and 2,600 local jobs.

*Fishing Industry*—New Bedford accounts for 45 percent of employment in the harvesting sector in Massachusetts. The harbor's fishing industry has experienced severe problems over the last 5-7 years due to the scarcity of product and restrictions on fishing operations. Over this same period, the number of vessels based in the port has declined, but has now stabilized at approximately 265 commercial fishing vessels, plus some part time commercial vessels and lobster boats. The fleet includes 183 draggers—harvesting flounder, sole, yellowtail, other flatfish and cod—and 83 scallopers. The vessels currently spend extended periods of time in port due to federal regulations/restrictions, increasing congestion in existing berthing areas. With a rebound in fish stocks over the next 5-10 years, landings in New Bedford could double. Such an increase in landings could probably be accomplished by fully utilizing existing vessels, without adding new vessels in the fleet.

*Seafood Processing/Wholesaling*—Despite the problems experienced by the harvesters, seafood processing businesses have continued to expand. Seafood processors and wholesalers within New Bedford have been successful in diversifying sources of supply both nationally and internationally to overcome local shortages of product, with approximately 40 percent of sales now representing imported product. Many processing businesses have significant expansion plans. In the near term (five years), it is anticipated that an additional 150,000-230,000 square feet of space will be required to meet the needs of the seafood processing industry. The concentration of seafood processing businesses in New Bedford represents an industry cluster that enhances the competitive position of individual businesses. Future expansion of the industry should be concentrated adjacent to existing seafood businesses and any dilution of this industry concentration should be avoided.

*Seafood Auction*—The existing display auction has been successful in its first two years of operation with over 50 percent of the total volume of groundfish landed in New Bedford now being sold through the auction. Further development of the auction system is needed if it is to contribute fully to the growth of revenues and employment in the seafood industry. Currently, the auction is meeting the needs of sellers. However, buyers do not accept it, and consequently they have an incentive not to purchase all their fish through the auction. Effective public oversight of the auction process will be needed to address current concerns.

*Waterborne Freight*—In 1997-1998, and for the first time in memory, no ocean-going cargo was off-loaded in the Port of New Bedford. The State Pier is not now, nor will it be with rehabilitation, the logical and cost-effective location for handling ocean-going vessels carrying containerized or break-bulk cargoes. To regain the economic benefits of handling ocean freight in New Bedford, a strategy must be developed for marketing and facilities development. Future development of these facilities will need to be focused in the North Terminal area where the land exists to develop competitive facilities with appropriate road and rail access. By contrast, immediate market-driven opportunities exist for initiating freight service to Martha's Vineyard and Nantucket as well as other East Coast ports from the Quick Start Ferry Terminal at the State Pier. If New Bedford were to capture the wholesaling and distribution activity associated with the Quick Start Ferry Terminal, it could realize \$50-75 million in new wholesale business, supporting 125-150 full-time equivalent jobs.

*Commercial Recreation and Tourism*—The goal of the Harbor Plan is to assist in advancing the development of these industries in a manner that is compatible with the needs of the working port. The harbor has not been marketed or used effectively as a resource in attracting visitors to the New Bedford Waterfront. The newly designated New Bedford Whaling National Historical Park is likely to increase the visibility of the community and

contribute to expanded visitation. Based on conservative estimates, a modest level of investment could result in attracting an additional 120,000 visitors to the communities annually, a 60% increase, with gross receipts of close to \$4 million. To fully capture the benefits of their waterfronts, New Bedford and Fairhaven must create waterfront destinations/activities that are attractive to visitors and ensure that these visitors extend their stays in a manner that increases downtown activity. Current opportunities include expanded visitation at significant attractions such as the Schooner Ernestina; development of a waterfront visitor destination for charter and excursion vessels at the State Pier; initiation of service by the Nobska, the historic coastal steamship currently being restored with service planned to Martha's Vineyard and Nantucket; an expanded program of waterfront festivals; and initiation of harbor tours on land and water. With development of the proposed New Bedford Aquarium and associated attractions, this level of expanded visitation would be greatly exceeded. Market demand exists within the already large recreational boating industry for the addition of 200 new recreational slips, which can be accommodated outside the DPA. Initiation of water taxi/launch service is an important factor in the development of the harbor from a tourism perspective. Such a service would bring people from boats in Fairhaven and at Pope's Island Marina to the restaurants and attractions on the New Bedford side and vice versa.

#### PLAN ELEMENTS

This Harbor Plan encompasses major initiatives that will ensure that the harbor continues to capture its potential as a significant economic and cultural asset for southeastern Massachusetts. These initiatives are summarized on the Harborwide Concept Plan of Figure 1.1 and are described in detail in Chapter 6, on both a harborwide basis and for each of six separate sub-areas. It should be noted that while Figure 1.1 itself is not intended to be prescriptive for purposes of any state or local permitting within the harbor planning area, various elements of the Harbor Plan text in Chapter 6 do contain provisions that generally will be enforceable as a matter of state licensing under M.G.L. Chapter 91 and/or municipal regulations. In addition to Chapter 6, both Chapter 7 and the Supporting DPA Use Eligibility Credit Program contained in Appendix A of this document provide specific guidance to regulators.

The initiatives proposed under the Harbor Plan are further categorized into a Five-Year and a Ten-Year plan. The **Five-Year Plan** (Tables 7.1, 7.2, 7.3) addresses immediate harbor needs. The **Ten-Year Plan – 2005-2010** (Table 7.4) focuses on the implementation of major enhancements to harbor capacity – with a particular focus on the development of the North Harbor area – where additional planning is needed and where funding sources to advance projects have not yet been identified.

The following list identifies the highlights of the Five-Year and Ten-Year Plans.

**Five-Year Plan--1999-2004:** addresses immediate harbor needs, including the implementation of harbor-related projects that are already planned and fully funded or where funding sources have been identified.

*New Bedford:*

- Extend Homer's and Leonard's Wharves to provide expanded fishing vessel berthing.
- Repair public piers and wharves in the New Bedford Central Waterfront.
- Revitalize/redevelop/repair the State Pier as an active, multi-use water terminal facility with freight ferry service, break bulk cargo activities, Coast Guard vessels, and central berthing space for charter fishing and excursion vessels, and incorporating cultural uses (including the Ernestina and potential National Park Service facilities).
- Develop a Quick Start Ferry Terminal (providing freight service to Martha's Vineyard, Nantucket and other locations) at the State Pier and repair of its north wharf.
- Develop a center for visitor services, programs and support for the Schooner Ernestina, the official vessel of the Commonwealth, on the southwest corner of the State Pier.
- Develop a floating dock on the southwest corner of the State Pier to provide berthing space for commercial excursion and charter fishing vessels.
- Initiate cross-harbor water taxi and launch service between the New Bedford and Fairhaven central waterfronts, marinas, and other significant tourism destinations.
- Develop the New Bedford Aquarium and its associated attractions on the former Commonwealth Gas and Electric site.
- Develop an industrial park at Standard Times Field to provide expansion opportunities for seafood processing and related industrial uses, while providing improved public access at the shorefront without preemption of future vessel activity or other incompatibility with maritime industry.
- Initiate improvements, including public oversight, to the Electronic Display Fish Auction.
- Enhance pedestrian and bike access to the waterfront, including development of a pedestrian and bike network in all proposed infrastructure projects.
- Initiate EPA Harbor Cleanup dredging, resulting in the creation of more land for marine industrial use within the harbor planning area (approximately 10-year process).
- Develop Palmer's Island as a city park, including landscape and access improvements and a park management strategy.

- Continue to forge a strong relationship with United States Coast Guard that supports the Coast Guard's mission and strategic development of the Port of New Bedford.

#### Infrastructure

- Develop a major Intermodal Transportation Center in the North Terminal area to include commuter rail, freight rail, local and regional bus service, taxis, and waterfront trolley service (with future expansion to include links to a water terminal).
- Redesign Route 18 to provide improved waterfront access, including substantially enhanced pedestrian access between downtown New Bedford and the waterfront. This includes a connection at the end of Union Street and at Water Street and other locations.
- Initiate maintenance dredging of driveways and berthing areas outside the federal channels.

#### Immediate Action

- Undertake a detailed inventory of vessel movements within the harbor to provide a framework for assessing the future harbor carrying capacity.
- Undertake a Waterfront Public Access/Open Space study.
- Undertake a North Harbor/North Terminal Study, including port marketing and facilities development strategies, bridge relocation and infrastructure improvements.
- Initiate a process to evaluate the need to adjust the state Harbor Line at State Pier, Fisherman's Wharf and Homer's/Leonard's Wharf to facilitate construction of proposed projects.

#### Fairhaven:

- Conduct wharf repairs at Union Wharf.
- Acquire Marsh Island for use as public open space for passive recreation.
- Implement streetscape improvements along major gateway streets—Main, Middle and Green Streets.
- Initiate maintenance dredging in the 10-foot and 15-foot federal channels and associated private sector berthing areas and driveways.
- Expand mooring fields for recreational vessels north and south of Pope's Island (outside of DPA waters).
- Enhance the Pease Park Boat Ramp area, including provision of tie-ups for transient vessels, a dinghy dock, and associated dredging.
- Initiate cross-harbor water taxi and launch service between the New Bedford and Fairhaven central waterfronts, marinas, and other significant tourism destinations.
- Develop a central berthing area for charter fishing and excursion vessels.

**Ten-Year Plan – 2005-2010:** projects involving major enhancements to harbor capacity where additional planning is needed or where funding sources have not yet been identified.

*New Bedford:*

- Develop a major Multimodal Port Terminal south of the proposed new bridge.
- Expand Pope's Island on its north side through land creation resulting from harbor maintenance dredging (to include area designated for berthing of fishing vessels).
- Implement combined sewer outflow (CSO) improvements to reduce inner harbor contaminants.
- Undertake additional structural repairs/enhancements to the State Pier.

*Infrastructure*

- Relocate the Route 6 harbor crossing including the New Bedford-Fairhaven Bridge to facilitate development of port operations and expand harbor capacity.
- Develop a Freight Haul Road between I-195 and the North Terminal area to provide designated truck access to port areas.
- Conduct maintenance and improvement dredging in the 30-foot federal channel and turning basins.

*Fairhaven:*

- Develop wharf extensions within the Fairhaven Designated Port Area to expand berthing space for fishing vessels.

## **IMPLEMENTATION**

Responsibility for implementation of significant portions of the Harbor Plan in New Bedford falls to the New Bedford Harbor Development Commission (HDC). The HDC already possesses the legislative authority to enable it to serve as the lead entity in implementing the Harbor Plan within the City of New Bedford for Chapter 91 licensing purposes under 310 CMR 9.34 (2)(a) 1. However, the HDC has neither the dedicated funding sources nor the staff resources to enable it to significantly expand its role in harbor management or development. In the immediate term, resources are needed to enable the HDC to expand its staff by hiring a Marine Superintendent, a senior-level Waterfront Planner/Development Manager, and a Market Development Officer, all reporting to the Executive Director of the HDC.

The HDC will assume management control over the State Pier under a cooperative agreement with the Department of Environmental Management (DEM). Local control over the State Pier will enable the HDC to have a more direct role in pier revitalization and redevelopment efforts.

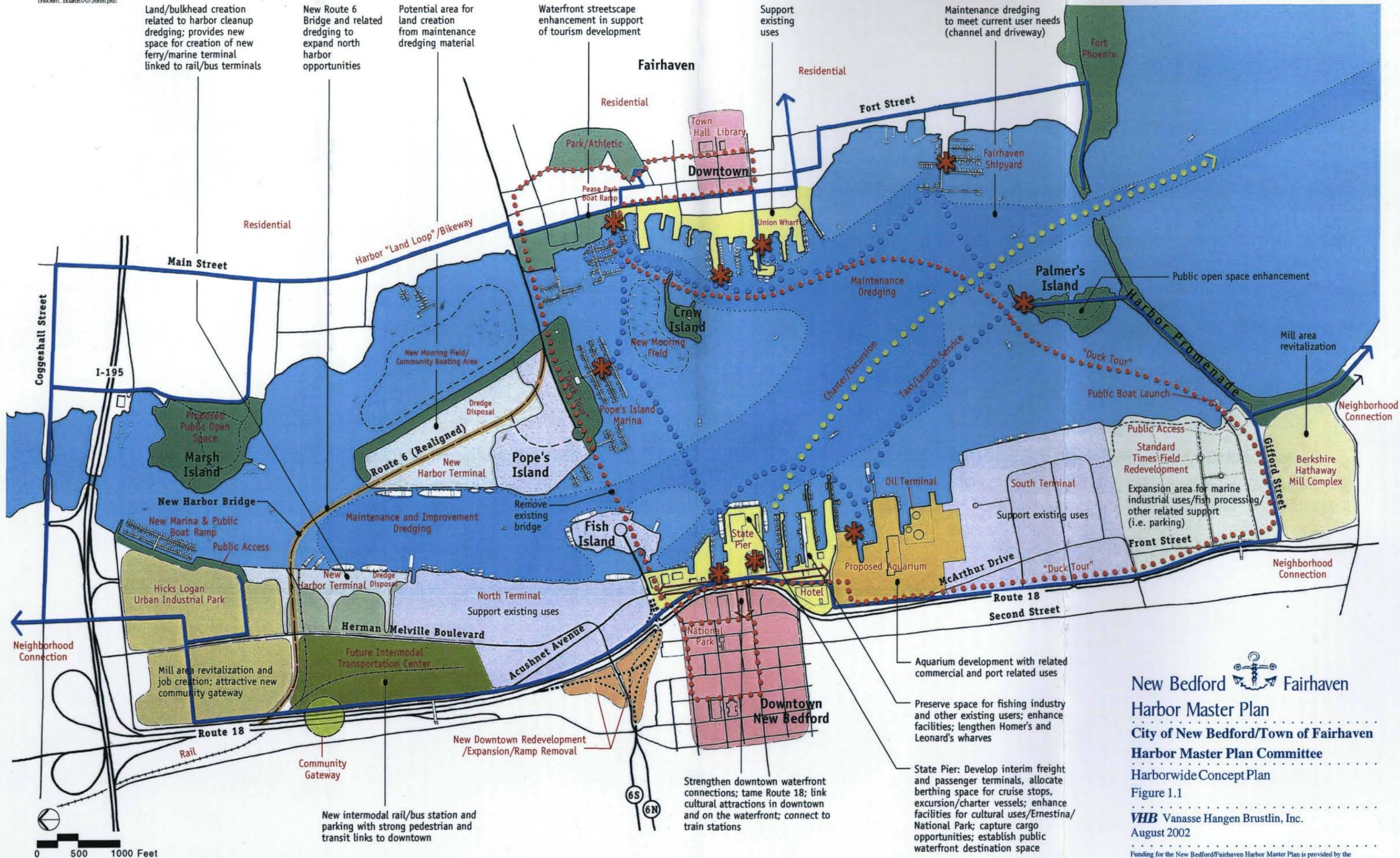
The Plan identifies potential funding sources for each project that is proposed. In addition to the Seaport Bond Act, these include a variety of state and federal funding sources.

The HDC will play an expanded governance role, with all Chapter 91 applications reviewed by the HDC prior to issuance at the state level. Within Fairhaven, harbor management and planning functions will continue to be undertaken by the Harbormaster and the Town's Department of Waterways Resources under the direction of the Board of Selectmen, working in close cooperation with the HDC. The Town's Planning and Economic Development Department in conjunction with the Board of Selectmen shall serve as the lead entity in implementing the Harbor Plan within the Town of Fairhaven for Chapter 91 licensing purposes under 310 CMR 9.34 (2)(a) 1. Over the longer term, creation of a joint Port Authority represents the most effective approach for securing comprehensive harbor management and development.

This Harbor Plan establishes a Designated Port Area (DPA) Master Plan for New Bedford and Fairhaven. Implementation of the DPA Master Plan within the City of New Bedford will involve modifications to certain requirements of the Chapter 91 regulations regarding allowable development. These provisions, implemented by the HDC, will ensure that the development of commercial uses within the DPA is strictly controlled.

#### **PLANNING PROCESS**

The Harbor Plan has been developed over an 18-month period and has incorporated diverse public input. The Harbor Master Plan Committee, a 13-member group including seven members from New Bedford and six members from Fairhaven, has played a primary role. Additional public input has been solicited through public meetings, smaller meetings with industry groups, and more than 100 individual stakeholder interviews. The planning process has also benefited directly from continuous participation from representatives of the state's Office of Coastal Zone Management (CZM), the Department of Environmental Protection (DEP) and the Department of Environmental Management (DEM). The planning process has been undertaken in accordance with state guidelines for preparation of municipal harbor plans.



**New Bedford Fairhaven**

**Harbor Master Plan**

**City of New Bedford/Town of Fairhaven**

**Harbor Master Plan Committee**

**Harborwide Concept Plan**

**Figure 1.1**

**VHB Vanasse Hangen Brustlin, Inc.**

**August 2002**

Funding for the New Bedford/Fairhaven Harbor Master Plan is provided by the Commonwealth of Massachusetts Executive Office of Environmental Affairs, Coastal Zone Management Office. This illustration is not to be construed as superseding any provision of the Waterways Regulations 310 CMR 9.00 et seq.

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# Purpose and Authority

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## Purpose

This Harbor Plan defines the communities' goals and objectives for future development of the harbor, including broad planning goals, specific projects, funding mechanisms, and management controls to guide the Plan. The Harbor Plan also provides guidance to the Department of Environmental Protection (DEP), in fulfilling its mandates under the Chapter 91 program.

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## Authority

This Harbor Plan has been developed in accordance with applicable state regulations governing the preparation of Municipal Harbor Plans, 301 CMR 23.00.

Development on New Bedford and Fairhaven waterfronts is subject to local land use regulations (zoning, subdivision, etc.) unique to each municipality, but also to state land use regulations on filled and flowed tidelands, under Chapter 91 of the Massachusetts General Laws. Chapter 91 is administered by the Department of Environmental Protection (DEP) under the Executive Office of Environmental Affairs, in accordance with applicable regulations, DEP Waterways Regulations 310 CMR 9.00.

Chapter 91 codified a principle that existed in times before Massachusetts' statehood. Under Colonial law, the public had full rights of ownership of all submerged lands and all individuals were given access to intertidal lands for purposes of fishing, fowling and navigation. No individual could impair the collective polity's rights to these activities, and no private development could take place unless it was consistent with these activities.

Chapter 91 and the implementing regulations recognize the public rights in tidelands and define the constraints under which activities affecting those rights may take place. In general, activities and development in tidelands which are water-dependent—as defined by the regulations—are presumed to serve a proper public purpose. There are several constraints on those activities, but the constraints are not nearly so great as those placed on projects that are not water-dependent. Water-dependent uses are varied, including marine industry, commercial and recreational boating and

waterborne passenger transportation facilities, parks, boardwalks, sanctuaries, aquariums and marine research facilities, and others.

Development in tidelands of nonwater-dependent projects must also comply with numerous standards to ensure that the benefit to the public resulting from the development is greater than the detriment to the rights held in public trust. Application of these standards is, in part, a negotiated process that may result in the identification of mitigation measures intended to preserve and enhance water-dependent activity and public use and enjoyment of tidelands.

Portions of the waterfront in New Bedford and Fairhaven are also located in Designated Port Areas. The Designated Port Area (DPA) program was established in Massachusetts in 1978 in order to preserve and promote maritime industry. Established under the state's Coastal Zone Management Program, DPAs are subject to specific provisions under the Chapter 91 regulations. In addition to land use restrictions, DPAs are also officially identified as priority areas for federal and state funding including that available under the Seaport Bond.

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# Planning Process

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## Harbor Planning Area

The area covered by this Harbor Plan extends from the Hurricane Barrier at the south to approximately the I-195 Bridge to the north and includes land on either side of the Harbor. In addition to significant port related marine industrial areas on either side of the harbor, the harbor planning area includes downtown New Bedford and the Center of Fairhaven, as well as a significant area of residential land on the Fairhaven side of the harbor. The incorporation of the downtown area on the New Bedford side of the harbor is an explicit recognition of the importance of waterfront activities along the downtown area to the economic and environmental health of New Bedford's central business, historic, and cultural center.

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## Public Involvement/Agency Coordination

### HARBOR PLAN COMMITTEE

The Harbor Master Plan Committee was a 13-member Committee with seven members from New Bedford and six from Fairhaven. The six New Bedford members were named by the mayor, with the seventh member named by the President of the City Council. The Fairhaven Board of Selectmen named the six Fairhaven members. The Committee met approximately monthly over the period of Plan development, commencing in September 1997 with bi-weekly and weekly meetings in key periods. All Committee meetings were open to the public. The Committee reviewed consultant analyses and findings and provided overall policy direction and guidance in shaping the Harbor Plan.

### CONSULTANT TEAM

VHB/Vanasse Hangen Brustlin led the consultant team. VHB has been responsible for overall project planning and public participation. VHB has been assisted by FXM Associates and its supporting team of economic professionals. FXM has provided overall leadership on economic issues. FXM was assisted by Heaney, Edelstein & Company who provided strategic funding and management assessments and Seafood DataSearch who provided analyses related to the fishing and seafood industries. Childs Engineering provided input on marine engineering issues.

## **PUBLIC WORKSHOPS**

Three public workshops were scheduled at key points over the course of the planning process. The workshops presented members of the public with an update on the planning process and an opportunity to contribute to shaping overall project direction. Newsletters were circulated to advertise workshops. Workshops were scheduled as follows:

Review of Existing Harbor Issues and Conditions	November 18, 1997
Review of Harbor Alternatives	October 14, 1998
Review of Draft Harbor Plan	March 23, 1999

## **HARBOR VISIONS II**

Substantial planning for the harbor had already been undertaken prior to the initiation of this Harbor Plan process. In 1995, WHALE (Waterfront Historic Area League) hosted a weekend charrette dedicated to stimulating innovative thought about the future development of the Harbor. This event was successful in generating substantial public interest and involvement in harbor planning. In April 1998, WHALE hosted a follow-up event, Harbor Visions II at the New Bedford Whaling Museum to provide the larger community with an update on the state of harbor planning. This event was very well attended and carried on local cable.

## **HARBOR USERS GROUP MEETING**

At the outset of the Harbor Planning Process, a public meeting was held in October 1997 with users of the working waterfront to formally announce the process, identify users concerns, and seek participation in subsequent meetings and public workshops.

## **HARBOR TOURS**

Several harbor tours were scheduled over the course of the planning process. These included a boat tour in September 1998 with participation from the Harbor Master Plan Committee, consultants, and representatives of state agencies. In December 1998, the City of New Bedford hosted a meeting and harbor tour with the state's intermodal transportation working group that provided state officials with a briefing on Harbor Plan initiatives.

## **FOCUS GROUPS**

From time to time during the planning process, small focus group discussions were used to gain input from specific harbor constituencies to identify issues of concern. Meetings were held with seafood processors and fishing industry representatives, as well as recreational boaters.

### INDIVIDUAL INTERVIEWS

Over the course of the project, over 125 individual interviews were scheduled with individuals with a broad range of perspectives on harbor issues and activities.

### AGENCY COORDINATION/INVOLVEMENT

Representatives of state agencies have participated continuously throughout the planning process (including the Office of Coastal Zone Management who provided funding support for the Harbor Plan) and have provided informal input and technical advice to the communities over the process of plan development. Representatives from the following agencies have participated on a regular basis:

- Office of Coastal Zone Management (CZM)
- Department of Environmental Protection (DEP)
- Department of Environmental Management (DEM)
- Executive Office of Transportation and Construction (EOTC)

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### Community Goals and Objectives

The following goals were established by the Harbor Master Plan Committee to guide the development of the New Bedford/Fairhaven Harbor Plan:

- Establish an overall vision for the harbor that is flexible, forward looking, realistic, and capable of attracting broad community and agency support.
- Establish a harbor plan that contains projects that work individually and together.
- Enhance the strength of the harbor's marine industrial economy, including commercial fishing, seafood processing, and marine service enterprises.
- Promote the development of the harbor's visitor economy through support for expansion of visitor related uses, including the Aquarium, the National Park, and other projects, while respecting the needs of the industrial port.
- Facilitate the development of underutilized sites and buildings through coordinated efforts of the public and private sectors.
- Strengthen the physical and economic relationship between downtown New Bedford and the harbor.
- Enhance the harbor's attractiveness as a location for recreational boating.

- Use available public funds through the Seaport Revitalization Act and other public sources to leverage private sector investment within the harbor.
- Protect and enhance the harbor environment as a resource for the communities and the region through environmental restoration, open space creation, and improved public access.
- Facilitate harbor renewal through dredging and identification of environmentally appropriate dredge material disposal options.
- Identify achievable near term actions that can support longer-term goals while delivering tangible community benefits.
- Continue to forge a strong relationship with United States Coast Guard that supports the Coast Guard's mission and strategic development of the Port of New Bedford.
- Identify an entity for implementing the Harbor Plan.

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## Summary of the Planning Analysis

The planning process that has resulted in the Harbor Plan described in this document was undertaken in a number of discrete phases as proposed in the Harbor Plan Scope of Work that was approved by EOEA/CZM:

### PHASE I - THE HARBOR TODAY

This initial phase involved the establishment of a process for public input and a review of previous harbor planning documentation, earlier studies for harbor related projects, and ongoing related projects. This review, taken together with input from the Harbor Master Plan Committee and the wider public, provided a framework for defining key harbor planning issues and concerns that needed to be addressed within the planning process. These concerns are more fully outlined in the Harbor Issues Memorandum and a Previous Plans Memorandum included in the New Bedford/Fairhaven Harbor Planning Memoranda, August 2000 (hereafter called Planning Memoranda). A substantial inventory of information from previous harbor studies was available and was used in the harbor plan process. These studies are noted in memoranda cited above. Existing harbor conditions were summarized in a series of maps that identify key harbor features, conditions, and regulatory jurisdictions. These maps are included in this plan within Section 5 – Current Conditions. Upon completion of this initial phase of work, a public workshop was held to gain additional input and perspective on harbor issues from a wider audience.

## **PHASE II - THE HARBOR TOMORROW**

Following completion of the initial analysis, further analysis was undertaken of future harbor opportunities. These opportunities include those identified by Harbor Master Plan Committee members, the consultant team, members of the public, and agency representatives. These analyses are more completely described in the Harbor Opportunities Memorandum that is incorporated in the Planning Memoranda. Economic analyses that provide the underpinning for several Harbor Plan recommendations are described in a Technical Memorandum that is included in the Planning Memoranda. In addition, during this phase of effort harbor planning goals were defined (as described on the previous page).

## **PHASE III - HARBOR ALTERNATIVES/REVIEW AND NARROWING**

Several alternative approaches to harbor development were identified by the consultant team and reviewed with the Committee and the public at a public workshop. These alternatives included alternative approaches to development of key areas of the harbor corresponding to different levels of infrastructure development. Based on Committee and public review, a preferred alternative was identified that most closely matched community goals and objectives. This preferred alternative has continued to be modified and expanded over the course of the process in response to Committee and public input. The findings of this stage of effort are documented in an Alternatives Analysis/Baseline Improvements Memorandum and a Review and Narrowing Memorandum that is included in the Planning Memoranda.

## **PHASE IV - FEASIBILITY ASSESSMENT**

The feasibility of the preferred alternative developed in the previous phase of effort was reviewed in additional detail and, where appropriate, modified to enhance project feasibility. The findings of the feasibility analysis are summarized in the Feasibility Assessment Memorandum that is included in the Planning Memoranda.

## **PHASE V - HARBOR PLAN**

This document is the final product of the Harbor Plan process.

# Economic Analysis

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## Introduction

FXM Associates, in association with Seafood DataSearch and Heaney, Edelstein & Company, conducted an economic analysis in support of the Harbor Plan process. FXM and its associated firms undertook interviews with waterfront-related businesses, examined relevant secondary source data and reports, and met periodically with the Committee and city and town officials. This section represents a summary of these analyses. The full assessment is presented in a separate Technical Memorandum, included in the Planning Memoranda.

This economic analysis is essentially a search for opportunities to create private sector jobs in New Bedford and Fairhaven, consistent with the communities' goals and criteria for economic development within the harbor area. It is also a test of the degree to which established maritime industries can sustain the level of employment and economic activity they now hold. In addition to the potential for development of new employment and business opportunities in the immediate harbor area, uses that can benefit other established business activity and employment, especially in the downtown/historic district of New Bedford, are of priority concern to the communities. For each economic development opportunity, realistic and foreseeable market support is an essential limiting condition of this analysis.

According to the study conducted in July 1998, harbor-related businesses in New Bedford and Fairhaven account for an estimated \$671 million in sales (worldwide) and 3,700 jobs (local). The core seafood industry, comprising harvesting vessels and dealer/processors, contributes nearly \$609 million in sales and 2,600 jobs, 90 percent and 70 percent of the respective sales and jobs harborwide. Other economic activity directly attributable to the local purchases of goods and services by the core seafood industry - including vessel services and repairs, trucking, ice and fuel suppliers, machinery and equipment, insurance and other business services - and the sales of seafood items at local grocery stores and restaurants, account for an additional \$44 million in sales and about 500 jobs in the local area economy. While modest by comparison to the overall economic impact of the seafood industry, other important waterfront area businesses now contribute an estimated \$18 million in sales and nearly 600 jobs.

Because much of the study area is also within a Designated Port Area (DPA), a further challenge is to search for water-dependent economic opportunities, consistent with the maritime industry definitions and intent of state regulations, to make maximum economic use of the waterfront transition zone. This latter qualification is important because the market assessment is not directed at finding the highest and best use of individual waterfront area parcels, as in traditional real estate market analyses. Rather, the economic effects (jobs, business sales, fiscal revenues) of uses within the DPA - consistent with community goals for economic development, as well as the regulatory agency criteria - are the measure of value, and these effects can occur on or off the immediate waterfront parcel ("upstream" on land, or "downstream" at sea).

This analysis includes the following sections:

- **Seafood Industry** summarizing conditions, trends, forecasts, and issues affecting the success of the dominant waterfront industry in the harbor
- **Waterborne Freight** which summarizes freight issues and opportunities
- **Commercial Recreation and Tourism-related** which addresses opportunities for expanding tourism, recreation, and other industries dependent on or related to the waterfront and
- **Other Business** includes a review of major non-seafood, non-tourism industries.

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## Seafood Industry

### OVERVIEW OF FINDINGS

The following is a summary of major seafood industry findings, according to a study conducted in July 1998:

- Employment in harvesting, processing, and seafood wholesale distribution appears to have bottomed in 1996, and since then there are strong indications that processing and wholesale employment has increased.
- With the fishing vessel buy-out program completed, the number of vessels using New Bedford harbor is not likely to decline further, despite some problems of over-capacity in the scallop industry. The limit on days-at-sea leads to greater use of dock space by vessels that are spending less time fishing, but are still earning profits.

- New Bedford processors and wholesalers have dramatically increased the amount of imported products that they sell. This trend is supporting the expansion and growth of this sector, and bodes well for absorbing greater fresh fish landings in the future.
- The two major factors that will contribute to economic growth in the seafood industry over the next five to eight years are: 1) recovery of groundfish and scallop stocks on Georges Bank, and 2) continued diversification of the processing/wholesale sector by sourcing fish from other regions.
- Expansion of processing capacity is ongoing, and will require additional processing space over the next few years. We project that total additional space requirements will be between 150,000 and 230,000 square feet. Of this, approximately 150,000 square feet will likely require new construction outside the current land use footprint of seafood dealer/processors.
- The auction system in Portland, Maine contributed strongly to the expansion of landings in that port. The success of that auction depended on both buyers and sellers having an equal role, with public oversight. The current New Bedford auction, which is private, does not provide an equal role for buyers and sellers, and has no public oversight. In order for New Bedford to achieve the maximum benefit as a fresh seafood market center through an auction, the city will have to find a way to guarantee equal roles for both buyers and sellers. This would eliminate the conflicts of interest that currently prevent buyers from fully supporting the present auction, and lead to a higher percentage of fish landed in the port passing through the auction.
- Growth potential within the core seafood industry over the next five years could result in an additional \$59-155 million in sales and 140-410 new jobs. The indirect (purchases from other businesses) and induced effects (workers expenditures in the local economy) of this level of direct expansion would add another 50-150 jobs (190-560 total impact) throughout the local area economy.

The seafood industry in New Bedford consists of several distinct sectors, which make different demands on the harbor and adjacent industrial land. The sectors can be described as follows:

## HARVESTING VESSELS

New Bedford is the home of the largest harvesting fleet in New England. Even with the recent buybacks, the harbor is used by 265 commercial fishing vessels, plus some part-time commercial vessels and lobster boats. The vessel profile of New Bedford shows 183 active draggers and 82 active scallopers, based on June 1998 Coast Guard documentation. During certain times of the year, there are some transient vessels using New Bedford as well, principally scallopers from further south. Crew employment in New Bedford accounts for 1131 jobs, 45% of the total full-time harvest employment in Massachusetts.

Total landings and value of fish and shellfish handled by the Port of New Bedford have increased since 1994. It is important to note that there is a developing trend toward recovery of landings and value toward levels of the mid-1980s. New Bedford's percentage of statewide landings has also been stable or growing, while other ports, particularly Boston, have experienced significant declines. It is reasonable to expect that over the next five to ten years, New Bedford landings are going to climb back closer to their historic levels. Despite the short-term problems in the recovery of fish stocks, historical precedent in fisheries science has shown that when stocks are allowed to recover in closed areas and are protected from excessive fishing pressure, they tend to naturally rebuild. This is certainly the case with scallops, and also with cod on Georges Bank.

Because of the current limitations of days at sea, trip limits, and closed areas, it is our feeling that catches could increase substantially--perhaps even double, before there would be significant pressure to add vessels to the fishery. However, once the existing group of vessels is again catching large quantities of fish, there are a number of inactive groundfish licenses that could be used to bring other vessels into the fishery. We do not foresee this happening within the five-year horizon of this harbor plan.

At the same time, the reduction in the days-at-sea program means an increase in days-at-the-dock. As a result, more fishing time, and eventually even more vessels, will not have a linear relationship with increased demand for dock facilities. Instead, the overall number of days that vessels are tied to the dock in a given year is likely to begin to decrease as catches recover.

## PROCESSING AND WHOLESALE DISTRIBUTION

The different types of processing and wholesale companies in New Bedford include:

**Whole fish dealer:** These companies are primarily in the business of buying whole fish from boats or from other sources in Canada or around the world, and selling the fish to other processors and distributors. They typically cut very little fish themselves, but play a vital role in getting fish from the dock to the companies that actually do the cutting. Many of these companies work on a variety of fish species, including groundfish, tuna, swordfish, and herring. The impact of the decline in landings has hurt the companies based in New Bedford that relied on local boats for their fish. The days-at-sea regulations have meant that, at times, these plants have been idle. In New Bedford, many of these companies are small family operations, which ship whole fish to New York, or take out fish and sell it to other processors. Because these companies are small, they often have not been able to branch out into imports in the way that larger processors have. As a result, these companies are not growing, and do not represent the dynamic sector of the processing industry.

**Traditional Processor:** Traditional processors are those companies that produce fillets from locally caught groundfish. These types of companies dominated the waterfront in New Bedford. While in the past, these companies did not carry species beyond what is landed locally, in response to the decline in landings some of these companies began importing fish from Alaska and from overseas. Those processors that have relied only on cutting local fish have seen their business decline significantly. But those who have sourced product elsewhere have thrived. When fresh fish was no longer available in quantity, these companies bought frozen fish from Alaska and developed an entire market for "refreshed" fish. This fish has now become the mainstay of supermarket seafood sales of groundfish, and a tremendous volume of this fish is imported, cut, processed, and sold from New Bedford. The companies in this business are expanding both their sales and their total employment.

**Processor/Distributor:** Processor/distributors represent a New England success story. These companies, who often started as traditional processors based on local landings, diversified into processing a broad range of fish from around the world. As consumers' tastes changed, they were able to sell them salmon, swordfish, scallops, groundfish, mahi mahi, mussels, and whatever else the market demanded. These companies buy and cut the local fish, but this fish accounts for only 20% to 30% of their business, or less. Most of these companies are established in Boston, but some of the major processors in New Bedford have successfully used this model. These companies represent the future of the industry. Because they have been able to keep their markets open, and to increase the volume of products they

distribute, they are in a position to increase their processing of local fish as the stocks recover.

**Frozen Fish Manufacturers:** Although not as visible as fresh fish, New Bedford has always had, and continues to have a thriving frozen processing sector. Some of these companies are scallop processors, who use both fresh and frozen scallops. Others manufacture secondary products like fish sticks, frozen breaded portions, frozen squid rings, etc. Although historically many of these companies started out freezing local fish, they have long since come to rely on frozen fish from all over the world. They use this fish to manufacture retail and foodservice products, such as fish sticks, breaded retail fish fillets, McDonald's fish sandwiches, and the frozen cod portions that are the basis of many restaurant meals. In addition to some very large companies, a number of smaller specialty frozen fish manufacturers operate in New Bedford. These companies make private label frozen fish products and also supply military, school, and other institutional feeding programs.

**Brokers/Traders:** Because of the knowledge and strength of the industry in New Bedford, there also exists a strong network of brokers and traders, who buy and sell fish all over the world. Generally, these are smaller companies, employing fewer than 10 people, but they account for a large volume of sales and imports. They generally do not process or handle any product themselves, but they do contract for frozen warehouse space. Furthermore, their presence in the industry helps the other companies have alternative sources of product.

This mix of seafood processors and distributors in New Bedford represents something that Professor Michael Porter, of the Harvard Business School, has called a knowledge cluster. He has identified the existence of such groupings as key to competitive success of different regions. The concentration of such a group in New Bedford has important economic ramifications. The availability of a great variety of expertise in a concentrated area provides a foundation for the success of the industry. This has allowed new ideas about sourcing, about products, and about new ways to serve markets to spread quickly and efficiently among the different plants.

The current organization of the harbor, with the emphasis on two concentrated areas of seafood industrial development, contributes to this beneficial effect. By having a group of similar companies in close proximity, it is easier to adapt to changes, to swap product when necessary, and to try new ideas. Such thinking should guide the development of additional industrial land for the seafood industry. The industry will be better served by retaining its present level of concentration, rather than diluting the industrial space with too great a proportion of non-seafood related businesses.

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## Waterborne Freight

In 1997- 1998, and for the first time in memory, no ocean-going cargo was loaded or off-loaded at the Port of New Bedford. The reasons are many and complex, but can be reduced to two essential conditions, reflective of the marine cargo industry nationwide: 1) only the largest ports provide the water depths, efficient cargo handling machinery and equipment, warehousing and storage capacity to attract regularly scheduled liner service and containerized cargoes; and 2) niche markets for specialized bulk and other cargoes come and go with changing world market, political, and regulatory conditions, and require aggressive and opportunistic marketing efforts to capture as an individualized business prospect. They also require adequate depth of water, competitive cargo handling capabilities, and adequate backland storage and/or specialized holding facilities (refrigerated warehouse of sufficient size, for example). The conditions for success in either regard are not now met in New Bedford.

To regain the economic benefits of handling ocean freight in New Bedford, an intermediate and longer-term strategy for marketing and facilities development needs to evolve, and they are beyond the scope and budget of this report. Experts generally concede that the State Pier is not now, nor likely will be even with expensive rehabilitation, the logical and cost-effective location for handling ocean-going vessels carrying containerized or break bulk cargoes. Sustainable water depths, working pier offloading aprons, backland and rail access possibilities appear at this time to be much more favorable in the North Terminal area, other factors notwithstanding (such as competition with current or prospective new water-dependent uses for land, facilities, and funding). The longer-term strategy needs to look towards this area for handling ocean-going cargoes.

In contrast to the immediate prospects for handling ocean-going container and bulk freight, the potential for State Pier to accommodate realistic and foreseeable market driven demand for freight destined to Martha's Vineyard and Nantucket (as well as other ferry potential) is being actively developed. Since these cargoes are largely consumer goods and building materials delivered by the truckload, the prospects for the New Bedford area to realize economic benefits include major opportunities in wholesaling and landside distribution (though less in actual cargo handling than for ocean freight). Only a small portion (roughly 10 percent) of the freight destined to the Islands is wholesaled on Cape Cod. If the New Bedford area were to capture the wholesaling and distribution activity (now extant elsewhere in New England and New York) in similar proportion to that now taking place in Hyannis, for example, the local area economy would realize \$50-75 million in new wholesale business, supporting 125-150 full-time equivalent jobs. These impacts are not shown in Table 1 in the Planning Memoranda because the businesses that generate them would not likely be located in the harbor area. Nevertheless, they are attributable to the use of the waterfront.

Over the longer term (5-10 years out), a ferry facility handling passengers as well as freight would not be adequately accommodated at the State Pier and needs to be considered as part of the full intermodal (ferry, ocean freight/rail, commuter rail) development potential in the North Terminal area.

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## Commercial Recreation and Tourist-related

### OVERVIEW

New Bedford/Fairhaven Harbor stands to gain significantly from national and statewide trends in tourism. The market for expanded marine recreation services and other waterfront uses in New Bedford and Fairhaven is considerable, with an immediate potential (to realize current latent demand) of 120,000 new visitors, in addition to the estimated 200,000 now drawn to the downtown historic district.

By keeping the plan to enhance these opportunities low cost and flexible, New Bedford/Fairhaven has an opportunity to capitalize upon the novelty appeal of National Park designation and the expansion of foot traffic downtown with the introduction of the Visual and Performing Arts Center of the University of Massachusetts/Dartmouth and the Compass Bank headquarters. It is important, however, to consider creating a critical mass of recreational activities in a concentrated and highly visible area. There are locations on both sides of the harbor on State Pier in New Bedford or the Linberg Marine/Pease Park sites in Fairhaven that provide the central core linking both sides of the harbor and linking each side to its respective downtown. No assumptions within this assessment have been made about the New Bedford Aquarium. These analyses and proposals are meant to stand alone, but if the Aquarium becomes a reality, it will speed up and strengthen the process of revitalization. The analysis identified the following opportunities that are more fully described in the Planning Memoranda.

### COMMERCIAL CHARTER/EXCURSION BOATING CENTER

It is strongly recommended that a centralized dockside location be provided for charter and excursion boats. Examples in other communities suggest that efficiency in marketing and utilization can be achieved with a central location for dockage, bookings, and parking. Such a facility will significantly affect New Bedford's and Fairhaven's ability to capture market potential for expanded marine recreation and tourism industries. This is especially true for charter businesses (including cruise and head boats), which rely on visibility, passersby, and spillover when other vessels are booked or on the water. Based on conservative estimates, at least four additional head boats could be supported in the study area, at a capacity level that is two times what is currently in effect on the few charter boats now in operation.

Individual charter businesses, harbor tours, or start-up water taxi services are less able to afford the marketing and promotional expenditures of the more established cruise and ferry operations. Furthermore, if such centralized facilities are within reasonable sight and walking distance of downtown areas in New Bedford or Fairhaven, it is also more likely that visitors would spend more freely locally. With tickets purchased and afternoon sail time set, it is logical to expect visitors to stay on foot and have lunch downtown and shop within visual distance of their charter or tour departure. Sufficient market support exists to advance the concept of a central berthing location for commercial excursion and charter fishing vessels in both New Bedford and Fairhaven simultaneously.

### **RETAIL**

**Seasonal Outdoor Market:** Potential for a seasonal market with 15 open-air kiosks in the area adjacent to the center for charter fishing and excursion boats (described above) as shown in Figure 6.2. These kiosks would not be permanent structures and would be movable in nature and thus would be relocated if space were needed in the future for maritime industry. In the near term, they could help capitalize on the spending potential that will be ever-increasing as the harbor's attractions come to fruition.

**Historic District Retail:** Potential for more conventional retail in the historic district of New Bedford of roughly 6,000 to 6,500 square feet, or approximately five medium-size shops can be accommodated.

### **MARINAS**

**New Slips:** Potential for an additional 200 slips over the next few years. This market increase assumes that the harbor's reputation for clean waters can be strengthened and that harbor patrols would be introduced to keep boat traffic inviting to the pleasure boat community, and that the slips can be located outside of the DPA.

**Additional Moorings:** The current level of moorings is seriously inadequate. Although moorings do not bring in much revenue themselves, they do much to promote the harbor as a stopping place for the large number of boaters along the Massachusetts and Rhode Island coast. Boaters have one of the highest spending rates of all travelers.

### **ATTRACTIONS**

The National Park Service will contribute to the visibility of the community and success of other attractions. A generalized impact of 10% to 20% over current visitation levels to other attractions has been conservatively assumed.

The following represent additional attractions or potentials within the harbor area. These attractions are more fully described in the Planning Memoranda.

- **Waterfront Picnic Area:** Development of an informal eating area on the waterfront with picnic areas and associated food service.
- **Ernestina Interpretive Space:** The Ernestina has substantial potential to expand its visitation with its planned interpretative center and other initiatives. Visitation could easily increase from 15,000 to 25,000 with receipts and jobs increased proportionately.
- **Nobska:** The S.S. Nobska is America's last tall-stacked coastal steamship and is currently being restored by The New England Steamship Foundation with operations planned from New Bedford harbor. Restoration is 30% complete and the boat is not yet in the harbor. Assuming the funding is found and the renovation completed, the Nobska will become a floating museum and operational island ferry on the New Bedford waterfront. Visitation should be comparable to the Ernestina's for the educational and museum draw, plus an additional 15,000 people using the Nobska as a relaxed way to ferry to the Islands. These numbers are very conservative due to the speculative nature of the project. They could be two or three times the level shown if successful.
- **Community Boating:** Community boating is more of a public service than a tourist attraction. It could, however, be used by seasonal residents and day-trip visitors as much as by local residents. The whaleboat races are also a public service operation, but one that could build pride and recognition for the harbor. The numbers of participants and the crowds watching them at Summerfest have increased each year. There are plans and funds available to build four more whaleboats for additional teaching and racing.
- **Whaling Museum:** The Whaling Museum has had a very successful few years. A 30% increase in visitation by year-end for 1998 over 1997 is expected, with 66,000 visitors. In addition, the Museum is in the midst of a capital improvement fundraising campaign, which has over half of the \$10,000,000 already raised. Recently, a federal grant was received for over \$100,000 to add to staff and educational programs. The gift store is expanding and relocating to a larger space downstairs in the building. With the new exhibit space and increased publicity from its own development as well as the NPS designation, it is projected that the Whaling Museum will increase its visitation by 25% in the next few years, and the gift shop by 50% in its new, larger location. [Note: This description contains information from February 1999.]

- **Expansion of Waterfront Festivals Program:** The waterfront festivals are another major attraction in the area. These special events, such as Summerfest, the wine and beer festival, and First Night, draw thousands to the harbor. Although the 100,000 that come for Summerfest are coming for only a day or two, it is another means of introducing people to the area so that they return for a longer visit. Special events are also a way of drawing people to the waterfront at other times of year, such as during the winter, when people would not generally consider going to the waterfront. We have assumed that with more events and increased popularity, the numbers will increase by 20% for Summerfest and 50% for other events.
  
- **Alert II:** The ferry, the Alert II, runs a successful but limited service between Cuttyhunk and New Bedford. The ferry's customers are 60% islanders, using the ferry strictly for practical purposes. Padanaram, Westport Point, and the Elizabeth Islands are inaccessible, except by private boat, and Cuttyhunk itself could be an important attraction if given more publicity. Approximately 30% of all travelers have the outdoors and ocean as their primary focus. These other islands would appeal to naturalists everywhere. We have assumed that the visitor count could increase five times its current level if additional boats were introduced, schedules increased, and the number of visitors per trip doubled.
  
- **Cruise Ships:** The Vera Cruz cruise line used to come into New Bedford but stopped in 1983. It brought 500 to 700 people to the waterfront each time it made a port-of-call. Another cruise line, the American Canadian Caribbean, with a passenger count of 100, came in the mid-1980s. It is unlikely that New Bedford/Fairhaven would become a major cruise destination with continual stops by several different lines. It is likely, however, that smaller North Atlantic cruise lines would include the harbor on their itineraries in alternate years to diversify their appeal to repeat customers. It is assumed that as the waterfront gets cleaned up and the number of attractions increases, the harbor will again attract at least one cruise ship each summer, and two stops of 300 people each have been used in our financial summaries. [Note: As part of the Cruise Ship Initiative, New Bedford and Fairhaven have been actively marketing the harbor as a full service port of call for niche and luxury class cruise ships. Since Summer of 2000, several cruise lines have made repeated port calls, bringing more than 2,600 visitors.]

- **Duck Tours:** Boston, Salem, and Gloucester, among others, offer a Duck Tour that reuses old World War II landing craft that can go on land and splash down directly into the water. They are a very popular attraction in these other waterfront locations and require only a public ramp and wide-enough streets. They would give both a land tour and harbor tour that would support both the Historic District and inner harbor. They last two hours and would be a nice addition to the more museum-based attractions on land. If packaged with a ferry ride or a chartered boat ride on a second day, New Bedford/Fairhaven would have a full weekend of activities to offer visitors and start seeing some of the spending, jobs, and foot traffic associated with the overnight tourist destinations.
  
- **Water Taxi:** Many of the people interviewed mentioned the need for a water taxi and launch service. Such a service would bring people from their boats on the Fairhaven side to the restaurants and attractions on the New Bedford side. It would also provide a water transportation connection for visitors and residents between New Bedford and Fairhaven. The two services could be run simultaneously and could also include in their schedules an inner harbor tour, for those using the service for recreation. A centrally located dock on each side of the harbor and careful scheduling would be needed to get this operation in service.
  
- **Walking Tours/Bike Path Expansion:** The walking tours and new bike path in Fairhaven that may ultimately link the New Bedford/Fairhaven waterfront to the Cape Cod Canal by bicycle are another source of increasing foot traffic in the downtown areas.

New Bedford/Fairhaven attractions bring in over \$3,000,000 a year in gross receipts and have the potential, in the short term, to bring in another \$3,500,000, for a total of \$6,500,000, by providing space, support, and funds to encourage some start-up operations.

## **RESTAURANTS**

**Waterfront/Historic District Restaurant Expansion:** New Bedford/Fairhaven harbor could readily support a much higher number of restaurants if a few changes were made. One 100-seat restaurant with a commanding view of the harbor, located on the waterfront, closed after less than a year in business. Another, the Twin Piers restaurant, has been closed for years. Efficient management and good food on the private side, personal safety in the evenings, and a flow of foot traffic across Route 18 for lunch business would turn both of those departures into successful operations. FXM has assumed that both sites would re-open, and has also assumed that a seasonal, tent-like restaurant located on State Pier or the equivalent could be supported and would be an attraction itself.

**Waterfront Food Market:** Assuming a water taxi is developed that links the marinas with the New Bedford waterfront, FXM suggests that a year-round fresh food market be created. A space such as the first level of the transit shed would provide the central location and waterfront convenience. It would be transient in structure and could easily be shifted to another location if a higher and better marine use were identified in the future. In the interim, it would satisfy both the practical needs of the boating community, providing provisions including fresh seafood to vessels, and would bring locals and visitors to the harbor on an on-going basis.

## **HOTEL**

**Hotel Potential:** There is only one hotel in the harbor planning area, the Seaport Inn, located in Fairhaven outside the DPA. The Seaport Inn is a full-service hotel with 152 rooms at an average room rate of \$70 a night, which appears to be the market rate for all hotel types in the immediate area. Its occupancy, however, was only 60% to 65% in the past year or two (based on 1998 data), although the hotel is now under new ownership. With development of the Aquarium, a new hotel facility will be needed in New Bedford to meet expanded demand and will also contribute to extending visitors' stays in the area. Additional opportunities that are currently being evaluated include development of a business hotel/conference center facility in the New Bedford central waterfront, outside the DPA.

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## **Other Business (Non-recreational and Non-seafood)**

**D. N. Kelley & Son and Fairhaven Shipyard** are of great significance to the waterfront economy, representing over \$8,000,000 in gross receipts and almost 100 full-time jobs. These businesses have a reputation throughout the East Coast for quality repair on all types of boats. They have work booked far into the future and are only restricted by space and manpower. Skilled boat mechanics and finish boat builders are in strong demand, and if training were available, more jobs would be available to the local workforce. Encouraging these businesses to stay, and providing them with the skilled labor they need, should be a priority for the harbor's future. The strength of the marinas' reputations also trickles down to pleasure boaters of all kinds and helps to market the area as a whole.

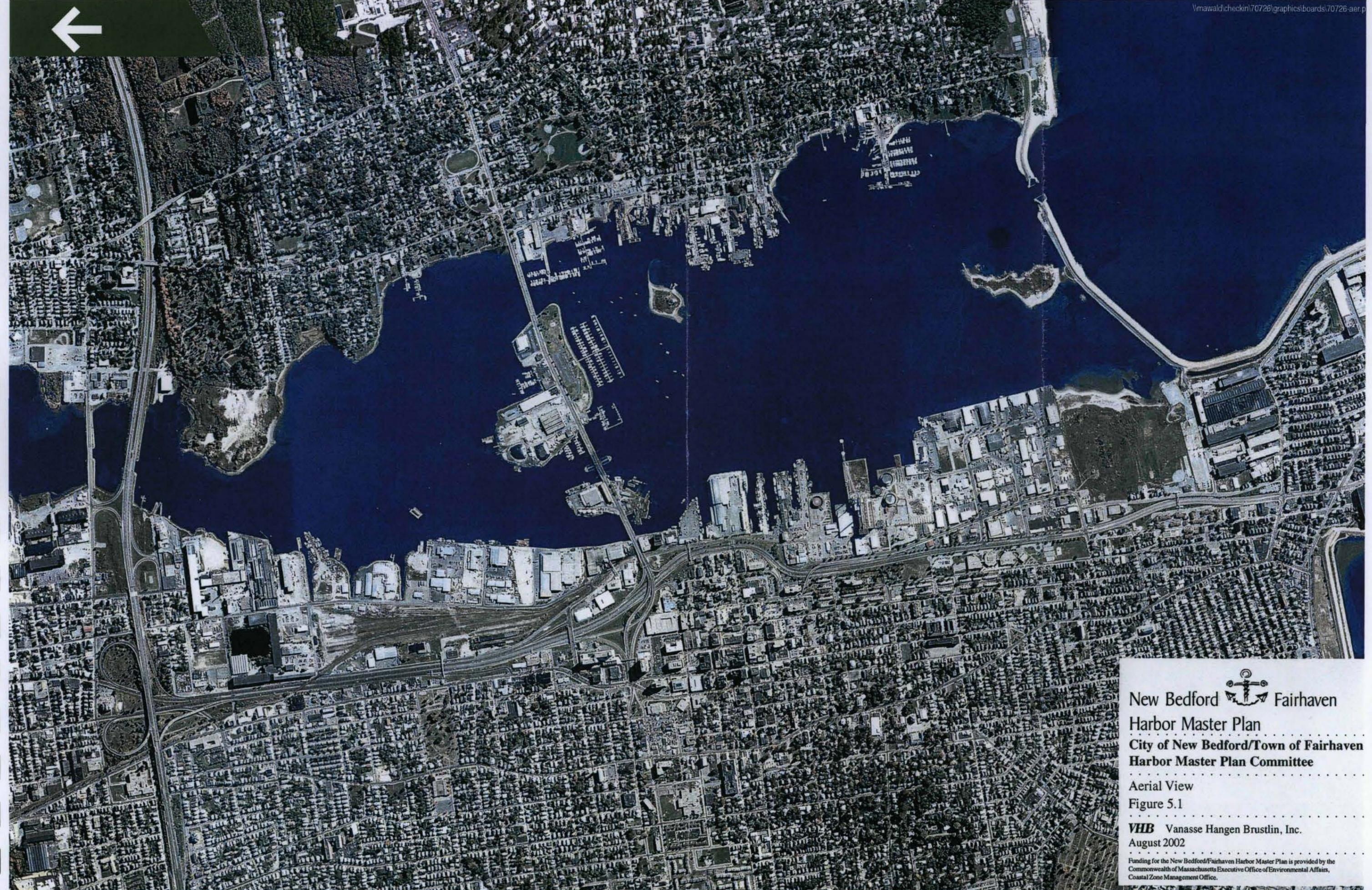
**The Standard Times** circulation has increased in recent years and, as evidenced by their relatively new \$5 million facility just off Route 18, they are choosing to stay in downtown New Bedford and expect to remain for the foreseeable future. The YMCA is another major business just off the waterfront that has expanded with no plans to relocate. Both of these businesses employ a significant number of local people and are a strong asset to the community. Both are assumed to continue to grow at a 10% to 15% level.

**Maritime International, Inc.** has decreased its operation in the past year or two due to the increased efficiency of more southern ports. To maintain its current level of business, Maritime would need deeper waters to allow container shipping and would need roll on-roll off capacity, both of which could be piggy-backed with the freight service operation with the Steamship Authority.

## Current Conditions

An extensive mapping exercise was undertaken to document conditions within the Harbor Planning area. These maps include the following information:

- Figure 5.1 Aerial View
- Figure 5.2 New Bedford/Fairhaven Land Use
- Figure 5.3 Harbor Use and Berthing
- Figure 5.4 Cultural and Recreational Assets
- Figure 5.5 Natural Resources
- Figure 5.6 Harbor Bathymetry
- Figure 5.7 Harbor Access
- Figure 5.8 Dredging Projects
- Figure 5.9 Zoning (including Historic Districts)
- Figure 5.10 Designated Port Area/Chapter 91/Working Waterfront Overlay District



New Bedford  Fairhaven  
Harbor Master Plan  
City of New Bedford/Town of Fairhaven  
Harbor Master Plan Committee  
Aerial View  
Figure 5.1  
VHB Vanasse Hangen Brustlin, Inc.  
August 2002  
Funding for the New Bedford/Fairhaven Harbor Master Plan is provided by the  
Commonwealth of Massachusetts Executive Office of Environmental Affairs,  
Coastal Zone Management Office.



- Commercial
- High Density Residential
- Medium Density Residential
- Low Density Residential
- Industrial
- Parks, Open Space & Agricultural
- Study Area Boundary

Source: Mass GIS/City of New Bedford

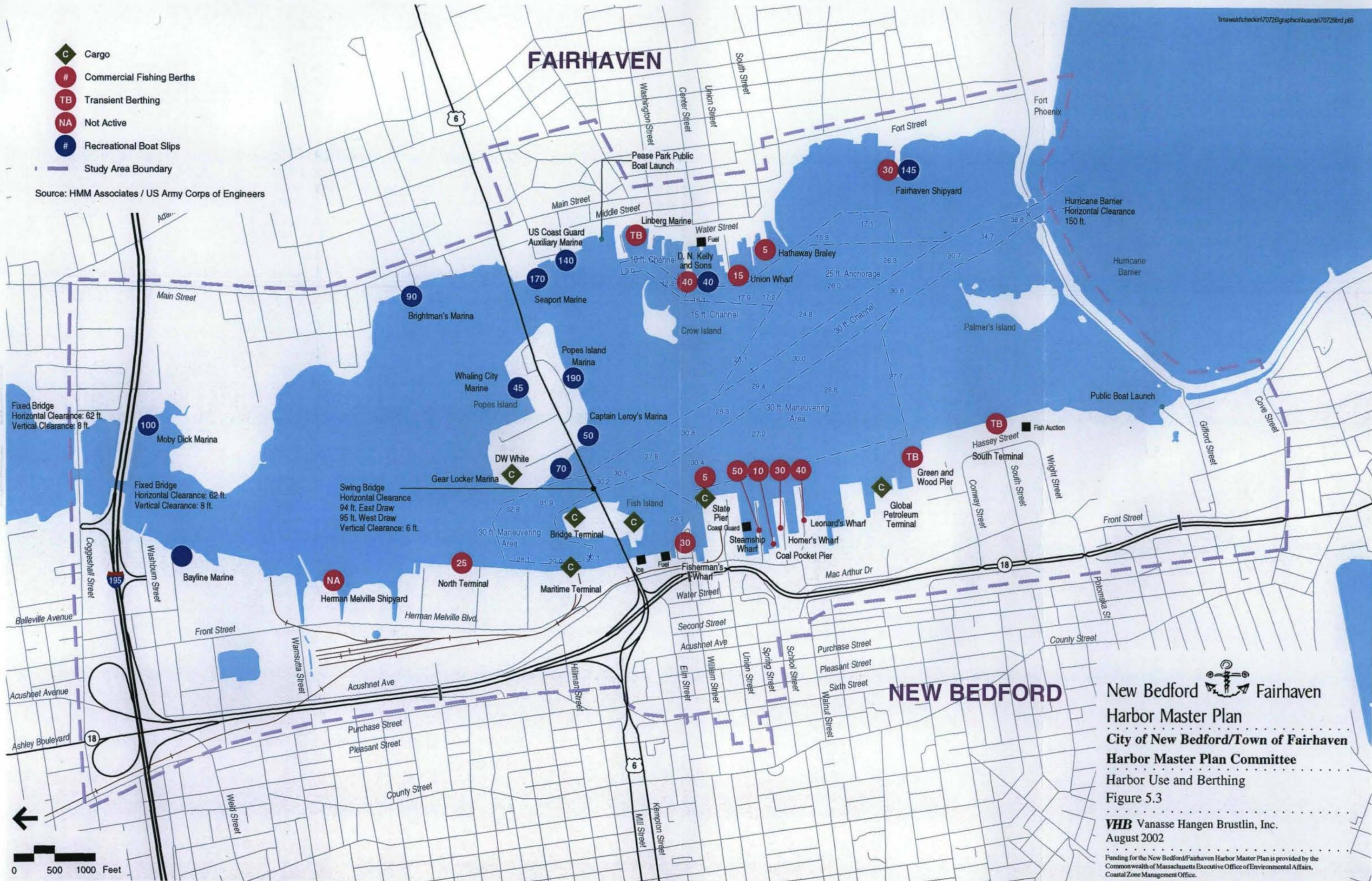
New Bedford } Fairhaven  
**Harbor Master Plan**  
 City of New Bedford/Town of Fairhaven  
 Harbor Master Plan Committee  
 New Bedford / Fairhaven Land Use  
 Figure 5.2

**VHB** Vanasse Hangen Brustlin, Inc.  
 August 2002

Funding for the New Bedford/Fairhaven Harbor Master Plan is provided by the Commonwealth of Massachusetts Executive Office of Environmental Affairs, Coastal Zone Management Division.

- ◆ Cargo
- # Commercial Fishing Berths
- TB Transient Berthing
- NA Not Active
- # Recreational Boat Slips
- Study Area Boundary

Source: HMM Associates / US Army Corps of Engineers



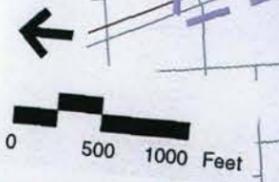
New Bedford Fairhaven  
 Harbor Master Plan  
 City of New Bedford/Town of Fairhaven  
 Harbor Master Plan Committee  
 Harbor Use and Berthing  
 Figure 5.3

VHB Vanasse Hangen Brustlin, Inc.  
 August 2002

Funding for the New Bedford/Fairhaven Harbor Master Plan is provided by the Commonwealth of Massachusetts Executive Office of Environmental Affairs, Coastal Zone Management Office.

-  Cultural Facility
-  Recreational Facility
-  National Park
-  Historic Districts
-  Study Area Boundary

Source: HMM Associates / City of New Bedford



New Bedford  Fairhaven  
 Harbor Master Plan  
 City of New Bedford/Town of Fairhaven  
 Harbor Master Plan Committee  
 Cultural and Recreational Assets  
 Figure 5.4

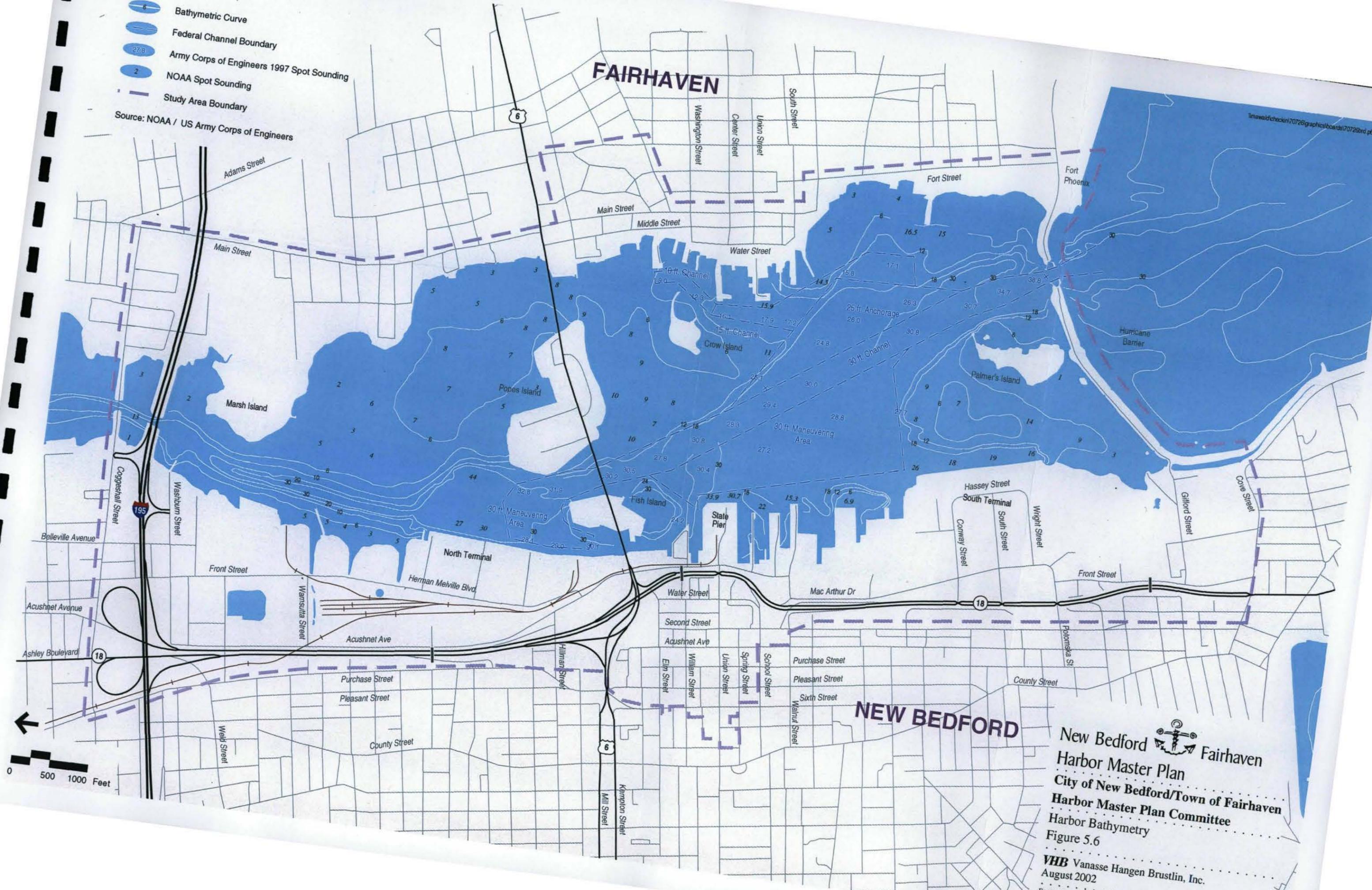
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Funding for the New Bedford/Fairhaven



-  Bathymetric Curve
-  Federal Channel Boundary
-  Army Corps of Engineers 1997 Spot Sounding
-  NOAA Spot Sounding
-  Study Area Boundary

Source: NOAA / US Army Corps of Engineers

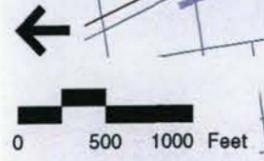


New Bedford  Fairhaven  
 Harbor Master Plan  
 City of New Bedford/Town of Fairhaven  
 Harbor Master Plan Committee  
 Harbor Bathymetry  
 Figure 5.6  
 VHB Vanasse Hangen Brustlin, Inc.  
 August 2002

-  Major Harbor Access Routes
-  Average Daily Traffic (ADT) Count
-  Signalled Intersection
-  Study Area

Note: All ADT data is from 1995, except where indicated by asterisk (\*).

Source: Massachusetts Highway Department



**New Bedford Fairhaven Harbor Master Plan**  
 City of New Bedford/Town of Fairhaven  
 Harbor Master Plan Committee  
 Harbor Access  
 Figure 5.7

**VHB** Vanasse Hangen Brustlin, Inc.  
 August 2002

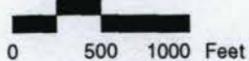
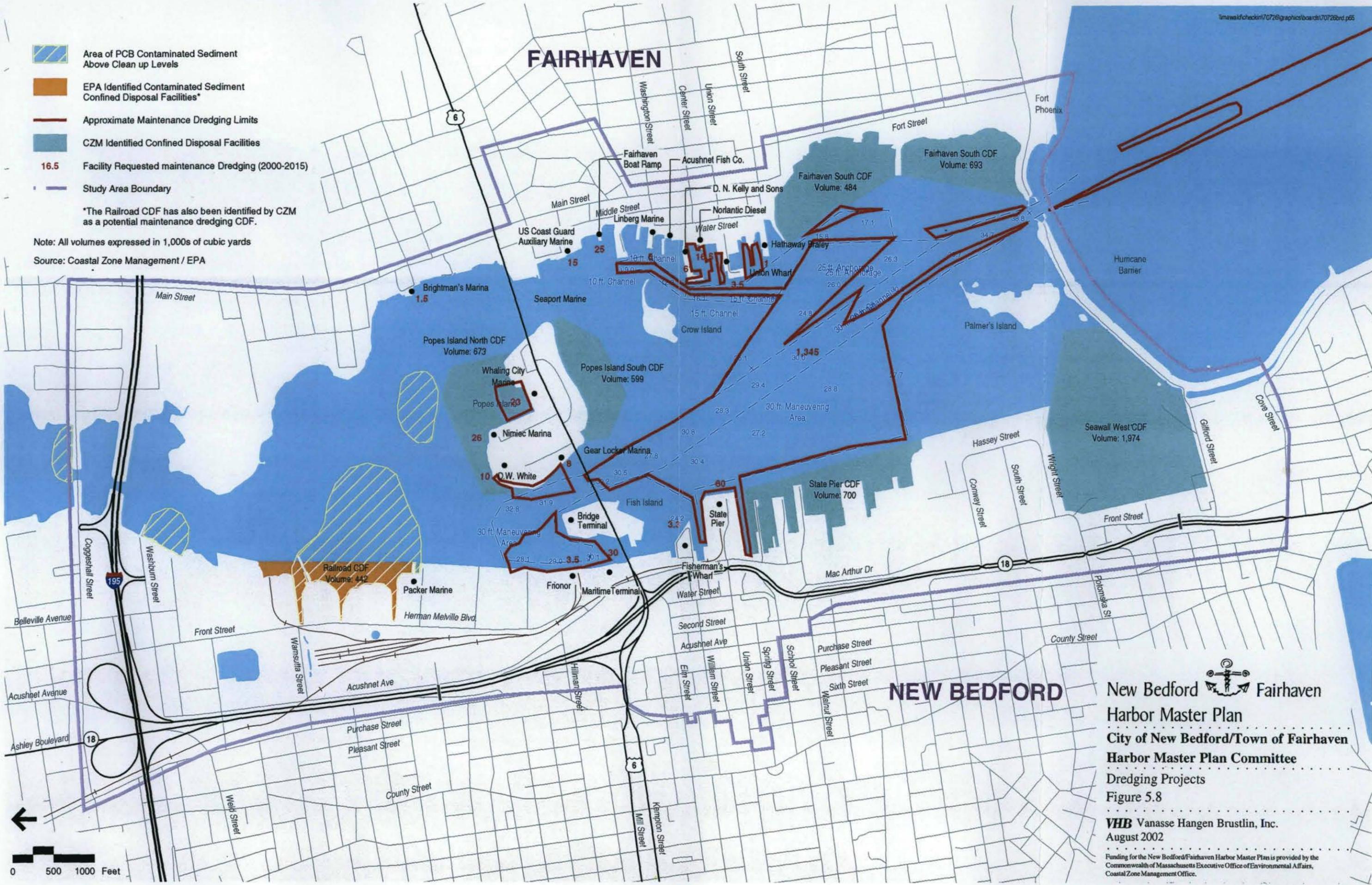
Funding for the New Bedford/Fairhaven Harbor Master Plan is provided by the Commonwealth of Massachusetts Executive Office of Environmental Affairs, Coastal Zone Management Office.

# FAIRHAVEN

-  Area of PCB Contaminated Sediment Above Clean up Levels
-  EPA Identified Contaminated Sediment Confined Disposal Facilities\*
-  Approximate Maintenance Dredging Limits
-  CZM Identified Confined Disposal Facilities
-  16.5 Facility Requested maintenance Dredging (2000-2015)
-  Study Area Boundary

\*The Railroad CDF has also been identified by CZM as a potential maintenance dredging CDF.

Note: All volumes expressed in 1,000s of cubic yards  
Source: Coastal Zone Management / EPA

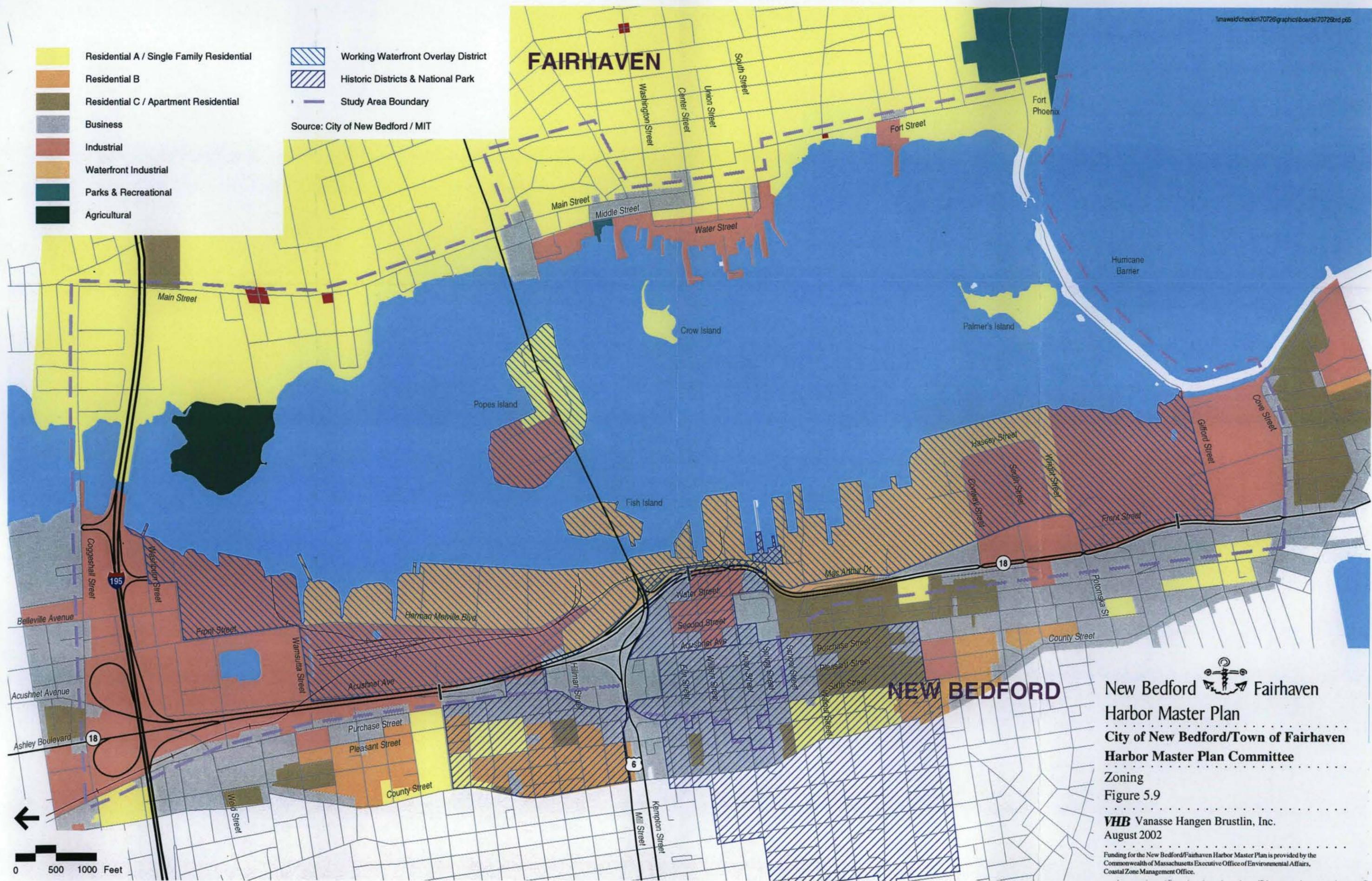


# NEW BEDFORD

New Bedford  Fairhaven  
 Harbor Master Plan  
 City of New Bedford/Town of Fairhaven  
 Harbor Master Plan Committee  
 Dredging Projects  
 Figure 5.8

VHB Vanasse Hangen Brustlin, Inc.  
 August 2002

Funding for the New Bedford/Fairhaven Harbor Master Plan is provided by the Commonwealth of Massachusetts Executive Office of Environmental Affairs, Coastal Zone Management Office.



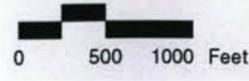
- Residential A / Single Family Residential
- Residential B
- Residential C / Apartment Residential
- Business
- Industrial
- Waterfront Industrial
- Parks & Recreational
- Agricultural

- Working Waterfront Overlay District
- Historic Districts & National Park
- Study Area Boundary

Source: City of New Bedford / MIT

# FAIRHAVEN

# NEW BEDFORD

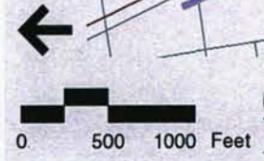
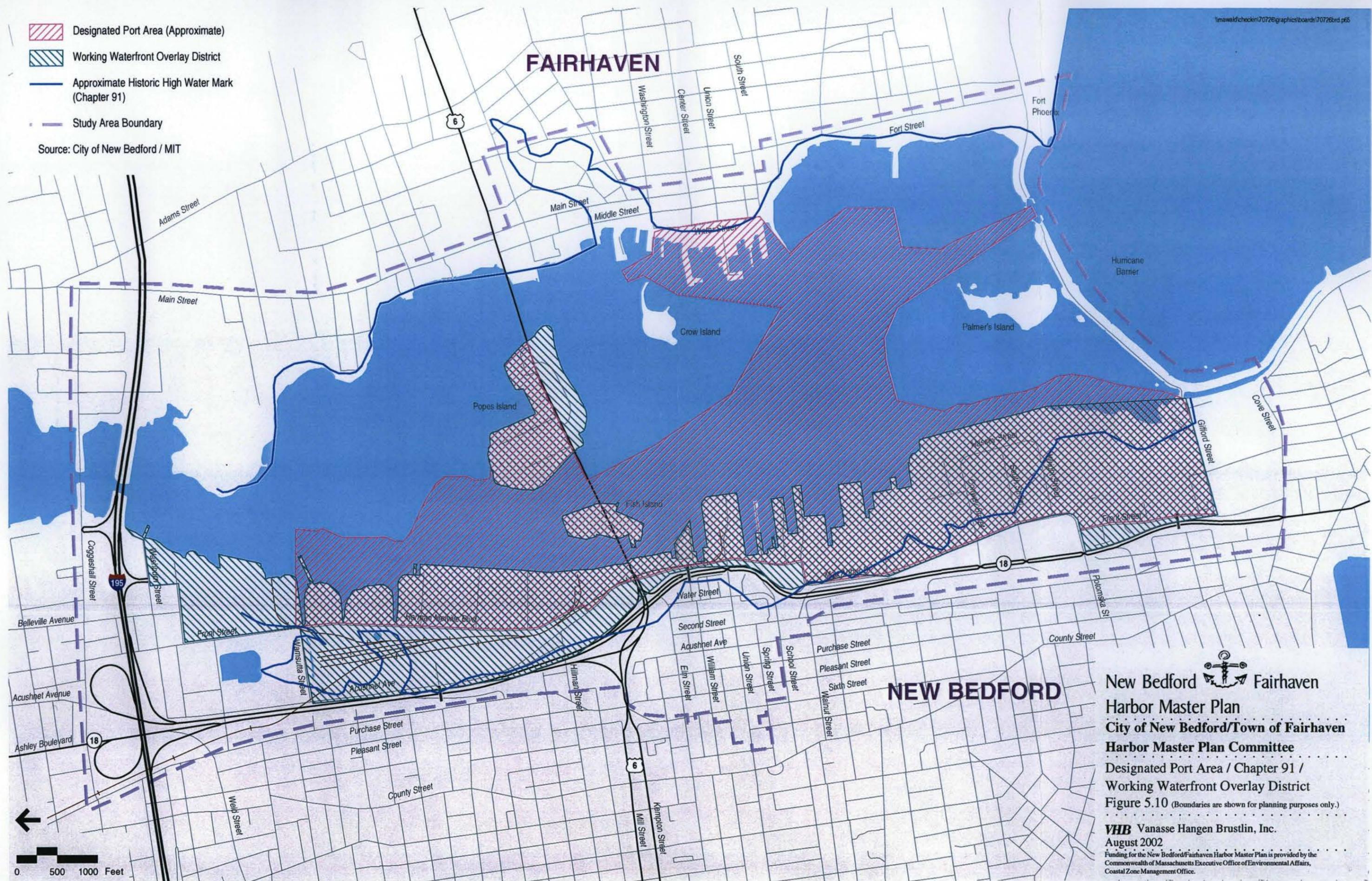


New Bedford Fairhaven  
 Harbor Master Plan  
 City of New Bedford/Town of Fairhaven  
 Harbor Master Plan Committee  
 Zoning  
 Figure 5.9  
 VHB Vanasse Hangen Brustlin, Inc.  
 August 2002

Funding for the New Bedford/Fairhaven Harbor Master Plan is provided by the Commonwealth of Massachusetts Executive Office of Environmental Affairs, Coastal Zone Management Office.

-  Designated Port Area (Approximate)
-  Working Waterfront Overlay District
-  Approximate Historic High Water Mark (Chapter 91)
-  Study Area Boundary

Source: City of New Bedford / MIT



**New Bedford Fairhaven**  
**Harbor Master Plan**  
**City of New Bedford/Town of Fairhaven**  
**Harbor Master Plan Committee**  
 Designated Port Area / Chapter 91 /  
 Working Waterfront Overlay District  
**Figure 5.10** (Boundaries are shown for planning purposes only.)  
**VHB** Vanasse Hangen Brustlin, Inc.  
 August 2002  
 Funding for the New Bedford/Fairhaven Harbor Master Plan is provided by the  
 Commonwealth of Massachusetts Executive Office of Environmental Affairs,  
 Coastal Zone Management Office.

# Plan Description

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## Introduction

The Harbor Plan is the result of over a year of discussions involving the Harbor Master Plan Committee, elected officials, agency representatives, harbor users, residents of both communities, and the consultant team. This Harbor Plan establishes a framework for advancing public and private sector initiatives within the harbor area that respond to community goals, and near and longer-term market potentials identified through the Economic Analysis. This section of the Harbor Plan describes the overall vision for the harbor, projects that are needed to implement this vision, and additional planning efforts that need to be undertaken. The following section, Chapter 7—Implementation, identifies the port management structure needed to successfully implement the plan and outlines a strategy for funding plan elements, including public costs and potential funding sources associated with each. New Bedford Harbor is not rich in land resources. The Harbor Plan process has focused on achieving consensus among diverse harbor constituencies on the use of this scarce land resource and improvements to its supporting infrastructure. Over the next five years, under initiatives anticipated under this Harbor Plan, land south of the Route 6 New Bedford-Fairhaven Bridge will approach full development. As design and development activities move forward south of the bridge in the next five years, concentrated planning efforts will need to be directed to lands north of the bridge. The harbor's ability to grow and develop is directly linked to capturing the potential of the North Harbor area—the “new frontier” of harbor development in the 21st century. Realizing the full potential of the North Harbor area will require relocation of the New Bedford-Fairhaven Bridge, dredging of the federal channel, and making creative use of the new North Harbor lands that will be created with harbor cleanup dredge materials and potential additional lands to be created through harbor maintenance dredging. The restoration of passenger and freight rail service to the North Harbor that is now underway creates the landside conditions essential for successful development of expanded port terminal facilities in this area.

In the near term, the Harbor Plan directs substantial investments towards addressing the needs of the fishing industry, allocates land for expansion of the seafood industry, establishes a new freight terminal at State Pier, enhances the waterfront as an attractive public space linked by water transportation, and provides for the expansion of open space and recreational boating. These important initiatives will be complemented by major projects, including the development of a new Intermodal Transportation Center, redevelopment of Route 18, and development of the New Bedford Aquarium.

The Plan also identifies additional studies and analyses that will need to be undertaken to advance specific projects or initiatives. Several of these analyses will need to focus on the economic potential of the North Harbor as well as an extensive analysis of the potential of the harbor's waterways to sustain substantial expansions of vessel activity.

As described in the Executive Summary, the overarching diagram for the Harbor Plan is described in Figure 1.1 – Harborwide Concept Plan, contained in Chapter 1 of this document. It should be noted that while Figure 1.1 itself is not intended to be prescriptive for purposes of any state or local permitting within the harbor planning area, various elements of the Harbor Plan text contained in this chapter do contain provisions that generally will be enforceable as a matter of state licensing under M.G.L. Chapter 91 and/or municipal regulations. In addition to this chapter, both Chapter 7 and the Supporting DPA Use Eligibility Credit Program contained in Appendix A of this document provide specific guidance to regulators.

The Harbor Plan is guided by four over-riding principles that translate into support for specific projects and initiatives:

**Develop Traditional Harbor Industries** – preserve and develop the harbor's traditional strengths in fishing, the seafood industry, and related port industries.

- Subdivide land and redevelop Standard Times Field for industrial, marine industrial and accessory uses thereto, including temporary parking.
- Revitalize State Pier as a multi-use water transportation terminal with development of a Roll on/Roll off (Quick Start) Freight Ferry Terminal in 1999, and a renewal of break bulk cargo activities. Repair State Pier's north wharf.
- Undertake pier and wharf repair in New Bedford and Fairhaven.
- Extend Leonard's Wharf and Homer's Wharf to expand fishing vessel berthing space.
- Continue ongoing efforts to implement improvements in the operation of the Electronic Fish Auction, including establishing effective public oversight.

**Capture New Opportunities in Tourism, Cultural Activities, and**

**Recreational Use** – advance development of waterfront projects and sites to attract visitors to the communities and strengthen physical and economic links between these sites and the downtowns of New Bedford and Fairhaven; provide enhanced connections between existing sites and attractions.

- Establish a harbor promenade along a portion of the central New Bedford waterfront with orientation to the harbor and strong visual and pedestrian links to downtown. The promenade will be a space linking a series of cultural and visitor attractions along the landside edge of the fishing piers and the State Pier and will enable visitors to view the activities of the working waterfront at a distance without interfering with activities on the piers themselves.
- Establish the southwest corner of the State Pier as a publicly accessible waterfront destination space with berthing space for commercial charter fishing and excursion vessels, interpretive facilities associated with the Schooner Ernestina and the National Park combined with other visitor facilities including an open air market incorporated within temporary structures.
- Increase use of the State Pier for waterfront festivals and special events, making use of existing buildings when not in use for storage and related uses.
- Advance development of the New Bedford Aquarium on the former Commonwealth Gas and Electric site, including mixed-use commercial development program, and port-related facilities.
- Establish cross-harbor water taxi/launch service linking New Bedford and Fairhaven and major marinas.
- Expand the number of recreational vessel slips, where possible, to meet market demand.
- Establish recreational mooring fields within the harbor.

**Rebuild Harbor Infrastructure** – implement a major program of infrastructure enhancement on land and in the water that is essential to the success of both port-related development and tourism.

- Relocate the Route 6 harbor crossing to the north to expand harbor capacity and remove the most significant barrier to port development in North Terminal.
- Dredge federal channels, anchorages, turning basins, and maneuvering areas to authorized depths; reuse dredge materials unsuitable for open ocean disposal through development of new harbor land and bulkheads within the inner harbor.
- Redesign and redevelop Route 18 to enhance connections to the waterfront and improve connections from the waterfront to downtown.

- Reclaim land around the existing Route 6/Route 18 interchange to support downtown expansion.
- Develop a New Bedford Intermodal Transportation Center and Parking Facility in the North Terminal.
- Establish a New Harbor Terminal with freight rail access to the bulkhead on land created from harbor cleanup dredge materials.
- Establish a freight haul road from I-195 to the Hicks Logan Urban Industrial Park area.

**Enhance the Harbor Environment** – improve public access and enjoyment of the waterfront.

- Complete harbor cleanup dredging.
- Initiate harbor restoration efforts.
- Implement Combined Sewer Overflow improvements to improve harbor water quality.
- Improve access and amenities at Palmer's Island open space.
- Acquire Marsh Island for community open space.
- Enhance Fairhaven streets serving as waterfront and downtown gateways.
- Establish a coherent network of harborwide open spaces with strong pedestrian and bicycle links established through individual projects.

The Harbor Plan provides direction on the phasing of harbor improvements and initiatives described here. Harbor projects and initiatives are scheduled for implementation within a **Five-Year Plan** (1999-2004) (Tables 7.1, 7.2, 7.3) or a **Ten-Year Plan** (2005-2010) (Table 7.4). Projects scheduled for implementation in the Five-Year and Ten-Year Plans are listed in chart form in Chapter 7 – Implementation. This chart provides a comprehensive summary of potential public costs, current status, proposed project timing, and related issues.

The Harbor Plan includes six geographic sub-areas, each with its own unique characteristics and issues. Plans for each of these sub-areas are described separately in this document and specific planning goals and projects for each area are discussed in more detail, including illustrative plans of the Central Waterfront areas in New Bedford and Fairhaven. Several proposed projects and initiatives have harborwide significance and these projects are described first to provide a context for the discussion of individual sub-areas.

---

## Harborwide Initiatives

The following initiatives have significant implications for several harbor sub-areas or industries:

- New Bedford-Fairhaven Bridge Relocation (Route 6)
- Route 18 Redevelopment
- Harbor Dredging/Dredge Material Disposal/Harbor Cleanup
- Harbor Water Transportation
- Harbor Open Space Network
- Supporting DPA Use Eligibility Credit Program
- Harbor Carrying Capacity Operations Assessment
- New Bedford Fish Auction Enhancement
- Harbor Boating Programs
- Freight Operations

---

### New Bedford-Fairhaven Bridge Relocation (Route 6)

The Harbor Plan proposes the relocation of the Route 6/New Bedford-Fairhaven Bridge further north within the harbor to relieve a major obstacle to port development, to expand harbor capacity, and to improve Route 6 cross-harbor roadway connections. This initiative has received the strongest level of support within the harbor community and is a cornerstone of this Harbor Plan.

As currently configured, the bridge limits the viability and marketability of substantial areas of waterfront land within the Designated Port Area and many of the harbor's deep-water berths. The Harbor Plan provides a framework for advancement of this project and identifies some choices that will need to be made and the issues that will need to be resolved as this concept is developed. The Plan outlines some design, planning, and environmental considerations that will need to be addressed. However, a detailed assessment of these issues is urgently needed and will require substantial analysis that is beyond the scope of the Harbor Plan. Issues that must be resolved through this analysis include the following:

- Roadway Alignment and Approaches
- Connections to Route 18 and I-195
- Bridge Design Options
- Desirable Water Clearances
- Compatibility with Harbor Cleanup Plan/Dredging/Design of CDF D<sup>1</sup>
- Relationship to Harbor Dredging – including potential land creation on Pope's Island

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<sup>1</sup> Recently, EPA decided to revise its preferred disposal method for the harbor cleanup. CDF D will no longer be used for Superfund disposal. The City of New Bedford plans to construct a CDF with a smaller footprint to dispose of normal dredged material.

- Harbor Environmental Impacts
- Harbor Economic Impacts
- Land Use Impacts/Benefits
- Phasing
- Cost/Funding

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## Route 18 Redevelopment

The Plan supports the redevelopment and redesign of Route 18 in order to provide enhanced access to waterfront businesses, improved pedestrian connections between downtown New Bedford and the Central Waterfront, and an expanded network of pedestrian and bicycle connections between existing and potential future components of a harborwide open space network. In addition, the redesign of Route 18 has the potential to result in the creation of additional developable land at the edge of downtown and along the waterfront. Route 18 currently provides poor access to portions of the harbor and has separated downtown New Bedford from the waterfront. The City of New Bedford was successful in 1998 in securing \$15 million in combined federal and state funding for implementation of the Route 18 project. Project design was started in 1999 with substantial public input. Key harbor related issues that will need to be addressed include:

- Access to Hicks Logan Area
- Connection to future Route 6 New Bedford-Fairhaven Bridge
- Access to future Intermodal Transportation Center
- Access to North Terminal
- Redesign of Route 6 ramps – with the potential to create additional developable land on the northern edge of the downtown area
- Enhanced integration of the waterfront and downtown area
- Access to New Bedford Aquarium
- Access to South Terminal
- Access to South End

---

## Harbor Dredging/Dredge Material Disposal/Harbor Cleanup

The Plan supports dredging within the harbor to restore federal channels to authorized depths, to undertake additional dredging outside of the federal areas to meet the needs of state, municipal, and private sector facilities, and to advance harbor cleanup efforts. Two types of dredging projects are currently being advanced within the harbor and continued coordination and cooperation between the entities advancing these projects is imperative:

- *Maintenance/Improvement Dredging* involving initiatives that will enhance port operations and harbor capacity. These projects involve federal, state, municipal, and private sector proponents.

- *Cleanup Dredging* involving removal of contaminated harbor sediments is being advanced under the auspices of the Environmental Protection Agency and is now moving into the implementation stage.

*Maintenance/Improvement Dredging – Quantities*

The dredge volume associated with dredging the federal channels to authorized depths and implementing previously identified state and private projects has been estimated by CZM as up to 2,000,000 cubic yards, most of which is comprised of polluted aquatic sediments. The following dredging needs in cubic yards have been identified and are supported by the Plan:

Location	Cubic yards
Fisherman's Wharf	3,333
Maritime Terminal Wharf	30,000
Frionor	3,500
Fish Terminal	10,000
Gear Locker Marina	8,000 (plus 8,000 improvement dredging)
Union Wharf	3,524
Norlantic Diesel	16,500
Hathaway Braley Wharf	1,000
State Pier to Federal Channel	60,000
Central Waterfront Public Piers	35,000 (maintenance and improvement dredging)
Fairhaven Boat Ramp	25,000
Federal Channel	1,345,000
Packer Marine	1,000 (plus 1,500 improvement dredging)
Linberg Marine Berth	5,000 (plus 2,000 improvement dredging)
D. N. Kelley	61,000
U.S. Coast Guard	15,407
Acushnet Fish Company Pier	11,000
Niemiec Marine	26,000
Whaling City Marine	23,000
D. W. White Construction	10,000

These estimates do not include any allowance for improvement dredging within the North Terminal associated with potential development of a new Port Terminal (associated with EPA CDF D) that could amount to an additional 400-500,000 cubic yards or more, depending on facility design and operational needs. As stated in the economic assessment of waterborne cargo opportunities, the North Terminal is the area of the harbor where the land exists to develop potentially competitive facilities. Additional economic assessment is now needed to evaluate potential future markets and associated facility and dredging needs.

*Maintenance/Improvement Dredge Material Disposal*

The Plan recommends that polluted aquatic sediments removed from the harbor in connection with dredging be used to create new land on the north side of Pope's Island, the Pope's Island North CDF (Confined Disposal Facility) being evaluated by CZM in the Dredge Material Management Plan. The Plan further recommends that this CDF, as defined by CZM, be expanded in area, as shown on the Harbor Illustrative Plan, to enable it to expand port development opportunities and accommodate a more substantial level of dredge materials. This approach to disposal of contaminated dredge materials allows the communities to dispose of polluted aquatic sediments close to their source and will allow the creation of additional land adjacent to the deepest water in the harbor. The Pope's Island North CDF represents the only CDF location within the harbor area that is acceptable to the communities.

*Maintenance/Improvement Dredging Priorities*

In the immediate term, efforts will be focused on facilitating the dredging of driveways and berthing areas associated with public and private projects. Also in the immediate term, dredging will be advanced in the 10-foot and 15-foot Federal Channels within Fairhaven, where the Army Corps of Engineers has acknowledged that existing vessel traffic provides a clear economic justification for dredging (dredge quantities are also very low). Additional analysis is needed to provide the justification necessary to support comprehensive maintenance dredging in the harbor's deeper 30-foot and 25-foot channels and anchorage areas. There is clear documentation that the current channel depths are compromising business practices for shipping companies within New Bedford, including Maritime Terminal and Global Petroleum. However, comprehensive documentation of potential future deep-draft cargo operations that could be attracted to New Bedford assuming dredging was conducted will need to be undertaken to provide economic justification for public dredging costs that could exceed \$80 million.

*Cleanup Dredging--Quantities*

Harbor cleanup dredging is being advanced by EPA. Much of this dredging is concentrated north of the Coggeshall Street Bridge outside of the harbor planning area, with additional areas located between the Route 6 Bridge and the I-195 Bridge.

*Cleanup Dredge Material Disposal*

Approximately 442,000 cubic yards associated with this project will be accommodated in CDF D in the North Terminal area, resulting in the creation of approximately 30 acres of new harbor lands that will be dedicated entirely for maritime industry and port development. Additional CDFs will be created outside of the harbor planning area, north of the Coggeshall Street Bridge, and will be used for community recreation and public open space.

*Cleanup Dredging – CDF D Design<sup>2</sup>*

Design of CDF D will be advanced in 2000 and will incorporate a bulkhead design along the harbor edge. Critical issues that will need to be considered in the design of this CDF include the following:

- Provide sufficient flexibility in the design of the cap to CDF D and in the bulkhead design to facilitate subsequent development of buildings and other port facilities including cargo handling equipment. In particular, the loading capacity of CDF D has to support rail operations, trucking, cranes, off loading and storage of containers and development of appropriate storage buildings and other support structures. In an effort to mitigate additional costs associated with the construction of CDF D to provide future use flexibility, areas shall be designated where specified future activities may take place in a manner that is consistent with development of a viable freight terminal. This project shall be a public service project as defined in 310 CMR 9.02 and the HDC shall have management control of the site and shall negotiate agreements for multiple uses of the site on a non-exclusive basis.
- Ensure that bulkhead design is consistent with the needs of a port terminal facility with effective water depths of 30 feet at the bulkhead, consistent with the depths of the harbor's federal channels.
- Ensure that CDF D design does not preclude, or makes provision for, future development of bridge approaches associated with a relocated Route 6 Bridge on or adjacent to CDF D.

<sup>2</sup> Recently, EPA decided to revise its preferred disposal method for the harbor cleanup. CDF D will no longer be used for Superfund disposal. The City of New Bedford plans to construct a CDF with a smaller footprint to dispose of normal dredged material.

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## Harbor Water Transportation

The Harbor Plan supports the development of a harborwide water transportation network connecting New Bedford and Fairhaven and their downtowns, as well as promoting tourism and access to recreational sites, and establishing a harbor experience for visitors to the communities. There are currently no suitable centrally located public docking facilities on the New Bedford or Fairhaven side of the harbor. In order to establish such a service, docking facilities will need to be created in central locations in both New Bedford and Fairhaven. The following are the recommended locations for establishing these public facilities in New Bedford and Fairhaven:

- New Bedford Central Waterfront – water taxi floating dock between State Pier and Fisherman’s Wharf adjacent to the Alert II’s berthing space and the Waterfront Visitor Center
- Fairhaven Central Waterfront – water taxi floating dock added to the Pease Park Boat Ramp in Fairhaven

Service would link these locations with major marina facilities. Over time, such a service could be expanded to include other public open spaces, such as Palmer’s Island and Marsh Island, and harbor attractions, such as the Aquarium, important open spaces, and public amenities. This water transportation system also has the potential to provide a water link in the harbor’s open space network, linking bike paths and pedestrian trails on either side of the harbor. The potential Water Transportation Network is shown on the Harborwide Concept Plan.

A detailed market assessment and feasibility study of this concept will need to be undertaken to determine the level of market support for this concept under a range of assumptions regarding routes and level of service. This study will provide the communities and the HDC with an assessment of the feasibility and cost implications of alternative harbor transportation options, including service provider options, funding issues, and funding sources.

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## Harbor Open Space Network

The Plan establishes a framework for a harborwide open space network providing a variety of open space experiences. Each of these open spaces must serve the needs of adjacent areas and neighborhoods, but when seen together should provide a cohesive experience of the widely different aspects of the activities around the harbor. These include the working waterfront, the historic downtowns, views of the harbor and the bay, the recreational waterfront, the harbor’s natural environment, and its manmade features and landmarks, including the Hurricane Barrier, Fort Phoenix, and Palmer’s Island Light.

The Plan identifies specific enhancements to elements of the harbor's existing open spaces and harbor access points, but also proposes open space expansion through public land acquisition and incorporation of public water access in future waterfront development projects. Perhaps most significantly, the Harbor Plan proposes incorporation of pedestrian and bike networks in major infrastructure projects such as Route 18 redevelopment. These links between existing open spaces will provide the communities and visitors with an attractive way of exploring the waterfront and experiencing the harbor's present and its history. The proposed Open Space Network is shown on the Harborwide Concept Plan (Figure 1.1). Implementation of this open space network will occur incrementally over several years, but establishing a blueprint now will ensure that each individual project ultimately contributes to a whole that is more than the sum of the parts.

The primary elements and connections of this open space network on land are listed below. Several of these areas are discussed separately in the discussions of Harbor Sub-areas. Secondary public access opportunities exist throughout the harbor area, including opportunities on industrial parcels and areas, and can be implemented strategically through individual projects.

The following are the primary elements of the open space network:

- Fort Phoenix Reservation – beach/historic site (DEM)
- Fort Street Corridor – pedestrian/bike path
- Middle Street Corridor – bike path
- Pease Park Boat Ramp – water taxi dock/harbor excursion dock
- Pope's Island Marina/Park – open space/dock
- Main Street Corridor – pedestrian/bike path
- Marsh Island Park – dock
- Coggeshall Street Corridor – pedestrian/bike path
- Hicks Logan Waterfront – pedestrian/bike path
- Intermodal Transportation Center – waterfront trolley
- Route 18 – pedestrian/bike path
- Fish Island – harbor views
- Downtown Waterfront/Harbor Promenade/Viewing Areas/ – water taxi/harbor excursion dock
- Aquarium Waterfront – harbor walk/water taxi/harbor excursion dock
- Gifford Street Boat Ramp – boat ramp/dock
- Hurricane Barrier – pedestrian walk/bike path
- Palmer's Island Park – dock

Funding has been allocated by the New Bedford Harbor Trustees Council to undertake a Harbor Open Space Plan. This study was initiated in 1999 within the framework established by the Plan.

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## Supporting DPA Use Eligibility Credit Program

The Harbor Plan provides the communities with the option of amending certain standards within the Chapter 91 regulations to respond to considerations identified through the planning process. This Harbor Plan establishes allowable maximum limits for Supporting DPA Uses on tidelands within DPAs. New Bedford and Fairhaven have approached this subject differently. In New Bedford, only Commercial Supporting DPA Uses are allowed within certain areas of the DPA, whereas in Fairhaven Commercial or Industrial Supporting DPA Uses are allowed anywhere in the DPA.

### NEW BEDFORD DPA

Within New Bedford, the Harbor Development Commission will establish a program that will provide for comprehensive planning and compatible development of all filled tidelands within the DPA. The primary goals of the New Bedford Supporting DPA Use Eligibility Credit Program are as follows:

- Allocate land areas on tidelands within the Designated Port Area exclusively for marine industrial uses to the maximum extent feasible.
- Establish more stringent overall limits on the development of Supporting DPA Uses within the DPA than are provided for in the Chapter 91 regulations.
- Establish areas where Supporting DPA uses are encouraged under the Harbor Plan, and establish specifically which Supporting DPA uses are allowable within these areas. In areas where Commercial Supporting DPA uses are allowable under the Harbor Plan, a Harbor Master Plan Setback Zone will be defined for each parcel, where applicable.
- Provide a framework that allows owners of property in water-dependent industrial use within the DPA to receive financial benefit from development of Commercial Supporting DPA uses in areas designated for these uses by the DPA Master Plan.

Under the HDC's program, certain areas may include commercial Supporting DPA Uses at levels higher than the 25% maximum that is generally allowable under Chapter 91 regulations, and in all other areas Supporting DPA uses will be prohibited. These provisions will limit the commercial Supporting DPA uses to no greater than approximately 15% of the area of filled tidelands and uplands within the New Bedford DPA, increasing the area reserved for marine industrial uses above the minimum levels established under Chapter 91 regulations. Commercial Supporting DPA Uses will be concentrated within areas where they are essential to support other activities and provide optimum benefits to the City and reflect the overall goals and public input gained through the Harbor Plan process.

The HDC's program also establishes provision for providing financial benefits to DPA property owners when Commercial Supporting DPA Uses are developed. This program does not affect the current status of uses that are now operating with a valid Chapter 91 license. Details of the program and its mechanisms, including mapping identifying parcels where Supporting DPA Uses are allowable, are included Appendix A.

Commercial Supporting DPA Uses are allowable, subject to certain limitations, within the following areas only (refer to maps in Appendix A):

- Aquarium Site
- Bourne Counting House
- Twin Piers area
- Wharfinger Building
- North Terminal opposite Intermodal Transportation Center (small parcel)
- Pope's Island (multiple parcels)
- Fish Island (multiple parcels)

No marine industrial uses currently exist in any of the foregoing Receiving Zones therefore redevelopment of such areas will not involve any displacement of marine industrial uses.

#### **FAIRHAVEN DPA**

Fairhaven will be governed by the basic Chapter 91 regulations allowing up to a maximum of 25% of a site on tidelands (excluding open water) within a DPA to be used for Supporting Industrial or Commercial DPA Uses.

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#### **Harbor Carrying Capacity Operations Assessment**

Full development of the harbor as anticipated under this Plan could substantially increase vessel traffic. In particular, the development of the North Harbor has the potential to expand deep draft cargo operation to levels substantially higher than today's level. The recovery of fish stocks and an expansion of recreational boating are further factors. A comprehensive study must be undertaken to ensure that safe limits are not exceeded and that appropriate traffic management procedures are implemented.

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#### **New Bedford Fish Auction Enhancement**

As discussed in the Economic Analysis, success of fish auctions is very important to New Bedford's regional and national role in the seafood industry. Changes to the Buyers & Sellers Exchange are recommended by the Economic Analysis to ensure that it is equally agreeable to buyers and sellers. This will require effective public oversight of the auction process. It is the intention of the Plan to allow more than one licensed auction and to provide that a privately owned auction is licensable by the HDC.

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## Harbor Boating Programs

Several community-oriented boating and cultural/educational programs that are not specifically discussed within the Plan are active within the harbor area, are increasing their membership, and seeking to expand programs. These organizations include the following:

- Whaling City Rowing Club
- Community Boating
- The Whaleboat Project
- Azorean Maritime Heritage

While the Plan does not identify specific locations for facilities or programs associated with these organizations – as it does with the Ernestina and the Nobska-- the Plan anticipates that facilities will be developed within the harbor area to meet the needs of these important programs. Representatives from these organizations will be invited to participate on task forces established by the Harbor Development Commission to advance community cultural and educational programs associated with the harbor. Through this process, these organizations can expand their roles within the harbor and the communities. Goals that have been identified by these organizations that are supported by the Plan include development of a community-rowing boathouse. Such a facility would be used to further the Whaling City Rowing Club's mission of providing the region's youth with an opportunity to both learn about and experience the recreational, natural, and historic resources of the harbor through on-the-water, hands-on rowing programs.

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## Freight Operations

The Harbor Master Plan Committee has determined that in order to facilitate port management, to avoid conflicts between various vessel types and activities, and to promote an orderly process of port development that ensures that individual projects function as part of a cohesive overall development plan that the Harbor Plan shall designate certain areas within the New Bedford waterfront between Coggeshall Street and the Hurricane Barrier for particular types of waterborne freight activities. All freight operations shall occur in these areas and these areas only.

This designation ensures these freight uses are accommodated in locations that are compatible with the needs of other DPA users and are not accommodated on an ad hoc basis that conflicts with the needs of other port users. In addition, this approach provides a cohesive framework for long-term port planning through identifying specific locations that should be priority areas for public investments aimed at expanding and sustaining freight operations within the harbor.

Public funds associated with channel dredging, roadway improvements, and other similar infrastructure improvements will be targeted to these areas. This approach provides for the most efficient and equitable use of harbor assets.

Specific designated locations shall be used only for particular types of waterborne freight uses to the exclusion of all other uses except for Temporary Uses as defined in 310 CMR 9.02. These locations are set forth below within the particular freight headings. Validly existing uses holding all necessary federal, state, and local permits and licenses are grandfathered from this restriction until there is a substantial change in the use or an increase in the intensity of the use or the renewal of a Chapter 91 license. Allowable waterborne freight uses are as follows:

- **Ro-Ro Operations/Container Operations:** The Quick Start Ferry Terminal is designated the facility for Ro-Ro Operations and the proposed new Harbor Terminal adjacent to North Terminal is designated as the facility for Ro-Ro Operations and long-term Container Operations and waterborne passenger service.
- **Breakbulk Operations/Container Operations:** Maritime Terminal, Bridge Terminal, and the east face of State Pier are designated as facilities for Breakbulk Operations and short-term Container Operations.
- **Bulk Commodity Shipments/Marine Contractor Shipments:** The South Side of Fish Island (south of Route 6), the North Side of Pope's Island (north of Route 6) are designated as facilities for Bulk Commodity Shipments/Marine Contractor Shipments, unless the area is in a Receiving Zone. Additionally, until the proposed expansion of the North Terminal Bulkhead is completed creating the New Harbor Terminal, the site of the former Herman Melville Shipyard (approximately a three-acre site) may be used for bulk commodity shipments. The Southeast Corner of the Commonwealth Electric site and adjacent berthing areas, together with the existing fuel terminal located on the west side of Fish Island to the north of Route 6, are designated for fuel shipments.

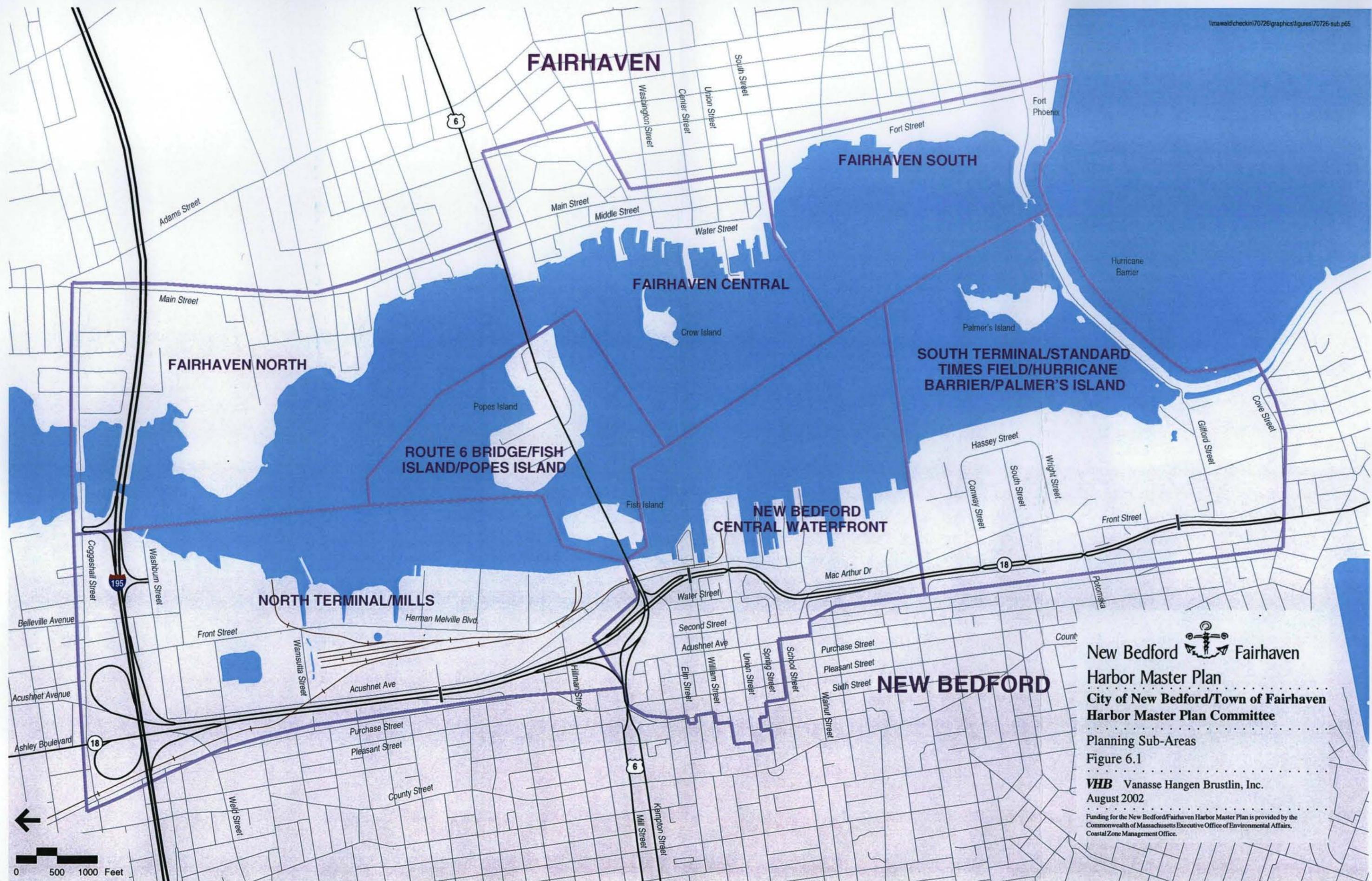
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## Master Plan Goals/Specific Proposals by Sub Area

The following harbor sub-areas are described in the map (Figure 6.1) below:

- **New Bedford Central Waterfront** – major uses include city-owned fishing piers, the State Pier operated by DEM, the former Commonwealth Gas and Electric site proposed for Aquarium development, and portions of the downtown area
- **New Bedford North Terminal/Mills Area** – major uses include mill complexes, fish processing facilities, marine terminals including Maritime Terminal, and the former rail yards that will serve as the future New Bedford Intermodal Transportation Center
- **New Bedford South Terminal/Standard Times Field/Hurricane Barrier/Palmer's Island** – major uses include seafood processing and general industrial uses in South Terminal, undeveloped land area at Standard Times Field, and the Berkshire Hathaway Mill complex
- **Route 6 Bridge/ Fish Island/Pope's Island** – major uses include marine terminals and marine industrial uses, retail, and the Pope's Island Marina
- **Fairhaven Central Waterfront** – major uses include public and privately owned berthing facilities for the fishing fleet, significant marine repair and marina operations, Pease Park boat ramp, hotel facilities
- **Fairhaven Waterfront North and South** – predominantly residential uses to the north and south of the Central Waterfront, including undeveloped land at Marsh Island, two smaller marinas, and Fairhaven Shipyard

# FAIRHAVEN



New Bedford  Fairhaven  
 Harbor Master Plan  
 City of New Bedford/Town of Fairhaven  
 Harbor Master Plan Committee  
 Planning Sub-Areas  
 Figure 6.1

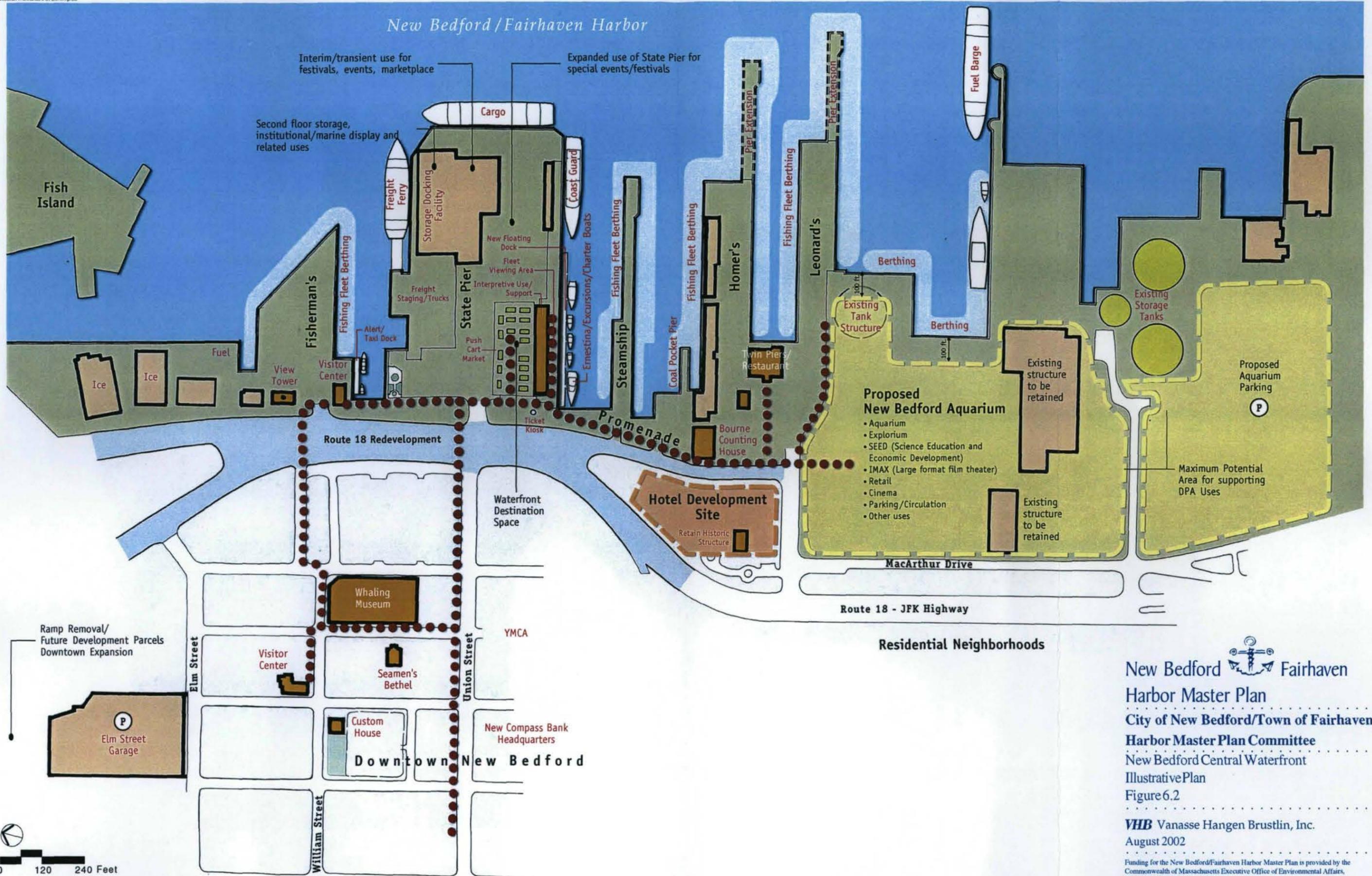
**VHB** Vanasse Hangen Brustlin, Inc.  
 August 2002  
 Funding for the New Bedford/Fairhaven Harbor Master Plan is provided by the  
 Commonwealth of Massachusetts Executive Office of Environmental Affairs,  
 Coastal Zone Management Office.

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## New Bedford Central Waterfront

*Planning Goals:* The Central Waterfront will continue to serve as the primary berthing area for the fishing fleet together with providing land and facilities for its associated functions, including ice and fuel suppliers. State Pier will be repaired and revitalized. These elements of the harbor's working waterfront will be integrated with compatible visitor-oriented uses. A waterfront promenade will be established to link existing and potential future attractions along the edge of the piers between Fisherman's Wharf and Leonard's Wharf, providing opportunities for viewing and understanding the working waterfront without disrupting its operations. A public waterfront destination space will be established on the southwest corner of State Pier. Proposed Aquarium and related commercial and institutional development will be advanced – within the framework of all applicable standards of the Chapter 91 regulations – to establish a major waterfront tourism destination while preserving the viability of existing water-dependent uses both on and near the site. Route 18 redevelopment will enhance pedestrian connections between downtown New Bedford and the waterfront and will continue to provide appropriate access to working piers and other water-dependent facilities. The proposed mix of uses in this area includes Supporting DPA Uses that have been evaluated to determine their compatibility with the DPA. These Supporting DPA Uses have been determined to be compatible with the operation of water-dependent industry within the DPA based on extensive discussions within the Harbor Master Plan Committee, outreach to stakeholder groups, public comment, and the Compatibility Assessment contained in Appendix B. Specific projects are described below.

# New Bedford / Fairhaven Harbor



**New Bedford Fairhaven Harbor Master Plan**  
 City of New Bedford/Town of Fairhaven  
 Harbor Master Plan Committee  
 New Bedford Central Waterfront  
 Illustrative Plan  
 Figure 6.2

**VHB Vanasse Hangen Brustlin, Inc.**  
 August 2002

Funding for the New Bedford/Fairhaven Harbor Master Plan is provided by the Commonwealth of Massachusetts Executive Office of Environmental Affairs, Coastal Zone Management Office.  
 This illustration is not to be construed as superseding any provision of the Waterways Regulations 310 CMR 9.00 et seq.

## FISHING PIERS REPAIRS/EXTENSIONS

### *Pier and Wharf Maintenance and Repairs*

Substantial repairs and improvements have been undertaken to pier fendering systems to protect investment in the harbor's fishing fleet. Approximately \$2.2 million in funding for these elements was approved by the Seaport Advisory Council and construction work was completed in 1999.

### *Pier Extensions*

Homer's Wharf and Leonard's Wharf will be extended to provide additional berthing space for fishing vessels to relieve overcrowded berthing conditions experienced by the harbor's fishing fleet that have been widely acknowledged during the Harbor Plan process. These extensions, shown conceptually on the Central Waterfront Illustrative Plan would provide safe capacity for approximately 24 additional larger vessels or a larger number of smaller vessels. Additional analysis and design will be needed to determine a final configuration for these pier extensions in terms of both length and width. Wider piers than those shown -- including full width extensions-- would provide greater operational flexibility in terms of servicing fishing vessels, although at higher cost. Additional design efforts will focus on identifying the optimal solution with respect to vessel operations and servicing, permitting considerations, and cost issues. It is anticipated that pier extensions will extend to the harbor line, unless such an approach unduly results in impacts on navigation. If further analysis indicates that the optimal configuration for pier extensions is to extend beyond the state harbor line or into the federal channel, legislative action would be needed.

The cost of these two pier extensions as shown conceptually on the illustrative plan is estimated at \$2.7-3.6 million (higher number assumes a more substantial structure associated with larger vessels than currently use the piers). These costs will need to be refined once the optimal pier length and width is established. With development of these pier extensions, the HDC will have sufficient space to be able to dedicate an area on the piers to accommodate needs associated with loading of supplies and other related activities, a need identified by vessel operators.

## STATE PIER REDEVELOPMENT/REVITALIZATION

### *Quick Start Ferry Terminal/North Side*

The Ferry Terminal was constructed in 1999 with service commencing in 2000. The Ferry Terminal will provide freight service between New Bedford and Martha's Vineyard and Nantucket, and other coastal locations. Development of the terminal involved demolition of the existing shed on the northwestern corner of the Pier, construction of a pile-supported platform, and installation of a transfer bridge, dolphins and fenders adjacent to the Pier. The area made available through demolition of the shed is primarily used as a parking waiting area for trucks utilizing the ferry.

*Cargo Shipments/East Side*

The East Side of the State Pier will continue to be primarily used for break bulk cargo, while a long-term facility needs and marketing strategy is developed for attracting waterborne ocean freight to New Bedford. As noted in the economic assessment, the long-term future location for cargo facilities is within North Terminal area where competitive facilities could be developed.

*Cruise Ship Initiative/East Side and South Side*

Pursuant to the Cruise Ship Initiative, the City and the HDC have been actively marketing the Port of New Bedford as a full service port of call for appropriate cruise and other transient vessels. For the foreseeable future, the preferred berthing area will be located on the east side and shall be subject to availability of space on the east face. Cruise vessels may be berthed on the south side of the pier subject to availability of space on the south face, in coordination with other users of the pier facilities and subject to any applicable leases on the south side of the State Pier.

*Cooler Storage Facility*

The existing 30,000 square foot cooler storage facility on the State Pier will continue to be used and marketed for this purpose. The cooler storage facility has seen very limited use over the last year. In order to increase use of this facility and attract additional break bulk cargo to New Bedford and the State Pier, a more active cargo/freight strategy and marketing effort will be initiated. The Plan does not propose expansion of cold storage facilities at the State Pier under current market conditions. As noted above, the long-term future for cargo facilities within the harbor is within the North Terminal area. [Note: As of August 2000, the refrigerator units have been removed and the building is being used for general warehousing.]

*Coast Guard/South Side*

The U.S. Coast Guard has a long history in New Bedford and an important ongoing role in search and rescue missions servicing the fishing fleet and other commercial and recreational vessels. The Harbor Plan provides for the Coast Guard mission and support functions and will also incorporate its local history into waterfront tourism and maritime educational facilities. The Coast Guard currently leases the south side of the State Pier from DEM. Parking areas on the Pier that are currently used on a daily basis by the Coast Guard will be reconfigured and will preserve the parking capacity as required by applicable leases. Long-term parking will be provided for away from the waterfront, promoting use of the Elm Street public garage, Downtown Free Shuttle Service and other more appropriate parking sites.

*Southwest Corner/National Whaling Historical Park*

New Bedford's Central Waterfront lacks vitality in terms of providing a visitor experience. There are no public spaces or commercial vessel activities to attract the public or provide an opportunity for an active "harbor experience." Without such a destination, the waterfront fails to capture the public imagination and the lost opportunity extends all the way to downtown. The Harbor Plan designates an area of approximately 60,000 square feet on the southwest corner of the State Pier to function as a waterfront destination area for harbor visitors. The Harbor Plan also proposes development of a central berthing area for commercial excursion and charter vessels, and the Ernestina, the official vessel of the Commonwealth (see below), on the adjacent south side of the State Pier. This initiative will attract substantial numbers of visitors to the waterfront, enhancing its vitality and providing direct benefits to the downtown area as a whole. Adjacent to the berthing area will be an approximately 6,000 square foot structure (involving redevelopment/rehabilitation of the existing storage shed) incorporating interpretive and visitor support facilities associated with the Ernestina, possible National Park related use, and support facilities for adjacent charter and excursion vessels. These facilities will incorporate interpretation of the working waterfront on and adjacent to the State Pier. The remainder of this public destination area will be free of permanent structures and will include small seasonal structures, market stalls and pushcarts providing seasonal visitor services, food, and seafood sales. This area will also provide an opportunity for National Park related activities, including interpretation, demonstrations, and other events, either outdoors or within temporary structures. The design character of the waterfront destination space should be simple and functional. The intent will simply be to reserve space for visitor/commercial uses, not to significantly change the character of this space – which should continue to be seen and understood as part of a working waterfront. Improvements will include better lighting, a railing along the south wharf, removal of the fencing and plantings that visually separate the State Pier from MacArthur Boulevard. The south wharf will also include a harbor viewing area, allowing visitors to view the fishing fleet berthed on Steamship Wharf. A visitor/lunch area will be provided on the south wharf. This area will be available for industrial uses such as storage in the off-season and activities will even be interruptible during the visitor season if needed for port-related uses. It is anticipated that for regulatory purposes the proposed uses of the land and structures will be considered to be accessory to commercial passenger vessel operations at the nearby berthing areas.

*Schooner Ernestina*

The Schooner Ernestina is a National Historic Landmark and the official vessel of the Commonwealth; it was a gift from the Cape Verde government and is owned by the Department of Environmental Management. It is currently berthed on the northwest corner of the State Pier. A center for visitor services, programs and support for the Schooner Ernestina will be developed on the southwest corner of the State Pier. The Harbor Plan concept for the southwest corner of the State Pier includes a berth for the Ernestina adjacent to its proposed visitor service facilities, as anticipated in the legislation creating the New Bedford Whaling National Historical Park. The Ernestina anticipates a need for 5,000 square feet of support space onshore, some portion of which including interpretive facilities and storage space will be provided on the State Pier.

*Floating Dock/Excursion/Charter Boats*

A substantial floating dock system is proposed to be placed adjacent to a portion of the South Side of the State Pier to serve the Ernestina and 6-8 additional vessels, and to establish an accessible central berthing area for charter fishing boats, excursion vessels, and other commercial boating services. These services have strong market support and will be the catalyst that establishes the waterfront as a visitor destination attracting visitors to the community and contributing directly to downtown revitalization goals. Establishing a critical mass of vessels in a central location will also bring tangible benefits to boat owners based on shared ticketing, shared advertising, and an established destination. Several such services currently exist around the harbor but they are dispersed and lack critical mass. Development of the proposed floating dock system would be subject to any applicable leases and would require approval from the Commonwealth or its designee.

*Water Taxi/Launch Dock*

A water taxi/launch dock will be provided on the northwest corner of the State Pier, adjacent to the existing Waterfront Visitor Center. This dock will also serve the Alert II and provide tie up space for dinghies.

*Use of the State Pier for Special Events*

As efforts proceed to revitalize the State Pier through development of freight ferry service and with renewed efforts to attract break bulk cargoes, full use will be made of the Pier on an interim basis for special events, waterfront festivals, and related activities including parking. These activities may make use of exterior Pier areas, the Cooler Storage Facility and both levels of the Transit Shed to the extent that they are not otherwise in use. Incorporation of these activities will not require any significant alterations to Pier facilities and will not impede use of the Pier for its primary users. Temporary uses will be limited to activities that are fully compatible with the needs of other Pier users and consistent with any applicable leases.

*New Bedford Lightship*

The New Bedford Lightship will be restored by the City of New Bedford, potentially as an operational lighthouse and visitor location. Once restored, a long-term licensable berthing location will need to be identified for the vessel.

**ROUTE 18 REDEVELOPMENT**

The Plan supports the following goals in the redevelopment of Route 18 in the Central Waterfront Area:

- Strengthen pedestrian and vehicular connections between downtown and the waterfront.
- Maintain and enhance access to State Pier for cargo and freight related trucks and other users.
- Maintain and enhance access to the fishing piers and related support uses consistent with the needs of the fishing industry and associated uses.
- Remove the existing pedestrian bridge and provide multiple pedestrian crossing points.

**HARBOR PROMENADE/WATERFRONT PUBLIC ACCESS**

The Plan proposes the development of a central waterfront harbor promenade linking existing and proposed visitor attractions between Fisherman's Wharf and Leonard's Wharf with future connections to the New Bedford Aquarium and a waterfront hotel. One of the goals of this initiative is to provide visitors with an awareness and experience of the working port without interfering with its operations. Therefore, the promenade weaves along the edge of the working waterfront, primarily on the landside edge of the piers, linking viewing areas and public destinations. The promenade links the following elements:

- Harbor viewing tower at Fisherman's Wharf
- Improved interpretive programming and expanded visitor orientation services at the Wharfinger Building, focusing on interpretation of marine industrial activities and the working waterfront
- Water taxi/dinghy dock providing links to Fairhaven, marinas, and other harbor attractions
- Tonnesson Park
- Harbor views established by removal of existing State Pier fences and plantings and pier buildings that block views and limit access

- A 60,000 square foot flexible use area for pushcarts, National Park Service events and interpretation and Ernestina interpretative facilities on the southwest corner of the State Pier, and a fishing fleet viewing area on the south side
- Central berthing area for excursion and charter vessels on the southwest corner of the State Pier with adjacent central ticketing facility
- Bourne Counting House
- Waterfront restaurant at the Twin Piers site
- Future waterfront hotel (outside the DPA)
- Aquarium and related uses

### **PROPOSED NEW BEDFORD AQUARIUM**

The proposed New Bedford Aquarium and its associated attractions represent one of the largest waterfront projects within the Commonwealth. As initially proposed in 1997, the Aquarium was projected to attract over one million visitors to the waterfront. The Aquarium project has the potential to serve as a major regional cultural and educational attraction, drawing large numbers of people to the communities. As with any substantial project, the Aquarium Corporation has continued to evolve the project design. The Aquarium Corporation has worked cooperatively with the Harbor Master Plan Committee, the City of New Bedford, and state regulators as its concept has evolved to ensure that its proposals are broadly compatible with the Harbor Plan. As envisioned by the Aquarium Corporation, the project concept would not result in conflict or displacement of existing water-dependent uses within the project site (Global Petroleum). This approach is strongly endorsed by the Plan. In addition, the Aquarium Corporation has elected to advance development of its planned hotel outside of the boundary of the Designated Port Area, providing a transition between the Aquarium and downtown New Bedford. The Plan supports this approach to hotel development (described below).

As with any large development project of this size, the New Bedford Aquarium project is anticipated to continue to evolve in response to program changes, market, and regulatory issues. The Harbor Plan Committee strongly supports the concept of Aquarium development that is consistent with Designated Port Area standards of the Chapter 91 regulations. In this respect, the Central Waterfront Illustrative Plan is intended to reflect the maximum flexibility that may be available to develop Supporting DPA Uses on the Commonwealth Electric site. DEP retains full discretion to modify or condition any specific use program or layout/design proposal, in accordance with applicable provisions of the waterways regulations, 310 CMR 9.00.

As project environmental reviews move forward and the project program and design are finalized, careful scrutiny will be required of all project details to ensure that specific design proposals are compatible with the surrounding working waterfront. Key issues that will need to be carefully addressed include the potential traffic, pedestrian, and parking impacts on the operation of the fishing piers and the State Pier and other uses within the Designated Port Area. It will be contingent upon the Aquarium Corporation to identify and mitigate all such impacts and potential impacts on the land and the waterside of its facilities.

The Plan anticipates that the Aquarium and its supporting uses will be consistent with the definition of Supporting DPA Uses as defined in state regulations. It is also anticipated that Supporting DPA uses will exceed the 25% of land area that is customarily the maximum allowable for such uses within a Designated Port Area. In supporting the Aquarium concept as a Supporting DPA Use, the Plan makes provision, through a DPA Master Plan, for increasing the maximum allowable land area of Supporting DPA Uses to a level higher than 25% on this property for this use only. (The precise area of the parcel upon which Supporting DPA uses may be permitted is defined in the Supporting DPA Use Eligibility Credit Program, described in Appendix A.) However, the Plan also ensures through the DPA Master Plan that Supporting DPA Uses beyond the boundaries of the Aquarium site are strictly regulated. Adjacent areas within the DPA will be reserved exclusively for marine industrial uses through the DPA Master Plan. These provisions will provide a framework that ensures that there is no unanticipated expansion of Supporting DPA Uses in tidelands beyond the site boundaries. The Aquarium site represents one of the most attractive areas within the central waterfront for providing berthing space for a diverse range of commercial vessels, potentially including the S.S. Nobska, provided there is no significant interference with fuel shipping operations.

#### **HOTEL DEVELOPMENT**

An approximately two-acre parcel outside the DPA between Herman Melville Boulevard and Route 18 has been designated for hotel development. This site has the potential to accommodate a 200-300 room hotel facility including conference space, meeting rooms, and structured parking. The hotel site would provide a link between downtown and the New Bedford Aquarium site. The site contains an historic whale oil facility, which is being investigated by the New Bedford Aquarium Corporation in conjunction with the National Park Service as a potentially significant interpretive site. A hotel proposal would include preservation and restoration of this important historic structure that relates to the city's whaling era heritage. Parking for the hotel would be provided on the site. No portion of parking would be located within the DPA or on tidelands. This site is currently owned by NSTAR and by Delken, a fish gurry facility that serves local processors.

### **WHARFINGER BUILDING/VISITOR CENTER**

The building is currently used as a Waterfront Visitor Center, and historically served as the fish auction building. The Center provides general visitor information about the region but is not effective in providing visitors either with basic orientation to the city or the waterfront. Under the Plan, the building would be redeveloped as an interpretive center providing an introduction to the working waterfront, its history and current activities, including the building's own history and that of its site on Fisherman's Wharf. A model of the city could be developed and located in this building that would provide the visitor with basic orientation to the cultural, historic, and entertainment sites along the waterfront and in the adjacent downtown area. The building should also provide support space associated with the proposed water taxi service and should also provide information about water tours and links to Fairhaven. It is anticipated that for regulatory purposes the use would be considered to be a Supporting DPA Use.

### **HARBOR VIEWING TOWER—FISHERMAN'S WHARF**

The existing support structure for the Route 18 pedestrian bridge will be reused as a harbor viewing tower. Following the redevelopment of Route 18, the existing concrete bridge structure that spans the highway will be removed. However, the stair/ramp structure that supports the bridge on the waterfront side should be retained and reprogrammed as a harbor viewing tower. Excellent harbor views and views all along the waterfront can be captured from the top of this structure without intruding on the working piers and wharves. Interpretive materials and telescopes could be located on top of the tower to allow visitors views across the harbor, close up views of in-harbor activities, the freight ferry, and other activities. This viewing tower could be operated much as a city park with a gate that closes in the evening and opens again in the morning. It is anticipated that the viewing tower will be classified for regulatory purposes as a structure to accommodate public access.

### **FORMER TWIN PIERS RESTAURANT**

The Plan anticipates that this site would be reused as a restaurant. The former Twin Piers restaurant operated as a significant attraction within the New Bedford waterfront for many years serving the waterfront and the general public. The restaurant has been closed for several years, but plans are underway to renovate and reopen the facility. Reuse and redevelopment of the site has previously been held back pending court actions. It is anticipated that for regulatory purposes this restaurant use shall be consistent with the definition of a commercial Supporting DPA Use.

### **BOURNE COUNTING HOUSE**

The Bourne Counting House was constructed in 1847-1848 and has direct links to the peak of the whaling period in the harbor. The building served as the office of Jonathan Bourne, the most important owner of whaling ships of his day. The original massive granite structure was extended to 3 ½ stories in a recent renovation. The building is currently vacant. Future use of this important historic structure is anticipated to include some space dedicated to National Park exhibits. The overall building program should be closely tied to serving the working waterfront, including support office and related space and/or publicly accessible visitor facilities. It is anticipated for regulatory purposes that future uses of the property will include commercial elements that are allowable as Supporting DPA Uses.

### **PARKING AREAS**

Parking to serve waterfront uses is provided on city-owned land on and adjacent to Fisherman's Wharf, Homer's Wharf and Leonard's Wharf and at State Pier. These parking areas currently provide adequate parking associated with vessels, seafood processors, various marine industrial uses and other waterfront uses including the Bourne Counting House and Wharfinger Building. As additional development occurs within the area including the Aquarium and/or hotel development, it is critical that an adequate supply of parking is maintained to serve the needs of these existing uses. The HDC will monitor the adequacy of parking on publicly owned land on an ongoing basis to ensure that an adequate supply of parking is made available to serve the needs of vessels and related marine industrial uses. Where in the opinion of the HDC parking controls are needed, the HDC will develop and implement such a program. Where substantial development projects are proposed within the waterfront, project proponents shall assess any potential use of public parking areas, and identify mitigation measures where substantial impacts are anticipated.

### **SUPPORTING DPA USE ELIGIBILITY CREDIT PROGRAM**

In order to make provision for an appropriate level of commercial and visitor oriented development within the central waterfront DPA area, consistent with its importance in supporting downtown revitalization goals and water-dependent uses accessible to the public, Supporting DPA Uses will be allowed only in the following locations within the Central Waterfront:

- Commonwealth Gas and Electric/ Aquarium Site
- Bourne Counting House
- Twin Piers Restaurant site and adjacent small office structure
- Wharfinger Building

An assessment regarding compatibility of Commercial Supporting DPA Uses on these parcels with surrounding marine industrial uses is included in Appendix B.

### **DREDGING OF BERTHING AREAS AND DRIVEWAYS**

The following dredging needs have been identified in the Central Area (refer also to the Harbor Dredging/Dredge Material Disposal discussion under Harborwide Initiatives):

- State Pier
- Fisherman's Wharf
- Federal Channel

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### **North Terminal/Mills Area**

*Planning Goals:* The North Terminal/Mills Area contains some of the most underutilized land and water resources in the harbor. Since the construction of the New Bedford-Fairhaven Bridge in the mid-19th century, the economic potential of the North Terminal area as a port facility has been constrained. However, the areas of the harbor south of the existing bridge are now close to fully developed and future harbor development is contingent upon renewed efforts to revitalize port related activities north of the existing bridge. Substantial changes to the North Terminal area are supported through the Plan and major infrastructure improvements are needed to advance this vision. With implementation of these projects including dredging, bridge relocation, development of a multi-modal transportation center and water terminal, and the Hicks Logan Urban Industrial Park, this area has the potential to serve as a regional intermodal transportation hub for passengers and freight on land and on water. Without bridge relocation, the potential of this area to support harbor development will continue to be severely limited. The areas of North Terminal located east of Herman Melville Boulevard and south of Hervey Tichon Avenue, including substantial users such as Maritime Terminal and Frionor, are fully developed with marine industrial businesses. The Plan anticipates a phased development of the remainder of the area. Initial projects will include development of the Intermodal Transportation Center, development and enhancement of the Hicks Logan Urban Industrial Park, and harbor cleanup dredging. Subsequent projects will include bridge relocation and development of marine facilities on CDF D. Substantial additional planning and economic analyses are needed to advance the vision for this area. The Plan supports the following projects within this area:

### **INTERMODAL TRANSPORTATION CENTER**

The Plan supports the development of an Intermodal Transportation Center on the site of the former rail depot. The Intermodal Transportation Center will include commuter rail, freight rail, local and regional bus service, taxis, waterfront trolley service, and approximately 1,000 parking spaces (with future expansion to include rail and pedestrian links to a water terminal). This project is being advanced by the MBTA with commencement of commuter rail service projected for 2007-2010. Substantial coordination will be needed between the Route 18 redevelopment project as the Intermodal Transportation Center design is advanced to ensure the station has clear, direct regional access from Route 6, Route 18 and I-195. Station design must facilitate the development of strong pedestrian connections between the station and downtown area and central waterfront. Station design should also serve to facilitate shared use of commuter parking areas in off peak and weekend hours.

### **EPA HARBOR CLEANUP/CONFINED DISPOSAL FACILITY D (CDF D)<sup>3</sup>**

A Confined Disposal Facility (CDF D) will be created to dispose of approximately 442,000 cubic yards of harbor cleanup dredge materials. This facility will create approximately 30 acres of new waterfront land within the North Terminal. As currently scheduled by EPA, design of this facility will move forward over the next 18 months with construction commencing in 2001. Land would not be available until after 2010. Design criteria for this facility will be established over the next several months. These criteria will determine the types of activities and or structures that can ultimately be accommodated on CDF D, as well as design of the water's edge/bulkhead area, and assumptions regarding future water depths.

### **FUTURE HARBOR TERMINAL AT CDF D**

As noted in the economic assessment, the North Terminal is the only area of the harbor that may ultimately have the potential for facilities development consistent with the needs of ocean going cargo operations. This assessment is made contingent upon the availability of sufficient land area to develop appropriate port facilities, water depths, and supporting landside infrastructure, including road and rail access. However, while land within CDF D will not be available for use for over 10 years, decisions on design of the CDF that will determine its possible use must be made in the near term. These decisions must be informed by a strategic economic assessment of future market opportunities for ocean going freight and passenger service within New Bedford that provides a basis for determining facility needs.

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<sup>3</sup> Recently, EPA decided to revise its preferred disposal method for the harbor cleanup. CDF D will no longer be used for Superfund disposal. The City of New Bedford plans to construct a CDF with a smaller footprint to dispose of normal dredged material.

A study should be initiated now to determine the parameters that should guide a CDF D design that facilitates a multi-user terminal to be owned by the city and the HDC. This multi-user design will promote efficient and flexible use of the terminal.

### **HICKS LOGAN URBAN INDUSTRIAL PARK**

The Plan supports comprehensive redevelopment of the Hicks Logan area as a mixed-use urban industrial park involving reuse and redevelopment of existing buildings supported by complementary infrastructure/site access improvements. Improvements should be focused on improving the area's image, as well as enhancing roadway capacity and truck operations. Along the waterfront, continuous public access should be incorporated in future redevelopment projects. An existing boat ramp should be rehabilitated and made available for public use. Efforts to incorporate water-dependent uses such as marina facilities along the waterfront, in a location that is highly visible from I-195, are strongly encouraged and could serve as a major amenity enhancing the market attractiveness of the area. Residential use will not be permitted within the Hicks Logan Urban Industrial Park.

### **ROUTE 18 REDEVELOPMENT**

The Plan envisions that direct access to the North Terminal area and the Intermodal Station will be provided from Route 18 and that provision will be made to provide direct connections to Route 18 from a relocated Route 6 harbor crossing.

### **RELOCATED ROUTE 6/NEW HARBOR BRIDGE**

Refer to earlier discussion of Harborwide Initiatives at the beginning of this section.

### **FREIGHT HAUL ROAD**

The I-195 exits at Washburn Street and Coggeshall Street and the connecting roadway network within the area shall be developed to serve the needs of port related industrial traffic.

### **SUPPORTING DPA USE ELIGIBILITY CREDIT PROGRAM**

In order to make provision for a modest level of supporting commercial activity associated with the Intermodal Transportation Center, a small area of publicly owned land has been designated where Supporting DPA uses may be located.

## DREDGING

### *Maintenance Dredging*

The following maintenance dredging needs have been identified in the North Terminal/Mills areas:

- Federal 30-foot Channel
- Maritime Terminal
- Frionor
- Bridge Terminal

### *Improvement Dredging*

Improvement dredging may be needed in the area of CDF D to ensure that water depths do not unreasonably constrain future use of this waterfront facility. If CDF D is ultimately to serve as a terminal for ocean going cargo, extension of the 30-foot federal channel to this area should be evaluated. Potential dredging needs could amount to 400-500,00 cubic yards, or more, depending on terminal size and future vessel needs. A substantial economic assessment would need to be performed to demonstrate to federal authorities that such an expansion of the federal channel was economically justified.

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## **New Bedford South Terminal/Standard Times Field/Mills/Hurricane Barrier/Palmer's Island**

*Planning Goals:* The New Bedford South Terminal/Standard Times Field/Mills/Hurricane Barrier/Palmer's Island area will be developed to address multiple objectives. Relatively modest changes are anticipated for South Terminal, the heart of the city's seafood industry. Anticipated expansion needs of this sector and other industrial users will be addressed through subdivision and redevelopment of Standard Times Field. Open space and community recreation needs will be addressed through improvements to Palmer's Island and the Gifford Street boat ramp, establishing a destination open space along the Hurricane Barrier walkway.

## **SOUTH TERMINAL**

The Plan supports continued use and development of South Terminal as a major center of the seafood industry within the harbor together with use by other port-related uses and functions. Future roadway connections should be established to land within Standard Times Field.

## STANDARD TIMES FIELD REDEVELOPMENT

Standard Times Field was acquired by the City of New Bedford in 1998 and has been redeveloped as an industrial park serving the expansion needs of the marine industrial uses, including the seafood industry and other general industrial uses. The tidelands areas of the property will be reserved exclusively for water-dependent industrial uses, and accessory uses thereto. Commercial uses will not be allowed in the uplands portion of the property through enactment of a general city ordinance which prohibits such uses. The property was subdivided to create approximately nine development parcels to meet the needs of large and medium-sized businesses. Blackmer Street has been extended to provide access to individual parcels and links to Front Street. At full build-out, Standard Times Field has the potential to accommodate approximately 300-500,000 square feet of development. As development efforts move forward, portions of Standard Times Field may also be used for temporary activities and uses including ferry terminal parking, and other port-related support uses as needed.

In 1998, based on initial recommendations of the Harbor Plan process, the City of New Bedford expanded the Working Waterfront Overlay District to the property to open the potential of future development of seafood related businesses. The waterfront areas of Standard Times Field will not be conveyed for development. Public access may be provided along the seaward portion of the site in a manner that is consistent with, and does not preempt, future use of the water's edge for water-dependent industrial use, including small commercial vessel berthing. Any public access way would ultimately connect to South Terminal near the Fish Auction in the area adjacent to the intersection of Wright and Hassey Streets. The water areas adjacent to Standard Times Field are shallow and dredging is restricted by areas of ledge.

Standard Times Field has previously been considered as a site for disposal of harbor maintenance dredge materials within a CDF. Use of this area as a site for disposal of dredge materials is not supported by the Plan. A study is needed to prepare a strategic marketing and development plan to guide the future use of Standard Times Field, including potential future expansion.

## HURRICANE BARRIER/PALMER'S ISLAND/GIFFORD STREET BOAT RAMP

### *Gifford Street Boat Ramp*

The Gifford Street boat ramp will continue to be used to provide public access to the water. The ramp is a potential water access point for future Duck Tour activities within the harbor and may require modifications to serve this function.

*Palmer's Island/Hurricane Barrier*

The Plan supports use of the city-owned Palmer's Island for public use and passive recreation with the development of a new bridge connection from the Hurricane Barrier. These initiatives should be combined with restoration of the lighthouse and possible reconstruction of other related structures that formerly stood on the site, together with reuse/redevelopment of a boat dock to serve as a landing point on water harbor tours. These approaches to Palmer's Island have long enjoyed support within the community. The Harbor Open Space Plan that was initiated in 1999 will develop an implementation strategy for funding improvements and undertaking ongoing management responsibilities to Palmer's Island. Innovative approaches to securing restoration and ongoing maintenance and management should be considered, including leasing space to a private or non-profit agency that would undertake work and maintain an ongoing presence on the Island while continuing to afford public access.

**BERKSHIRE HATHAWAY MILL COMPLEX**

The Plan supports the revitalization of Berkshire Hathaway mill complex to support more intense use with a focus on commercial and industrial uses. Primary access should be from Gifford Street.

**ROUTE 18 REDEVELOPMENT**

The goals for Route 18 development in this area are as follows:

- Continue to provide good quality roadway access to South Terminal.
- Provide access to Standard Times Field development.

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**Route 6 Bridge/Fish Island/Pope's Island**

*Planning Goals:* The Route 6 Bridge/Fish Island/Pope's Island area will continue to contain a mix of marine industrial and water-dependent recreational facilities. With relocation of the bridge as proposed under the Plan, comparable roadway access should be provided to all existing businesses. Additional planning will be needed if Pope's Island North is advanced as a CDF site.

**ROUTE 6/NEW BEDFORD-FAIRHAVEN BRIDGE RELOCATION**

Refer to earlier discussion of Harborwide Initiatives at the beginning of this section.

**POPE'S ISLAND NORTH LAND EXPANSION (MAINTENANCE DREDGING CDF)**

The Plan proposes a substantial enlargement of the land area of Pope's Island to accommodate harbor maintenance dredge materials. As noted previously, this is the only CDF alternative identified by the Dredge Material Management Program (DMMP) that is acceptable to the communities.

The Plan proposes a CDF larger than that shown within CZM's DMMP to accommodate a larger quantity of potential harbor dredge materials. The Plan anticipates that additional land area created within the Pope's Island North CDF would be allocated for a mix of maritime industrial uses including expansion of bulk terminal operations and public access and open space, to the extent allowable under Chapter 91 within a DPA. A final determination of the appropriate and licensable mix of uses will be determined in subsequent amendments to this Plan. The Plan anticipates that dredging will occur over several years with initial dredging associated with driveways and berthing areas of both public facilities occurring first, to be followed by channel dredging at a later time. The Plan further anticipates that disposal of the first stages of maintenance dredge may be accomplished through development of a Confined Aquatic Disposal (CAD) on the North Side of Pope's Island. The area north of Pope's Island has been deemed to be a disturbed area and as such development of a CAD in this area will alleviate the need to disturb, either temporarily or permanently, other areas in the harbor. Any proposed CAD designs for the North Side of Pope's Island must not preclude potential subsequent development of a CDF above the CAD.

#### **FISH ISLAND**

The Plan supports the continued use of Fish Island for marine terminal facilities. Relocation of the Route 6 Bridge will have generally beneficial implications for existing businesses, other than the existing gas station that would need to be relocated. With relocation of the Route 6 Bridge, comparable roadway access to Fish Island should be provided to serve existing marine industrial businesses. With relocation of Route 6, public water access and a harbor viewing area should be established on Fish Island.

#### **DREDGING**

The following maintenance dredging needs in this area have been identified by users:

- D.W. White dredging
- Niemiec Marine dredging
- Whaling City Marine dredging
- Gear Locker Marina
- Bridge Terminal

#### **SUPPORTING DPA USE ELIGIBILITY CREDIT PROGRAM**

A number of parcels on Pope's Island will be allowed to accommodate Supporting DPA Uses. A precise definition of these parcels is provided in Appendix A.

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## Fairhaven Central Waterfront

*Planning Goals:* The Fairhaven Central Waterfront area contains two distinct sub-areas. Between Route 6 and Washington Street, the waterfront along Middle Street should develop as an attractive commercially oriented recreation area. Desirable uses include combined marina and hotel development, supporting commercial development, public parking, extensive public waterfront and water access, and development of a center for excursion and charter vessels and a water taxi dock. Between Washington Street and South Street, the Fairhaven Designated Port Area will continue to serve as an industrially-oriented working waterfront with significant vessel repair and marine service business combined with limited compatible commercial and tourism oriented uses. Specific projects supported by the Plan are described below.

### **COMMUNITY/WATERFRONT GATEWAYS—MAIN, GREEN, AND MIDDLE STREETS**

#### *Main and Green Streets*

Streetscape improvements will be undertaken to Main and Green Streets to enhance their attractiveness as community gateways connecting from Route 6 to the downtown area. Improvements will include tree planting, lighting, and pedestrian amenities such as benches. Improvements to these streets will be funded through ISTEPA.

#### *Middle Street*

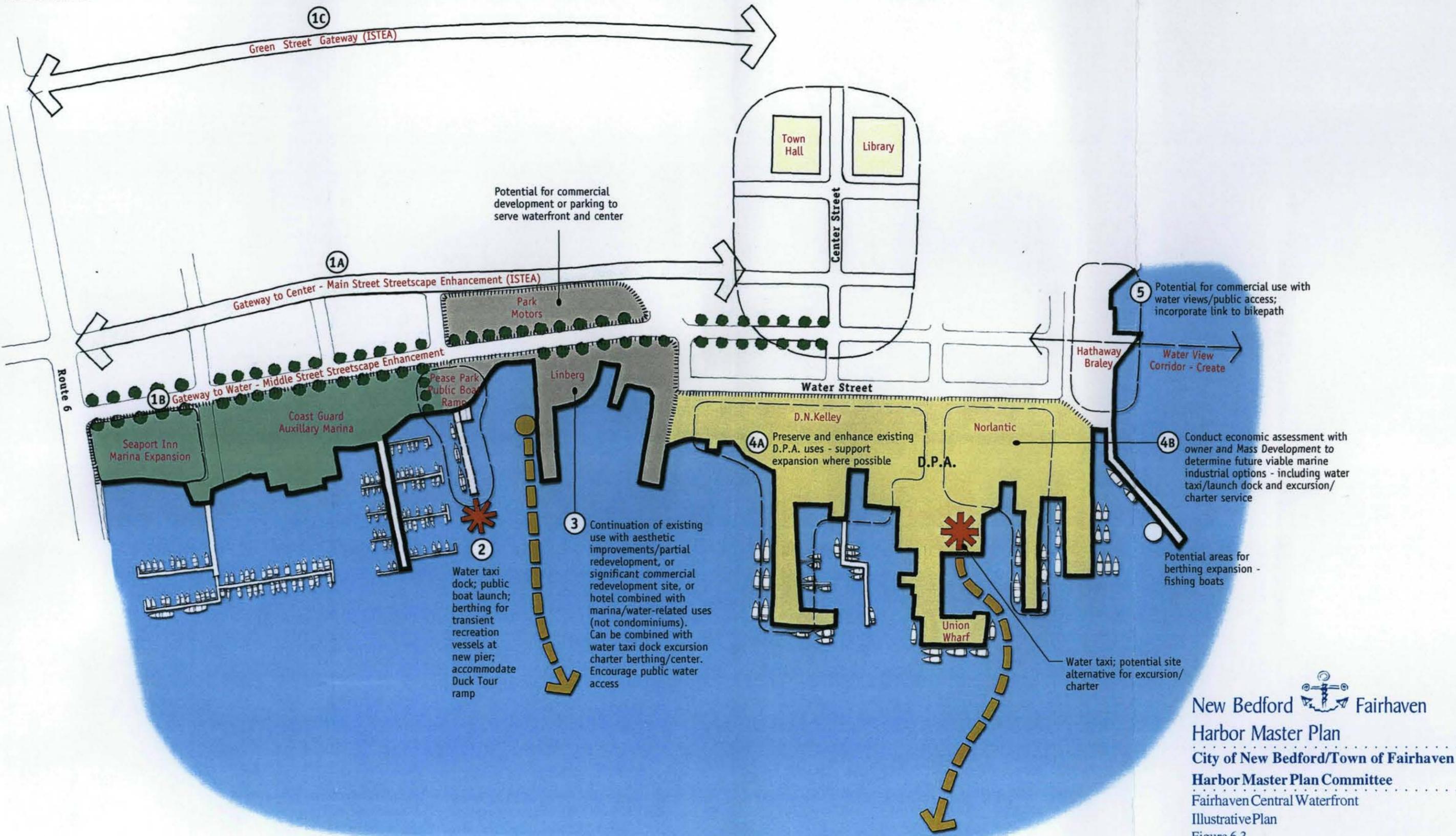
Enhancements to Middle Street waterfront gateway are described below.

#### *Waterfront Access/Downtown Access/Streetscape Study*

A waterfront access/streetscape study is needed to assist the town in evaluating the economic and physical implications of changes in waterfront access and development patterns. This study should establish a designated route for providing access to the DPA along Water Street. The town should seek funding assistance to assist it in evaluating these important issues.

#### *Potential for Historic District Designation*

The central areas of Fairhaven outside the Designated Port Area have the potential to be listed as a district on the National Register of Historic Places. This designation would place no restrictions on individual property owners, but would bring the town the benefits of historic district status in terms of recognition and offer owners potential tax benefits associated with undertaking changes to buildings within the area. The Plan supports consideration of National Register listing.



New Bedford  Fairhaven  
 Harbor Master Plan  
 City of New Bedford/Town of Fairhaven  
 Harbor Master Plan Committee  
 Fairhaven Central Waterfront  
 Illustrative Plan  
 Figure 6.3

VHB Vanasse Hangen Brustlin, Inc.  
 August 2002

Funding for the New Bedford/Fairhaven Harbor Master Plan is provided by the Commonwealth of Massachusetts Executive Office of Environmental Affairs, Coastal Zone Management Office.  
 This illustration is not to be construed as superceding any provision of the Waterways Regulations 310 CMR 9.00 et seq.

## RECREATIONAL WATERFRONT—ROUTE 6 TO WASHINGTON STREET

The Plan supports future development that establishes the area as a cohesive district for commercial and recreationally oriented water-dependent uses and supporting commercial activities and amenities. Specific initiatives or potentials include:

### *Middle Street*

Streetscape improvements will be undertaken along Middle Street to enhance the attractiveness of the town's principal commercially oriented waterfront gateway street and stimulate appropriate tourism-oriented development and waterfront investment. These improvements will enhance the area and create the sense of a cohesive waterfront district combining marinas and commercial tourism-oriented services, and supporting commercial uses, as opposed to a number of isolated and unrelated uses. Enhancements would include tree planting, aesthetically pleasing lighting, and other pedestrian amenities.

### *Pease Park Boat Ramp*

The Pease Park boat ramp will be substantially improved with the addition of a floating dock providing a central landing for a cross-harbor water taxi, transient berthing for recreational vessels, and ramp improvements to support Duck Tour use. The ramp will also continue to provide public water access for recreational use.

### *Mooring Field*

The Town of Fairhaven will establish a mooring field to the north of Crow Island. The Town of Fairhaven, under the auspices of the Harbormaster and the Marine Resources Department, has developed a mooring area plan. Under this plan, the town would install moorings in this area and rent moorings on an annual basis. To ensure safety, careful review of other vessel movements within this area will be undertaken prior to finalizing the design of this mooring area. The Plan does not mandate exclusive municipal ownership of any mooring within Fairhaven.

### *Charter/Excursion Vessel Center/Berthing Area*

The Plan supports development of a central berthing area for commercial charter and excursion vessels within the Fairhaven Central Waterfront. Several potential locations exist, all situated on private property. The Plan does not designate one particular site for this facility. However, to provide maximum benefits to the community, such a facility should be situated in a prominent location, adjacent to commercial and recreational uses, and the downtown area. The best location for such a facility would be the northern face of the Linberg Marine property, facing the Pease Park boat ramp.

This location combines visibility, compatibility with surrounding uses, and adjacency to the downtown area. However, should the owners of the facility not seek to advance such an opportunity, other central waterfront sites will be considered.

#### *Linberg Marine*

This site currently forms the transition between the primarily recreational uses along Middle Street between the Pease Park Boat Ramp and Route 6, and the primarily marine industrial uses that extend from the site along the waterfront into the Designated Port Area. The existing marine repair business in this location represents an acceptable use of the property though landscape screening and streetscape improvements are desirable to enhance the attractiveness of this gateway to the center. As noted previously, the Plan is supportive of reuse of a portion of this property as a center for excursion and charter vessels on the Fairhaven side of the harbor. Such a use would be compatible with continued use of the balance of the property for the current marine service and vessel repair business. Other acceptable future redevelopment opportunities supported by the Plan include commercial water-dependent uses such as marina development in association with a hotel or other commercial uses. The Plan does not support residential reuse of this property. The property could also be successfully redeveloped in conjunction with other adjacent properties such as the Park Motors property.

#### *Park Motors*

Future redevelopment of this auto-dealership site has the potential to contribute significantly to the goals of the Plan within this area. Though this one-acre property does not have direct waterfront access, it can contribute directly to the implementation of the Plan by incorporating commercial uses that are complementary to other water-dependent uses or provide public parking that is supportive of public use and waterfront access, or as a part of a larger commercial redevelopment project incorporating the adjacent Linberg Marine property. The Park Motors site is located on tidelands and though separated by a public way from the water is largely situated within 250 feet of the water's edge and is therefore subject to Chapter 91 jurisdiction, substantially enhancing opportunities for public involvement in any site redevelopment activities. Mixed use development incorporating residential use combined with commercial and recreational uses at street level is also an acceptable use of the property.

### **DESIGNATED PORT AREA—WASHINGTON STREET TO SOUTH STREET**

This area will continue to serve as the heart of the community's marine industrial waterfront with a strong commitment to preserving and strengthening existing marine industrial businesses. Where possible, public access and compatible supporting commercial uses may be incorporated as allowed under Chapter 91 regulations governing tidelands within Designated Port Areas. Any commercial or industrial supporting uses will be concentrated along Water Street away from the water's edge.

*Union Wharf*

Repairs to the wharf's fendering system were completed in 1999 with funding from the Seaport Bond Bill. The town is also evaluating potential pier enhancements, including finger piers to add to the capacity of the wharf to provide berthing space for smaller fishing vessels.

*Norlantic*

In late 1998, the owners of this facility closed their business. Desirable reuse options for the property include continued use of the facility by another marine services/vessel repair business, expansion space for other similar neighboring businesses within the Designated Port Area, or another compatible use providing support for other harbor activities and providing significant employment opportunities on the waterfront. Other uses that might be incorporated within the property include a center for excursion and charter vessels if such a use is not advanced elsewhere in the Fairhaven Central Waterfront. A market and site development study is needed to identify the most advantageous reuse of this facility. The town should investigate the feasibility of undertaking such a study in cooperation with the property owner and MassDevelopment. [Note: This property has been sold to D.N. Kelly and Son and is being used for vessel repair.]

*Hathaway Braley*

This property is located partially inside the Designated Port Area. Parts of the property located outside of the DPA terminate the Middle Street corridor. This part of the property has excellent views of the Hurricane Barrier and the harbor entrance. If this portion of the property were to be redeveloped for commercial use, careful consideration should be given to opening up this view from public streets and providing public access to the water's edge.

*Expansion of Fishing Boat Berthing*

The Plan is supportive of expansion of fishing vessel berthing on the Fairhaven side of the harbor, potentially including the Hathaway Braley, Norlantic, or other properties within the DPA. The Plan supports amendments to the State Harbor Line and the Federal Channel/Anchorage Line to enable such an expansion to take place, if further planning analysis confirms it will not result in a significant interference to navigation.

**DREDGING***Channel Dredging*

The Plan supports dredging of the 10-foot and 15-foot federal channels to their authorized depths. The Army Corps of Engineers has assessed vessel traffic in these channels and has made a preliminary finding that existing vessel traffic provides justification for channel dredging. No schedule for implementation has yet been set.

*Driveway/Berthing Area Dredging*

Several recreational and marine industrial users have identified dredging needs at their facilities:

- Union Wharf
- Coast Guard Auxiliary
- Fairhaven Boat Ramp
- Linberg Marine
- D. N. Kelley & Son
- Norlantic Diesel
- Hathaway Braley

**BIKEPATH/WATERFRONT SIGNAGE/MAPPING**

Refer to the discussion of this topic in Fairhaven North and South sub-area.

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**Fairhaven Waterfront North and South**

*Planning Goals:* Both of these areas will continue to be almost exclusively residential in character with complementary open spaces and a limited numbers of water related uses. Fairhaven South includes waterfront residential properties along Fort Street, the Fairhaven Shipyard, and important regional open spaces at the Fort Phoenix State Beach. This area is mature and largely fully developed with limited opportunities for change. Fairhaven North is also primarily residential in character with only Cozy Cove Marina and Moby Dick Marina interrupting the pattern of waterfront residential use. Marsh Island will be acquired and established as a major waterfront public space to enhance public water access and serve as an amenity for surrounding neighborhoods. Mooring fields will be developed to the North of Pope's Island adjacent to Cozy Cove Marina. Other substantial changes in this area are not advocated by the Plan.

**MARSH ISLAND**

Marsh Island will be acquired and established as the largest area of public parkland within the inner harbor, substantially expanding public water access within the inner harbor and contributing to enhancing the harbor's natural environment. Marsh Island is the largest undeveloped land area around the inner harbor (20 acres) and is surrounded by shallow waters. Its use as open space will enhance the amenity of surrounding neighborhoods and the harbor as a whole. A dock for launching small boats, canoes, and kayaks will be incorporated to provide a launching point for exploring the harbor and the river. This location may also be used for access to mooring fields located to the north of the New Bedford-Fairhaven Bridge. Marsh Island Park would be accessed from two locations, from River Avenue and Taber Street. The property currently includes radio station antennae that will need to be relocated.

Potential funding sources for acquisition and enhancement of the island include Harbor Restoration Funds established to support restoration of the harbor's natural resources and amenities following harbor cleanup. Additional assessment of Marsh Island in terms of access and design will be undertaken in the Harbor Open Space study that has been funded by the New Bedford Harbor Trustees Council.

#### **MOORING AREA EXPANSION (NORTH OF NEW BEDFORD-FAIRHAVEN BRIDGE)**

The Town of Fairhaven, under the auspices of the Harbormaster and the Marine Resources Department, has developed a mooring area plan for the area north of the New Bedford-Fairhaven Bridge. Under this plan, the town would install moorings in this area and rent moorings on an annual basis. These moorings could be accessed from multiple areas including existing marinas and public docks. The Plan does not mandate exclusive municipal ownership of any mooring within Fairhaven.

#### **FORT PHOENIX BEACH STATE RESERVATION**

The Department of Environmental Management manages the Fort Phoenix Reservation.

#### **OPEN SPACE NETWORK/BIKE PATH**

The Fairhaven waterfront within the planning area extends from the proposed Marsh Island Park at its north through the Central Waterfront Area to the historic Fort Phoenix Reservation at its south. An important goal of the Plan is to connect these spaces as part of a harborwide open space network. It is not feasible to provide a dedicated pedestrian or bicycle corridor linking these two spaces. However, it is proposed to provide maps showing the open spaces and linking streets at various points along this corridor, together with interpretive materials and information. Over time, the intention would be to link this landside trail with water connections to New Bedford from open spaces and from the Central Waterfront.

# Implementation

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## Port Governance

### HARBOR DEVELOPMENT COMMISSION

The Harbor Development Commission will serve as the lead agency in implementing the Harbor Plan in New Bedford in accordance with 310 CMR 9.34(2)(a)(1) through leadership of ongoing harborwide planning efforts, through management of its substantial land holding, and through an enhanced regulatory role. Funding will be needed in order to enable the HDC to expand its staff capacity commensurate with its expanded role and responsibilities.

#### *Near Term Staffing Needs*

In order to facilitate a successful transition from the Harbor Plan process to implementation of the Plan, funding for the Harbor Coordinator position that was established and funded as part of the harbor planning process will be extended for an additional year. The Harbor Coordinator position will be established as a staff position within the HDC. Over the next year, the Harbor Coordinator will be responsible for advancing the immediate action program of the Harbor Plan. The Coordinator will monitor the progress of harbor-related projects and coordinate with state and federal agencies with project responsibilities. It is anticipated that this position will evolve into the Senior Waterfront Planner/Development Manager position described below.

A number of new HDC staff positions will be needed to enable it to undertake its responsibilities under the Plan. To the greatest extent possible, funding of these positions will be supported through project administration funds associated with individual harbor development projects and through use of funds available through the Harbor Trustees Council:

- *Marine Superintendent* – The marine superintendent will report to the Director of the HDC and will play a leading role in the day-to-day activities of managing an active waterfront. It is anticipated that this position will be filled in the future with funding from the Harbor Trustees Council and HDC operating revenues.

- *Senior Waterfront Planner/Development Manager* – A senior-level Waterfront Planner/Development Manager reporting to the Director of the HDC will be added to the staff. The Planner will play a leading role in project planning and coordination efforts, including interaction with state and federal regulatory agencies and ongoing planning efforts with newly established harbor task forces. Funding for this position will be through administration funds associated with harbor projects.
- *Market Development Officer* – The Market Development Officer will focus on the identification and pursuit of new market opportunities for the HDC and its facilities. The Market Development Officer shall also assist local businesses in capturing new market opportunities associated with port capabilities.
- *Bookkeeper/Financial Oversight* – As the HDC assumes responsibility for implementation and administration of multi-million dollar projects, a part-time bookkeeper position will be created to provide financial oversight and project billing functions. It is anticipated that this part-time position will be funded through project administration funds.

Over the longer term, as major harbor initiatives move forward, it is anticipated that additional HDC positions will need to be created, including a Chief Operating Officer and a Chief Financial Officer.

#### *Port Professionals/Seaport Advisory Council*

With expansion of the HDC's staff, the Director of the HDC will be appointed to assume the role of the city's representative on the Port Professionals group of the Seaport Advisory Council.

#### *Task Forces*

The work of the Harbor Master Plan Committee will be continued through a series of task forces that will be established to provide input to HDC Commissioners on key areas of harbor development. The following task forces have already been identified:

- Fishing Industry Task Force
- Seafood Processing/Wholesale Task Force
- Freight Task Force
- North Harbor Development Task Force
- Central Waterfront Task Force
- Recreational/Community Boating Task Force
- Dredging Task Force

### STATE PIER MANAGEMENT

The City of New Bedford/HDC is working cooperatively with DEM to enable the city to play an expanded and active role in the redevelopment and marketing of the New Bedford State Pier. This effort will build on the already successful cooperation that has led to the construction of the Quick Start Ferry Terminal.

### TOWN OF FAIRHAVEN – DEPARTMENT OF WATERWAYS RESOURCES

The Department of Waterways Resources is responsible to the Board of Selectmen for planning, management and operation of all waterway-related resources within the Town of Fairhaven. The Department administers all coastal related activity through its Department Director/Harbor Master and Shellfish Warden. The Department works closely with the Town's Planning and Economic Development Department and the Tourism Department to promote programs that encourage waterfront business expansion and new business opportunities consistent with overall harbor goals. The Department will continue to work cooperatively with the New Bedford HDC on issues of mutual concern and interest, including projects contained within the Harbor Plan. The Town's Planning and Economic Development Department, in conjunction with the Board of Selectmen, shall serve as the lead entity in implementing the Harbor Plan within the Town of Fairhaven as referenced in 310 CMR 9.34 (2)(a) 1.

### REGULATORY CHANGES

Both changes to existing regulations and the enactment of new regulations will be undertaken to facilitate the implementation of the Harbor Plan and associated ongoing harbor management activities. The following regulations will be enacted:

- A new ordinance has been added to the New Bedford Code of Ordinances which requires that all future development, as well as changes or "intensifications" of existing uses, within the land and water areas of the New Bedford portion of the Harbor Planning Area (Coggeshall Street to the Hurricane Barrier) shall require a certificate from the HDC certifying that the proposed activity/development is consistent with the provisions of the Harbor Plan. This ordinance also expands the existing authority of the Executive Director of the HDC to issue fines and cease and desist orders. This ordinance applies to both filled tidelands and uplands within the Harbor Master Planning Area.

- Any application for a Chapter 91 license or renewal of a Chapter 91 license that does not include a certificate from the HDC certifying its consistency with the Harbor Plan shall be deemed to be inconsistent with the Harbor Plan.

### **PORT AUTHORITY**

Over the longer term, the goals of harbor development and management are likely to be best facilitated through development of a Port Authority. Such an Authority would be established through a joint home rule petition formulated by the City of New Bedford and the Town of Fairhaven and enacted by the Massachusetts General Court. A study is needed to assess the feasibility, advisability, and need for such a joint jurisdictional Port Authority to govern the planning, operation, development, marketing, and financing of port and related assets. This study shall, at minimum, evaluate need based on financial, funding, development management, governance, market, operating, and regulatory benefits to be accrued by New Bedford and Fairhaven in support of the long-term implementation of the Harbor Plan. The study should use as its basis the findings contained in the SRPEDD/EOTC "Section 269 Port Authority Feasibility Study" of January 1998 and the Massachusetts Seaport Advisory Council "Port Governance Study" of January 1998. It is anticipated that discussions about implementation of a Port Authority will occur over the next several years in the context of the Harbor Plan recertification process.

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### **Strategic Funding/Financing Strategies**

The Harbor Plan combines immediate-term lower cost public initiatives that can leverage private sector investment and job creation with longer-term initiatives that expand the harbor's capacity and potential. The HDC and the communities will continue to work closely with relevant state agencies to identify funding sources for Plan implementation through the Seaport Bond Bill, especially earmarked funds, and will work with the state to identify other funding sources in order to advance public-private partnerships. Key near term projects are listed below. A full listing of harbor initiatives and funding sources is included on the charts provided on the following pages.

**IMMEDIATE-TERM — 5-YEAR PLAN**

Immediate-term public investment of \$12 million, of which \$7 million is already committed, has the potential to leverage the creation of 700-800 private sector jobs and \$50-60 million in private investment. These investments are as follows:

Freight Ferry*	\$4 million
Charter Excursion Dock/Related Improvements	\$2 million
Fishing Pier Extensions	\$2.7-3.6 million
Pier and Wharf Repairs*	\$2.2 million
Water Taxi Dock	\$75k
Standard Times Field Infrastructure*	\$525k
<u>Fairhaven Pease Park Boat Ramp/Taxi Dock</u>	<u>\$125k</u>
TOTAL	\$12 million (approx.)
Funding already committed (approximately)*	\$7 million
Additional funding now required	\$5 million

\*denotes funding already committed  
numbers are rounded for illustrative purposes

**ADDITIONAL NEAR TERM — 5-YEAR PLAN**

Additional major near term opportunities requiring substantial investments include Route 18 redevelopment and harbor dredging.

Route 18 Enhancement*	\$15 million
Maintenance Dredging (users/driveways)*	\$20 million
<i>(cost assumes approx. 400,000 cubic yards)</i>	<i>(\$18 million in SBA)</i>
TOTAL	\$35 million
Funding already committed*	\$15-33 million

\*denotes funding already committed  
numbers are rounded for illustrative purposes

**LONG-TERM — 10-YEAR PLAN**

Assessment of costs/funding associated with long-term projects will require additional review as proposed projects are more fully defined and needed planning, environmental, and engineering analyses are undertaken. Available cost information and additional studies needed to determine likely costs are listed in the following charts.

Table 7.1 FIVE YEAR PLAN: PUBLIC COSTS 1999-2004 (part 1)

Project	Cost (\$)	Funding Committed	Funding Source	Implementation Schedule	Area	Comments	Activity to be Funded	Type of Project
<b>FISHING PIERS</b>								
Pier and Wharf Repairs	2,600,000	YES	Chapter 28: Seaport Bond Act (authorized)	Immediate Action Completion 2001	NB Central Waterfront	Includes Union Wharf in Fairhaven	Construction-Phase II	Infrastructure
Leonards Wharf / Homer's Wharf Pier Extensions	2,700,000-3,600,000	NO	Chapter 28	5 year	NB Central Waterfront		Design, Construction	Infrastructure
Fisherman's Wharf Water Taxi Dock	75,000	NO	Chapter 28, MassDevelopment, EOTC, EDA, CPED	Immediate Action	NB Central Waterfront		Design, Construction	Infrastructure
<b>STATE PIER</b>								
Quick Start RO/RO Freight Ferry Terminal	4,000,000	YES	Federal Highway Ferry Boat Discretionary Funding (\$1.8 million); State matching funds through EOTC Seaport Bond Bill (\$386,425) EOTC WTCP, Chapter 28, PWED, MassDevelopment, CMAQ, MWRA (inkind/Public Benefit Transfer), CPED	Immediate Action	NB Central Waterfront		Design, Construction	Infrastructure
Charter Excursion Floating Dock	1,100,000	NO	Chapter 28, MassDevelopment, Public/Private Partnership, CPED	5 year	NB Central Waterfront		Design, Construction	Infrastructure
Southwest Corner Improvements	250,000	NO	Chapter 28, MassDevelopment, Public/Private Partnership, CPED	5 year	NB Central Waterfront	includes kiosk lighting improvements dockside railing pushcart stalls demolition of existing fences	Design, Construction	Infrastructure
Ernestina Support/Interpretive Facilities/Pier Support Space (State Pier-SW)	600,000	NO	TEA 21 Enhancements Chapter 28 EOEA Open Space Bond Act (Ch. 15)	5 year	NB Central Waterfront		Design, Construction	
National Park Interpretive Facilities/Programs	TBD	NO	National Park Service	5 year	NB Central Waterfront			
<b>WATERFRONT PROMENADE</b>								
Streetscape/Viewing Tower/Wharfinger Building	TBD	NO	Chapter 28 TEA 21 Enhancements or Other State Transportation Bond Bills Act, EOEA Open Space Bond Act (Ch. 15)	5 year	NB Central Waterfront			

Table 7.2 FIVE YEAR PLAN: PUBLIC COSTS 1999-2004 (part 2)

Project	Cost (\$)	Funding Committed	Funding Source	Implementation Schedule	Area	Comments	Activity to be Funded	Type of Project
<b>DREDGING</b>								
Cleanup Dredging	TBB	YES	Federal/EPA	5 year:10 year	Harborwide			
Maintenance Dredging 10ft/15ft Federal Channel	TBD	NO	ACOE	5 year	Fairhaven Central			
Maintenance Dredging Berthing Areas/Driveways	20,000.000 (approx)	YES	Chapter 28 (\$18 million)	5 year	Harborwide			
Dredge Disposal Sites	TBD	NO	Chapter 28, ACOE	5 year	Popes Island North			
<b>TRANSPORTATION</b>								
Route 18/JFK Highway	15,000.000	YES	Federal/State	5 year	New Bedford			
Intermodal Station	TBD	YES	TEA 21 Transit Programs, EOTC ITC Program, RTA FTA RTAP (Section 18), State transportation Bond Bills/Act, MBTA	5 year	North Terminal			
<b>WATER ACCESS</b>								
Pease Park Boat Ramp Improvements	125.000	NO	EOEA Open Space Bond Act (Ch. 15), DEM Public Access Program, Chapter 28	5 year	Fairhaven Central	Floating dock construction and ramp improvements		
Gifford Street Boat Ramp	40.000	NO	EOEA Open Space Bond Act (Ch. 15), DEM Public Access Program, Chapter 28	5 year	NB South	Ramp improvements		
<b>LAND DEVELOPMENT</b>								
Standard Times Field Industrial Park	500.000	YES	PWED, CDAG, MassDevelopment, EDA, DED, Public/Private Partnerships, Revenues Generated by Land Sales	5 year	NB South			

Table 7.3 FIVE YEAR PLAN: PUBLIC COSTS 1999-2004 (part 3)

Project	Cost (\$)	Funding Committed	Funding Source	Implementation Schedule	Area	Comments	Activity to be Funded	Type of Project
<b>OPEN SPACE</b>								
Marsh Island Acquisition/Park Development	TBD	NO	Harbor Trustees, EOEAA Open Space Bond Act (Ch. 15)	5 year	Fairhaven North			
Palmer's Island Enhancements	TBD	NO	Harbor Trustees	5 year	New Bedford South			
<b>STREETSCAPE</b>								
Main Street/Green Street	TBD	YES	MHD/ISTEA	5 year	Fairhaven Central			Infrastructure/Streetscape
Middle Street	TBD	NO	MHD, State Transportation Bond Bills/Act, TEA 21 Enhancements	5 year	Fairhaven Central			Infrastructure/Streetscape
<b>MOORING FIELD DEVELOPMENT</b>								
Popes Island South	TBD	NO	HDC Port Revenue, Chapter 28	5 year	Fairhaven Central		Design and Construction	
Popes Island North	TBD	NO	HDC Port Rev., Chapter 28	5 year	Fairhaven North		Design and Construction	
<b>STUDIES</b>								
North Harbor/North Terminal Study	400,000	NO	Federal/CZM/State	5 year	NB North			Study
Harbor Public Access/ Open Space Study	50,000	YES	Harbor Trustees Council	5 year	Harborwide			
Standard Times Field Development Strategy	25,000	NO	DED, MassDevelopment, CDAG, EDA, Public/Private Partnership, CPED	5 year	Harborwide			
New Bedford Fish Auction Enhancement Strategy	50,000	NO	Chapter 28	5 year	NB South			
Norlantic Site Evaluation Study	25,000	NO	MassDevelopment	5 year	Fairhaven Central			
Fairhaven Gateways /Waterfront Access Study	35,000	NO	State/MIGS Program	5 year	Fairhaven Central			
Water Taxi Market Study and Business(ops.) Plan	30,000	NO	EOTC WTCP, FTA, CPED	5 year	Harborwide			
Harbor Carrying Capacity/Operations Study	150,000	YES	Seaport Advisory Council, UMASS/Dartmouth	Immediate Action	Harborwide			
<b>HDC STAFF ADDITIONS</b>								
Marine Superintendent	TBD		Harbor Trustees	5 year	Harborwide			Annual Operating Cost
Senior Planner/Waterfront Development Manager	TBD		Grants Administration "6&2" Rule, HDC Port Revenue, HDC In-kind	5 year	Harborwide			Annual Operating Cost
Market Development Officer	TBD		Seaport Advisory Council, Special Appropriation, HDC Port Revenues, Federal Grants, Public/Private Partnerships, CPED	5 year	Harborwide			Annual Operating Cost

Table 7.4 TEN YEAR PLAN: PUBLIC COSTS 2005-2010

Project	Cost (\$)	Funding Committed	Funding Source	Implementation Schedule	Area	Comments	Activity to be Funded	Type of Project
<b>DREDGING</b>								
Maintenance Dredging 30ft Federal Channel	TBD	NO	Federal/ACOE State Seaport Bond Bill	10 year	Harborwide			
Improvement Dredging North Harbor	TBD	NO	Federal/ACOE	10 year	NB North			
<b>TRANSPORTATION</b>								
Route 6 Bridge Relocation	TBD	NO	Federal/State	10 year	NB North/Popes Island			
<b>PORT TERMINAL</b>								
Cargo/Passenger Terminal	TBD	NO		10 year	NB North			
<b>LAND DEVELOPMENT</b>								
Popes Island North CDF Land Creation/Reuse	TBD	NO		10 year	Popes Island			
<b>WATER QUALITY</b>								
CSO Improvements	TBD	YES	EPA	10 year	NB North			
<b>STUDIES</b>								
Popes Island North Land Use Assessment	TBD	NO						

# Appendix A

## Harbor Development Commission

### Supporting DPA Use Eligibility Credit Program

#### CONTENTS:

Supporting DPA Use Eligibility Credit Program Regulations

Schedule A: Eligibility Credit Price

Schedule B: Sending Zone Eligibility Credits Table

Schedule C:

Zone Identifier/Descriptions

Receiving Zone Table

Supporting DPA Use Eligibility Credit Program Maps

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## Supporting DPA Use Eligibility Credit Program Regulations

### 1.0 PURPOSE

The concept of a Designated Port Area (DPA) is founded on the premise that it makes good environmental and good economic sense to encourage maritime business development within harbor areas that have already been extensively altered to meet the special operational and physical requirements of port-related commerce. Since 1979, the Commonwealth's waterways regulations have included provisions to prevent development with an exclusionary effect upon water-dependent industry in the DPA. In 1984, the licensing authority was extended to include filled tidelands. In the 1990s, regulations allowing certain nonwater-dependent industrial and commercial uses were promulgated. These uses must provide direct economic or operational support to the water-dependent industrial uses in the DPA. Under the principle of limited occupancy, these uses may be licensed on up to 25% of a particular vacant site. Development of certain sites can exceed 25% if the municipality has adopted a DPA Master Plan.

The Harbor Development Commission (HDC) in an effort to provide for comprehensive planning and compatible development of all filled tidelands within the Designated Port Area (DPA) of the City of New Bedford, Massachusetts hereby promulgates the following Supporting DPA Use Eligibility Credit Program (Program). Through implementation of the Program, the HDC seeks to ensure that the development of commercial uses upon filled tidelands within the DPA will provide direct economic or operational support to water-dependent industrial uses within the DPA so as to adequately compensate for the reduced amount of tidelands within the DPA available for water-dependent industrial use. It is the expressed intent of these regulations to allow development of Commercial Supporting DPA Uses in excess of 25% of the project area of certain limited designated portions of the filled tidelands within the DPA, pursuant to the DPA Master Plan, while prohibiting development of Supporting DPA Uses in the majority of the DPA. Industrial Supporting Uses are not allowable anywhere within the DPA.

All references in this document to 310 CMR 9.00 et seq shall be deemed to include any amendments to 310 CMR 9.00 et seq as promulgated from time to time.

## 2.0 DEFINITIONS

2.1 Double Credit Holder - a non-profit entity, designated by the HDC, which holds Eligibility Credits for use in a Receiving Zone and uses the Eligibility Credits to develop a project consisting entirely of water-dependent uses and/or facilities of public accommodation, which also enhances public access to the waterfront.

Notwithstanding the provisions of Section 2.4 hereof, each Eligibility Credit held by a Double Credit Holder shall certify that direct economic support has been provided to water-dependent industry, pursuant to the New Bedford/Fairhaven Harbor Master Plan, in compensation for using 2000 square feet of DPA land for Supporting DPA Use as defined in 310 CMR 9.02.

2.2 DPA - that certain area in the City of New Bedford which has been designated as the Designated Port Area by CZM in accordance with 301 CMR 25.00, as amended from time to time.

2.3 DPA Master Plan - that component of the New Bedford/Fairhaven Harbor Master Plan as approved by the Executive Office of Environmental Affairs on September 24, 2002, pertaining to lands and waters of the DPA within the City of New Bedford and as further defined in 301 CMR 9.02, as amended.

2.4 Eligibility Credit - a certification that direct economic support has been provided to water-dependent industry, pursuant to the New Bedford/Fairhaven Harbor Master Plan, in compensation for using 1000 square feet of DPA land for Supporting DPA Use as defined in 310 CMR 9.02. Eligibility Credits are transferable. Eligibility Credits do not have an expiration term until they are associated with the licensing of the Supporting DPA Use. Once associated with the licensing of a Supporting DPA Use, an Eligibility Credit will expire on the Projected Expiration Date of the original Chapter 91 license or upon the issuance of a new or amended Chapter 91 license for a substantial change in use or substantial structural alteration as those terms are defined in 310 CMR 9.02, whichever occurs sooner. Notwithstanding the previous sentence, an Eligibility Credit may be transferred in conjunction with the transfer of a Chapter 91 license pursuant to 310 CMR 9.23. Upon the expiration of any Eligibility Credit, it shall revert to the HDC Credit Bank.

2.5 Filled Tideland - former submerged lands and tidal flats which are no longer subject to tidal action due to the presence of fill.

2.6 HDC - The Harbor Development Commission of the City of New Bedford.

2.7 HDC Credit Bank - a depository of inactive Eligibility Credits, managed by the HDC as the authority regulating the Supporting DPA Use Eligibility Credit Program. Inactive Eligibility Credits are those Eligibility Credits which are not presently associated with a Chapter 91 license for a Supporting DPA Use or not held by a public or private entity for future development purposes. Eligibility Credits held by the HDC Credit Bank may be purchased by entities seeking to license a Supporting DPA Use within a Receiving Zone.

2.8 HMP Setback Zone - the area as delineated in the Receiving Zone Specification Schedules within which no Supporting DPA Use or accessory uses thereto shall occur. Such zone is not intended to be a substitute for the Water-Dependent Use Zone as that term is defined in 310 CMR 9.02.

2.9 Municipal Harbor Plan - a document which satisfies the definition of a Municipal Harbor Plan as set forth in 310 CMR 9.02 and 910 CMR 9.32(2).

2.10 New Bedford/Fairhaven Harbor Master Plan - the Municipal Harbor Plan for New Bedford/Fairhaven Harbor as approved by the Secretary of Environmental Affairs on September 24, 2002 (hereinafter "the Approved Plan").

2.11 Non-profit Organization - an organization created pursuant to Chapter 180 of the General Laws of Massachusetts, or other type of trust or association which is regulated by the Public Charities Division of the Office of the Attorney General for the Commonwealth of Massachusetts.

2.12 Port Maintenance & Enhancement Fund (PMEF) - a special fund created by the HDC and funded by all proceeds received by the HDC from the sale of Eligibility Credits held either by the HDC as a public holder of Eligibility Credits or by the HDC Credit Bank. Disbursements from the PMEF shall be used exclusively to fund capital improvements and other projects which preserve or enhance the capacity of the Port of New Bedford to accommodate water-dependent industry.

2.13 Projected Expiration Date - a date certain calculated by adding the original term of a Chapter 91 license for a particular project to the date said Chapter 91 license is issued.

2.14 Receiving Zone - an area of land in New Bedford as designated in the DPA Master Plan where Supporting DPA Uses and accessory uses thereto are allowable pursuant to the Approved Plan and subject to the provisions of Section 2.8 hereof. Each Receiving Zone shall have its own Receiving Zone Specification Schedule.

2.15 Receiving Zone Specification Schedule - a schedule setting forth the location, area, and any planning justifications, allowed and excluded uses, use limitations and numerical standards for a particular Receiving Zone. All Receiving Zone Specification Schedules shall incorporate by reference any "use limitations" and "numerical standards" as may be contained in the Approved Plan. The Receiving Zone Specification Schedules for all Receiving Zones are attached hereto in Schedule C, including Zone Identifier/Descriptions, Receiving Zone Table, and Supporting DPA Use Eligibility Credit Program Maps, and incorporated herein.

2.16 Sending Zone - any area within the DPA which has not been designated as a Receiving Zone.

2.17 Supporting DPA Use - a use which satisfies the definition of "Supporting DPA Use" in 310 CMR 9.02, as amended.

2.18 Water-Dependent Industrial Use - a use which satisfies the definition of Water-Dependent Industrial Use as set forth in 310 CMR 9.12(2)(b), as amended.

### **3.0 DEVELOPMENT WITHIN THE SENDING ZONE**

3.1 Except as provided in Sections 3.2 and 3.3 herein, only Water-Dependent Industrial Uses, accessory uses thereto, and Temporary Uses as defined in 310 CMR 9.02 shall be allowed in the Sending Zone, provided that no Temporary Use shall be allowed unless all reasonable efforts have been made to secure a marine industrial use for the parcel.

3.2 Notwithstanding Section 3.1 above, a commercial or nonwater-dependent industrial use which has been existing and operating on a reasonably continuous basis for a substantial period of time pursuant to a valid Chapter 91 license on September 24, 2002 shall be allowed in the Sending Zone until the current valid Chapter 91 license has expired or is revoked or nullified in accordance with 310 CMR 9.25-9.26.

3.3 A commercial or nonwater-dependent industrial use allowable under Section 3.2 hereof shall no longer be allowed in the Sending Zone if:

(a) there is a subsequent substantial change in use or subsequent substantial structural alteration as those terms are defined in 310 CMR 9.02; or

(b) said filled tidelands or structure are abandoned or not used for the purpose for which they were licensed in accordance with 310 CMR 9.25 (1)(c).

#### 4.0 DEVELOPMENT WITHIN RECEIVING ZONES

4.1 Commercial Supporting DPA Uses are allowable pursuant to the Approved Plan within a Receiving Zone provided the license applicant/ developer of such use holds sufficient Eligibility Credits, or holds valid options to acquire sufficient Eligibility Credits, to accommodate the combined footprint of all structures and spaces which contain Commercial Supporting DPA Uses or accessory uses thereto and further provided that no such uses shall be allowed within the HMP Setback Zone.

4.2 A Commercial Supporting DPA Use shall not be allowed in the DPA unless it is also deemed in conformance with the applicable provisions of the DPA Master Plan, including but not limited to any use limitations or numerical standards for the particular Receiving Zone as set forth in the Receiving Zone Specification Schedule for that particular Receiving Zone.

4.3 All development within a Receiving Zone must conform with the applicable requirements of Chapter 91 and 310 CMR 9.00 et seq.

4.4 The designation as a Receiving Zone shall not preclude the development of the zone for water-dependent industrial uses, accessory uses thereto or Temporary Uses as defined by 310 CMR 9.02. Industrial Supporting DPA Uses and Marine Industrial Parks shall not be allowed within a Receiving Zone.

#### 5.0 INITIAL CREATION AND ISSUANCE OF ELIGIBILITY CREDITS

5.1 The HDC, as regulatory authority of this program, shall initially create Eligibility Credits so that total maximum potential development of Commercial Supporting DPA Uses shall be no less than 12.5% and no more than 20% of the entire land area within the DPA.

5.2 The HDC, as regulatory authority of this program, shall initially issue Eligibility Credits to:

- (a) the public owners of land in the Sending Zone within the DPA;
- (b) private owners of land in the Sending Zone within the DPA on which marine industrial uses currently exist;
- (c) private owners of vacant land or structures in the Sending Zone within the DPA in which marine industrial uses are allowable as of right pursuant to the Zoning Ordinance of the City of New Bedford on the date this regulation is promulgated by the HDC, provided said structures are not presently nor can be occupied for residential or other non-marine industrial uses.

This initial allocation of Eligibility Credits shall be made on a pro rata basis, according to the formula set forth in Schedule B, which schedule is attached hereto and incorporated herein.

5.3 The HDC shall maintain a record of the initial and subsequent issuance of Eligibility Credits and the subsequent transfer of Eligibility Credits.

5.4 If the total area of filled tidelands within the DPA should change by more than 10%, the HDC shall reduce the number of Eligibility Credits held by the Credit Bank or shall subsequently issue more Eligibility Credits to the Credit Bank so that total number of authorized Eligibility Credits shall allow development of no less than 12.5% or no more than 20% of the entire land area within the DPA.

## **6.0 ACQUISITION AND USE OF ELIGIBILITY CREDITS**

6.1 Eligibility Credits may be acquired from a public or private holder or from the HDC Credit Bank. The consideration for Eligibility Credits purchased from the HDC Credit Bank shall be as set forth in Schedule A attached hereto and incorporated in this regulation. The consideration for Eligibility Credits purchased from private and public holders shall be as determined by mutual assent of the seller and purchaser, but shall not be less than the amount set forth in Schedule A. The HDC shall deposit all proceeds from the sale of Eligibility Credits which are purchased from the HDC or the HDC Credit Bank into the Port Maintenance and Enhancement Fund.

6.2 Upon the execution of an Option To Purchase Eligibility Credits, the seller of said Eligibility Credits shall file an "Eligibility Credit Option Notification Form" with the HDC, in the form prescribed by the HDC. Said notification shall be forwarded to the HDC within seven (7) days of the execution of said Option To Purchase. If said notification is not received by the HDC within seven (7) days, the execution of said Option To Purchase, said Option To Purchase shall be deemed invalid.

6.3 Upon the transfer of an Eligibility Credit, the seller of the Eligibility Credit shall file an "Eligibility Credit Transfer Notification Form" with the HDC, in the form prescribed by the HDC. Said notification shall be forwarded to the HDC within seven (7) days of the transfer of the Eligibility Credit. If said notification is not received by the HDC within seven (7) days of said transfer, said transfer shall be deemed invalid.

6.4 Upon successful completion of a transfer of an Eligibility Credit pursuant to Section 6.3 hereof, the HDC shall issue an "Eligibility Credit Certification" in a recordable form and said Eligibility Credit Certification shall be recorded with the Chapter 91 license and accompanying plan pursuant to 310 CMR 9.18.

6.5 If the combined footprint of all structures and exterior spaces which contain Supporting DPA Uses or accessory uses thereto equals a total square foot area between the thousand and the five hundred following the thousand, the number of Eligibility Credits required shall be rounded down to the number of Eligibility Credits required if the total square foot area equaled the thousand exactly. If the combined footprint of all structures and spaces which contain Supporting DPA Uses or accessory uses thereto equals a total square foot area between the five hundred following the thousand and the next thousand, the number of Eligibility Credits required shall be rounded up to the number of Eligibility Credits required if the total square foot area equaled the next thousand exactly.

6.6 As part of the Chapter 91 application review, the HDC will determine whether the license applicant either holds sufficient Eligibility Credits or holds options to purchase sufficient Eligibility Credits to allow the Chapter 91 licensing of the combined footprint of all structures and exterior spaces which contain Supporting DPA Uses or accessory uses thereto. The HDC shall include its determination in its written recommendation to the Department of Environmental Protection pursuant to 310 CMR 9.34(2)(a)(1), as amended.

6.7 A holder of an Option To Purchase Eligibility Credits must exercise said option prior to the issuance of the Chapter 91 license for that particular project site. Any written determination pursuant to 310 CMR 9.14(1) by which a Chapter 91 license is granted shall be conditioned upon the exercise of said option within 30 days of the expiration of the appeal period for said written determination or draft license, if required. If no written determination or draft license is required, then said license shall not be granted until said option has been exercised.

6.8 All Options To Purchase Eligibility Credits must be in writing and conform to all applicable laws of the Commonwealth of Massachusetts relative to the conveyance of an interest in real property.

6.9 The HDC may allow the owner of a use existing in a Receiving Zone on March 15, 2001 and which use would otherwise be allowed under the provisions of this program to purchase the required number of Eligibility Credits for said use from the HDC and pay for said credits in the form of a betterment payable, with 6% interest per annum, over a period not to exceed 20 years. The payment period would equal the remainder of the term for the accompanying Chapter 91 license or twenty (20) years whichever period is less. Failure to make a payment as required under the betterment plan will result in a revocation of the user's Eligibility Credits. The betterment shall be set forth in a written agreement between the user and the HDC.

6.10 The provisions of Section 6.9 hereof shall only be available to owners of uses who seek to protect existing structures and intensity of use. Any expansion or alteration shall be subject to the provisions of the Eligibility Credit Program.

## **7.0 PORT MAINTENANCE AND ENHANCEMENT FUND**

7.1 The HDC shall establish a special account to be known as the Port Maintenance and Enhancement Fund (PMEF).

7.2 The HDC shall be entitled to an Administration Fee of up to 7% of the sale proceeds received by the HDC from the sale of Eligibility Credits held either by the HDC as a public owner of Eligibility Credits or by the HDC Credit Bank. The HDC may withdraw the entire Administration Fee upon said conveyance or may annually withdraw any portion it deems appropriate and apply said monies to offset the costs of administration of the Program.

7.3 The HDC shall deposit the sale proceeds received by the HDC from the sale of Eligibility Credits held either by the HDC as a public owner of Eligibility Credits or by the HDC Credit Bank minus the Administration Fee into the PMEF.

7.4 The HDC shall disburse monies from the PMEF exclusively to fund capital improvements and other projects planned and developed under the auspices of the HDC which preserve or enhance the capacity of the Port of New Bedford to accommodate water-dependent industry.

7.5 Notwithstanding the provisions of Section 7.4 hereof, the HDC shall be entitled to an Oversight Fee for any project funded by the PMEF. This Oversight Fee shall be equal to the sum of 6% of the construction costs and 2% of the professional service costs associated with a particular project funded by the PMEF.

Final Revision 8/13/02

# Schedule A

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## Eligibility Credit Price

1. Eligibility Credits may be purchased from the HDC Credit Bank at the following price:

\$2,500.00 /Eligibility Credit

2. No Eligibility Credit shall be sold at a price less than the price set forth herein.

## Schedule B

### Sending Zone Eligibility Credits Table

Eligibility Credits have been issued to public and private owners of land within the Sending Zone of the DPA according to the following schedule:

Name	Total Area	Credits
155 Front Street Corp.	37,099	3
178 Front Street Corp.	22,907	2
350 So. 1st Street Trust	20,236	2
ACF Acquisition Corp.	75,489	7
American Seafoods	388,525	35
Bruce's Rigging & Splicing	55,849	5
C.P. Brodeur, Inc.	46,671	4
Cape Verdean Nat'l Travel Agency	52,503	5
City of New Bedford	3,423	0
Co-Op Wharf Realty	29,067	3
Commonwealth of Mass.	431,332	39
D Fillet Co.	65,603	6
DeMello, David	49,680	5
DMD Development LLC	4,045	0
Dolinsky Family Ltd. Pshp	62,049	6
Enoksen, Arline	44,987	4
F & L Realty Trust	25,862	2
Ferriera, Milton	77,175	7
Fish Island Nominee Trust	69,696	6
Fitzsimmons Family LLC	99,595	9
Franklin Building & Development	119,632	11
IMP Fishing Gear LTD	50,000	5
Isabel Perry, TR	103,416	9
JPF Realty LLC	59,338	5
Kaplan Furniture Associates	3,014	0
Longo, Edward	64,699	6
Luiz III, Joseph	4,950	0
M.P. Foley. Inc. NB	76,676	7
Mar-Vin Realty Corp.- NB	67,220	6

# Schedule B

## Sending Zone Eligibility Credits Table

CHART CONTINUED:

Name	Value	Count
Marine Enterprises and Services	42,449	4
Maritime Realty, Inc.	174,366	16
Maritime Terminal, Inc.	165,462	15
MAT Marine, Inc.	20,199	2
Mitchell, Mark	78,070	7
NB Harbor Development Commission	1,778,745	162
NB Land Co.	134,271	12
NBRA	1,219,320	111
New Bedford Radio Inc.	466,659	43
Northcoast Seafoods	18,295	2
Pope's Island Harbor Dev. Corp.	321,867	29
Portside Realty LLC	50,384	5
Romano, Carmine, TR of Rosan Realty	61,725	6
Rugnetta Family Trust	52,364	5
Saravaia, Armenio	24,839	2
Shuster, Richard	128,058	12
South Terminal Leasing LLC	280,962	26
Speck Realty LLC	35,729	3
Stavcom Realty Co.	48,640	4
Tichon Seafood	35,981	3
Trio Algarvio	106,967	10
Vero Beach Trust	131,145	12
Wanchese Fish Co.	18,238	2
White, Gregory & Belzer, David, TRS	68,342	6
TOTAL	7,673,815	700

# Schedule C

Schedule C includes Zone Identifier/Descriptions, Receiving Zone Table, and Supporting DPA Use Eligibility Credit Program Maps.

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## Zone Identifier/Descriptions

The Following have been established as Receiving Zones:

Zone Identifier	Description
<u>North Terminal</u> NT-001	A portion of NB Assessors Map 72, Lot 293 as shown on the Supporting DPA Use Eligibility Credit Program Map
<u>Central Waterfront</u>	
CW-001	A portion of NB Assessors Map 53, Lot 253 as shown on the Supporting DPA Use Eligibility Credit Program Map
CW-002	A portion of NB Assessors Map 47, Lots 219 & 235 as shown on the Supporting DPA Use Eligibility Credit Program Map
CW-003	A portion of NB Assessors Map 47, Lot 221 as shown on the Supporting DPA Use Eligibility Credit Program Map
CW-004	A portion of NB Assessors Map 47, Lot 231 as shown on the Supporting DPA Use Eligibility Credit Program Map
CW-005	A portion of NB Assessors Map 47, Lots 178, 181 & 201 as shown on the Supporting DPA Use Eligibility Credit Program Map
CW-006	A portion of NB Assessors Map 42, Lots 151-159, 257, 261-263 & 282 as shown on the Supporting DPA Use Eligibility Credit Program Map

<b>ZONE IDENTIFIER</b>	<b>DESCRIPTION</b>
<u>Central Waterfront</u>	
CW-007	A portion of NB Assessors Map 42, Lots 66 & 84 as shown on the Supporting DPA Use Eligibility Credit Program Map
CW-008	A portion of NB Assessors Map 42, Lots 178, 271, 274 & 275 as shown on the Supporting DPA Use Eligibility Credit Program Map
<u>South Terminal</u>	
None	
<u>Pope's Island</u>	
PI-001	A portion of NB Assessors Map 60, Lot 12 as shown on the Supporting DPA Use Eligibility Credit Program Map
PI-002	A portion of NB Assessors Map 60, Lot 26 as shown on the Supporting DPA Use Eligibility Credit Program Map
PI-003	Reserved
PI-004	A portion of NB Assessors Map 60, Lot 22 as shown on the Supporting DPA Use Eligibility Credit Program Map
PI-005	A portion of NB Assessors Map 60, Lot 20 as shown on the Supporting DPA Use Eligibility Credit Program Map
<u>Fish Island</u>	
FI-001	A portion of NB Assessors Map 60, Lot 16 as shown on the Supporting DPA Use Eligibility Credit Program Map
FI-002	A portion of NB Assessors Map 60, Lot 30 as shown on the Supporting DPA Use Eligibility Credit Program Map

# Schedule C

## Receiving Zone Table

The following table sets forth each approved Supporting DPA Use Eligibility Credit Program Receiving Zone. For each zone, the table lists the gross area of the Receiving Zone (including the HMP Setback Zone) and the HMP Setback Zone. To determine the number of Eligibility Credits required to develop within a Receiving Zone, divide the Gross Receiving Zone Area to be developed by 1,000 and then round up or down to the nearest whole number, as provided in Section 6.5 of the Supporting DPA Use Eligibility Credit Program Rules and Regulations. The following table assumes development of the entire site.

[Key: RZID# = Receiving Zone Identification Number; Name of Parcel Owner = Name of Current Owner of Parcel; Gross RZ Area = Gross Area of Receiving Zone (in square feet); and HMP Setback Zone = New Bedford/Fairhaven Harbor Plan Setback Zone]

RZID#	NAME OF PARCEL OWNER	GROSS RZ AREA	HMP SETBACK ZONE
NT-001	NB Harbor Development Commission	30,000	0
CW-001	City of New Bedford	3,500	1,927
CW-002	City of New Bedford	27,108	7,737
CW-003	FEPC Corp.	9,753	155
CW-004	Moses, Richard	4,823	0
CW-005	NSTAR	201,367	26,998
CW-006	NSTAR	99,161	0
CW-007	NSTAR	492,769	170,709
CW-008	NSTAR	384,968	24,238

RZID#	NAME OF PARCEL OWNER	GROSS RZ AREA	HMP SETBACK ZONE
PI-001	Pope's Island Harbor Dev. Corp.	138,551	0
PI-002	Pope's Haven Marina	28,398	0
PI-004	Panagakos, Michael	33,739	12,092
PI-005	Chandler, Robert	86,253	21,401
FI-001	Anderson, Robert	17,746	2,618
FI-002	Kalife, Louis	27,136	1,744
TOTAL GROSS RZ AREA			TOTAL HMP SETBACK
GRAND TOTALS		1,585,272	269,619
PERCENT OF DPA		16.74%	2.85%

# Schedule C

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## Supporting DPA Use Eligibility Credit Program Maps

Includes: Index Plan and Maps for:

North Terminal:

NT-001

Central Waterfront:

CW-001

CW-002

CW-003

CW-004

CW-005

CW-006

CW-007

CW-008

Pope's Island:

PI-001

PI-002

PI-003 (Reserved; no map included)

PI-004

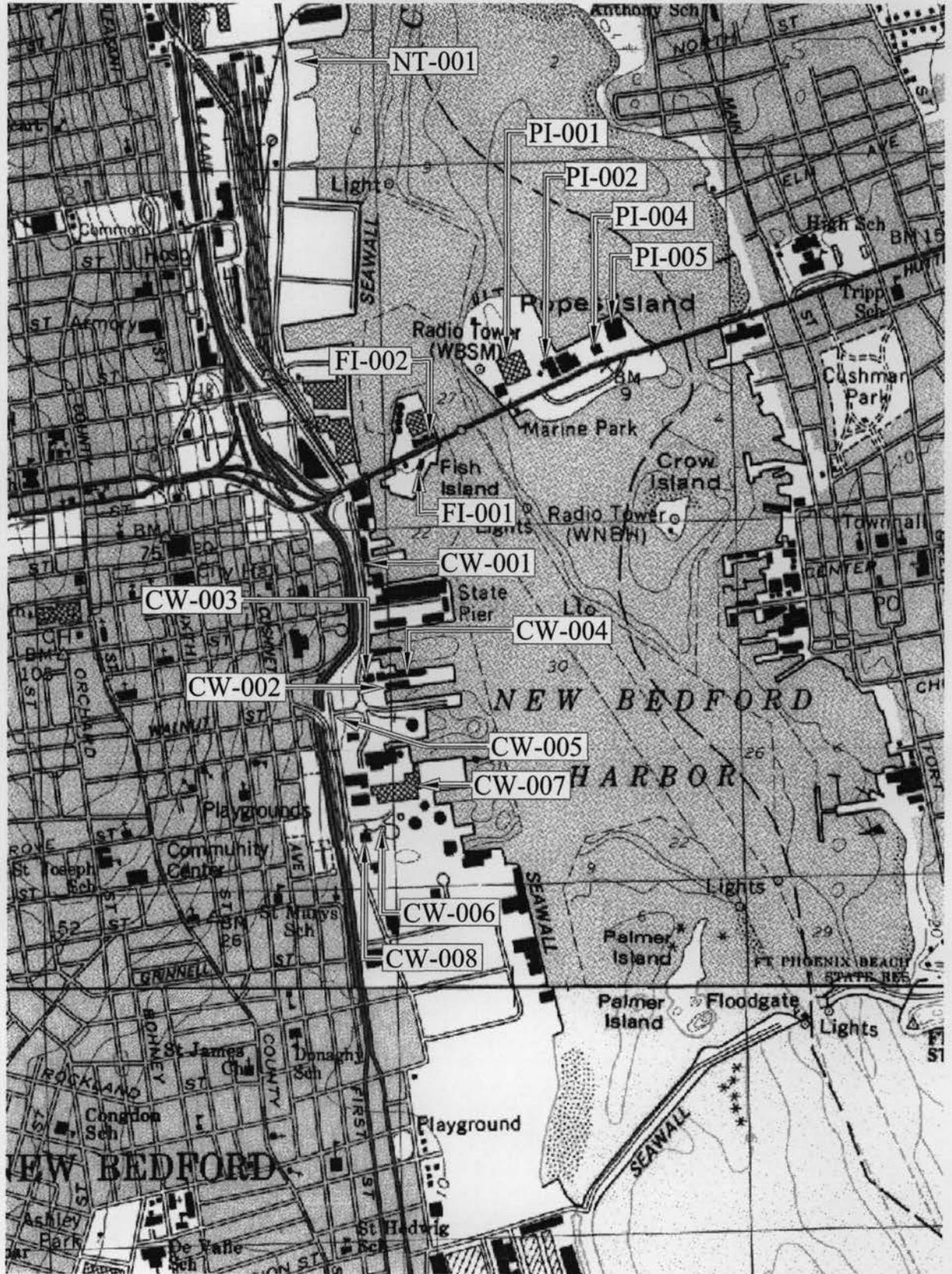
PI-005

Fish Island:

FI-001

FI-002

HARBOR DEVELOPMENT COMMISSION  
SUPPORTING DPA USE ELIGIBILITY CREDIT PROGRAM



INDEX PLAN



PARE ENGINEERING CORPORATION  
700 PLEASANT STREET  
NEW BEDFORD, MA 02740  
508-991-4400

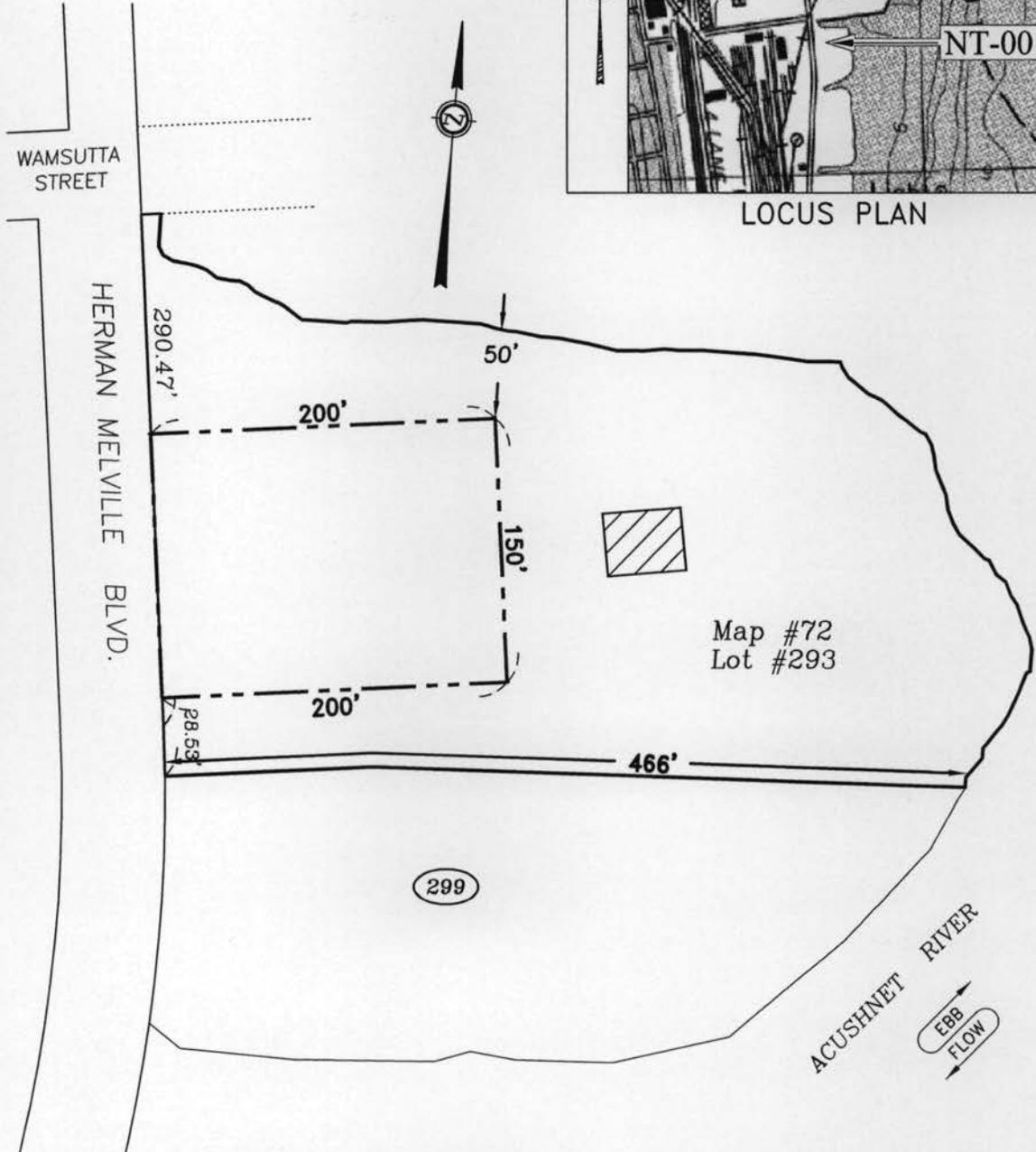
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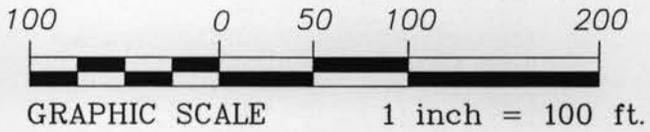
AREA SQ.FT. = 30,000 SF



LOCUS PLAN



OWNER: NEW BEDFORD HARBOR  
DEVELOPMENT COMM. NT-001



KEY	
RECEIVING ZONE	- - - - -
STRUCTURE	▨▨▨▨▨
HMP SETBACK ZONE	⋯⋯⋯⋯

PARE ENGINEERING CORPORATION  
700 PLEASANT STREET  
NEW BEDFORD, MA 02740  
508-991-4400

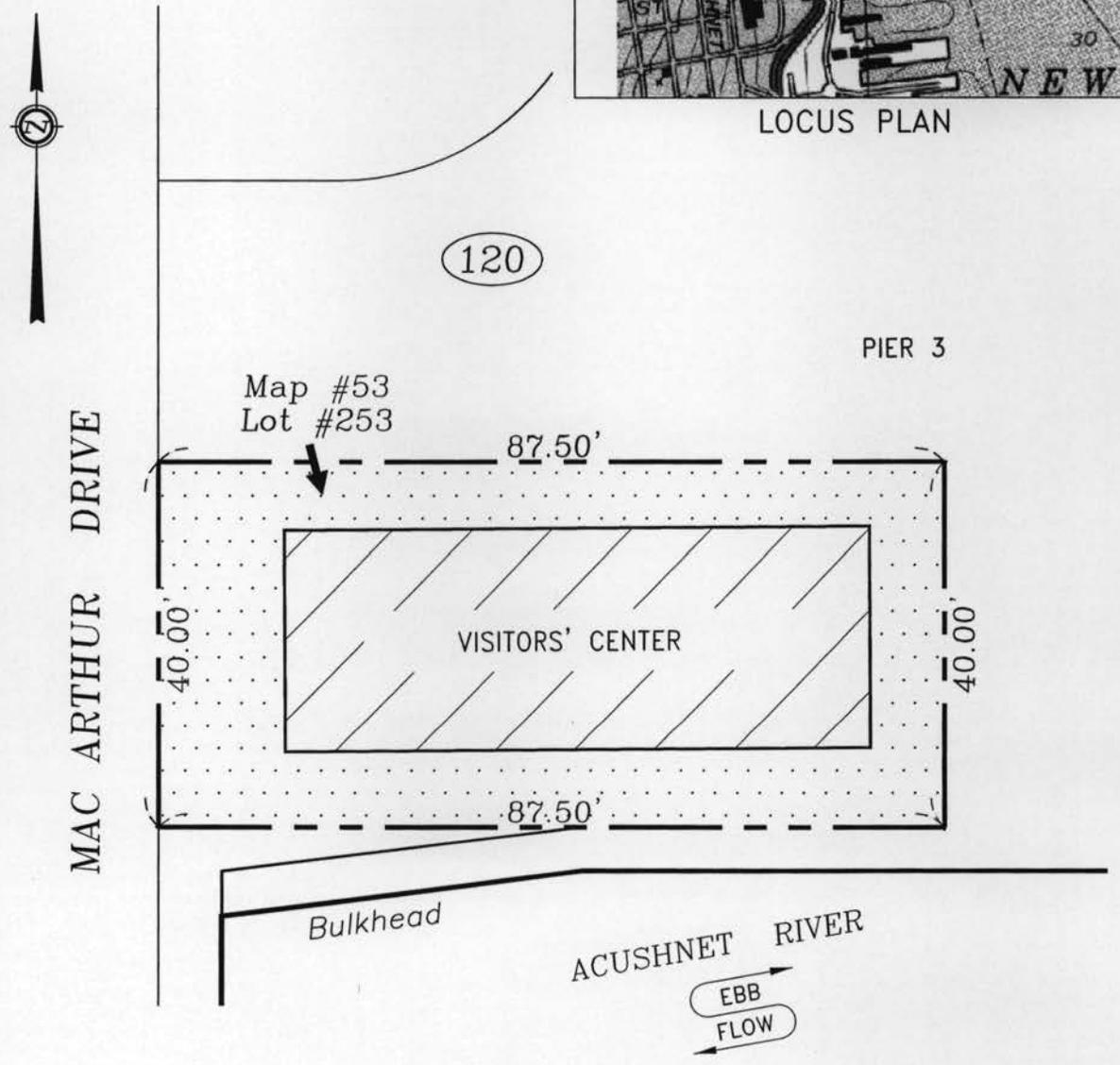
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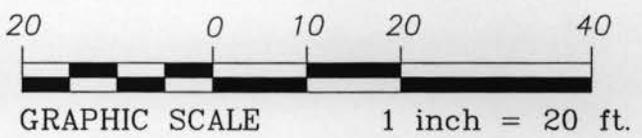
AREA SQ.FT. = 3,500  
HMP SETBACK ZONE = 1,927



LOCUS PLAN



**OWNER: CITY of NEW BEDFORD  
CW-001**



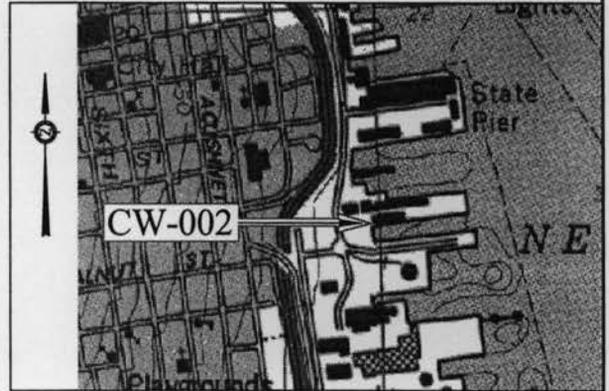
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STRUCTURE	/ / / / /
HMP SETBACK ZONE	. . . . .

**PARE ENGINEERING CORPORATION**  
700 PLEASANT STREET  
NEW BEDFORD, MA 02740  
508-991-4400

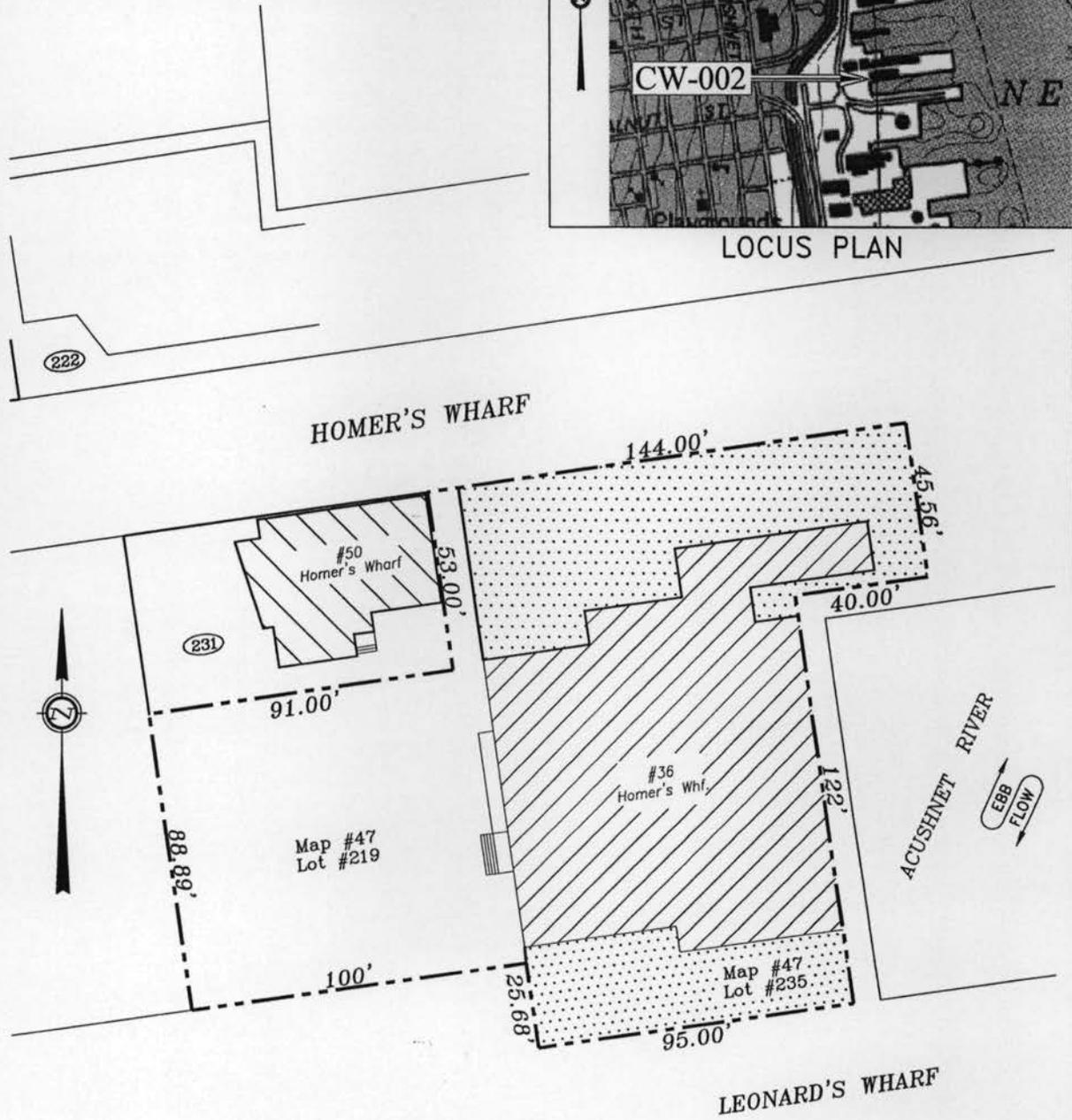
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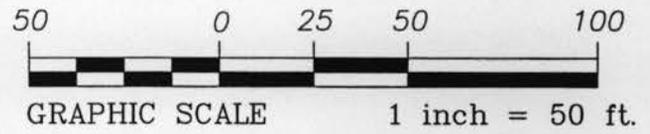
AREA SQ.FT. = 27,108  
HMP SETBACK ZONE = 7,737 SF



LOCUS PLAN



**OWNER: CITY of NEW BEDFORD  
CW-002**



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STRUCTURE	▨ ▨ ▨ ▨ ▨
HMP SETBACK ZONE	•••••

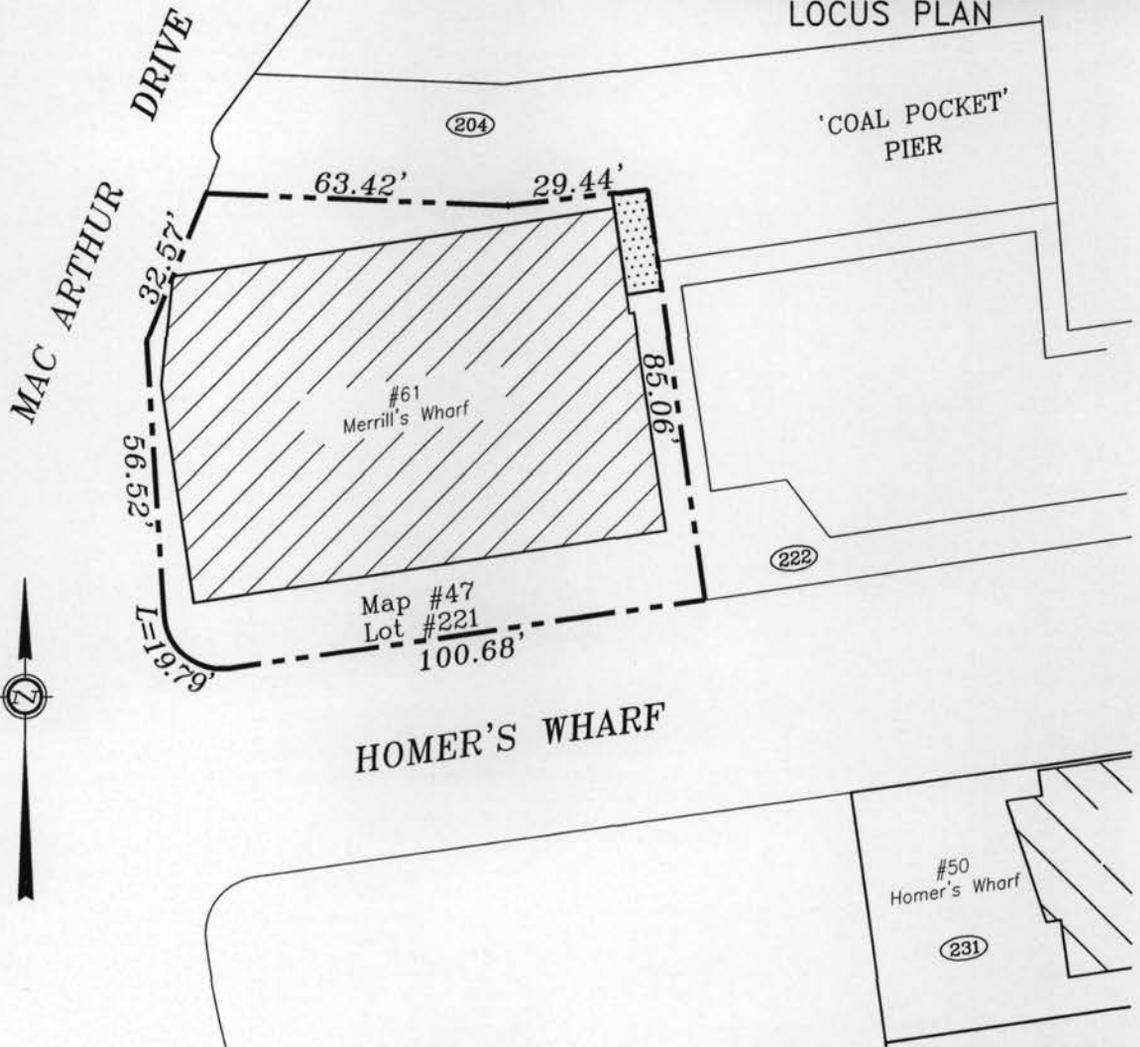
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8 BLACKSTONE VALLEY PLACE  
LINCOLN, RI 02865  
401-334-4100

HARBOR DEVELOPMENT COMMISSION  
SUPPORTING DPA USE ELIGIBILITY CREDIT PROGRAM

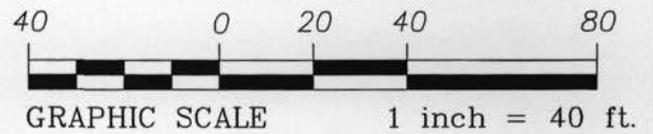
AREA SQ.FT. = 9,753  
HMP SETBACK ZONE = 155



LOCUS PLAN



OWNER: FEPC CORPORATION  
CW-003



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STRUCTURE	
HMP SETBACK ZONE	

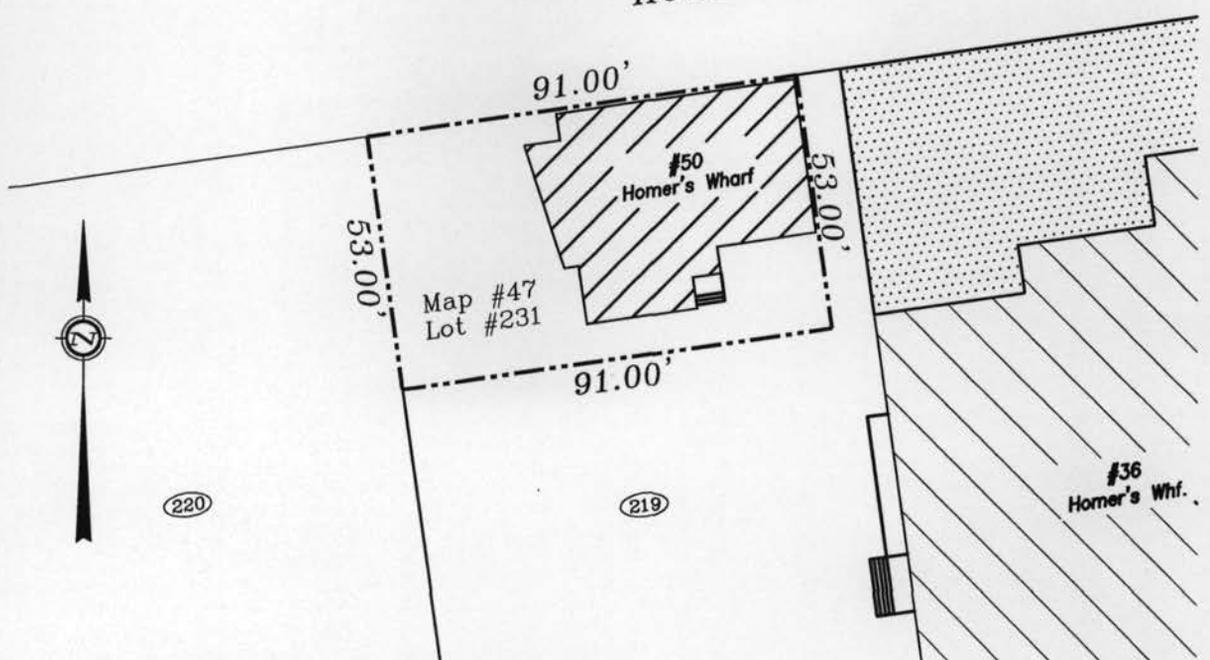
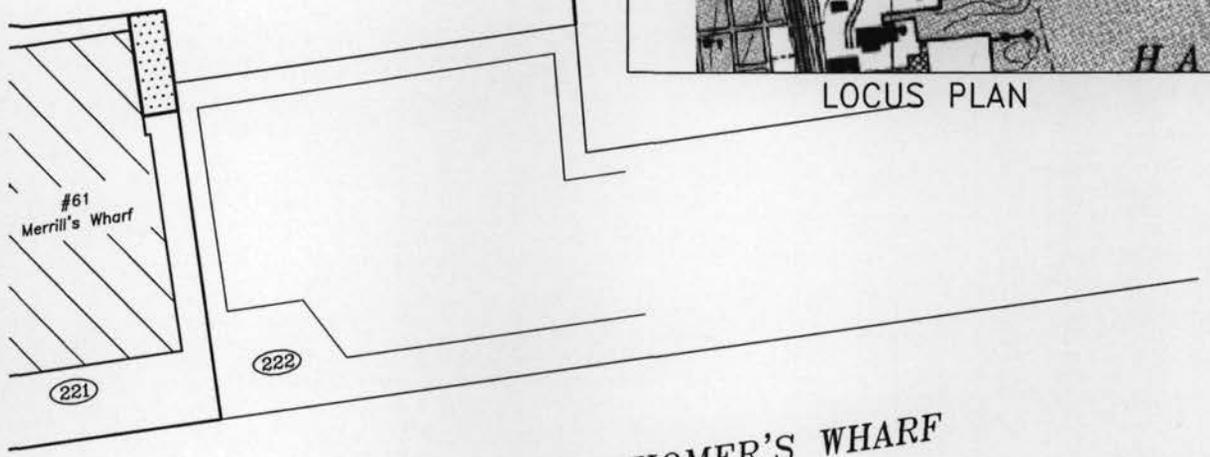
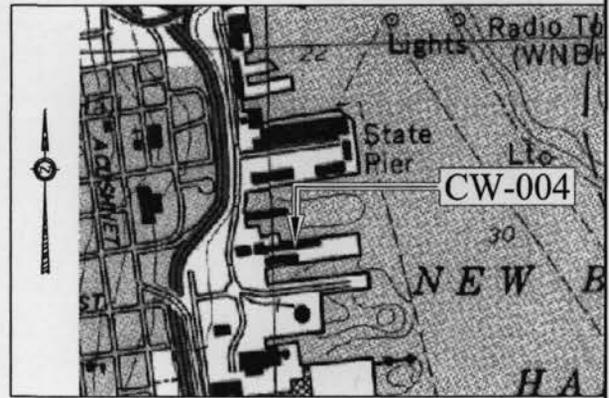


PARE ENGINEERING CORPORATION  
700 PLEASANT STREET  
NEW BEDFORD, MA 02740  
508-991-4400

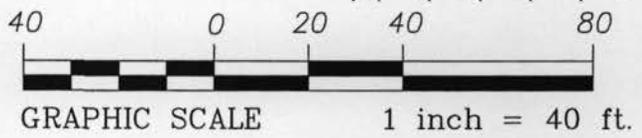
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HARBOR DEVELOPMENT COMMISSION  
SUPPORTING DPA USE ELIGIBILITY CREDIT PROGRAM

AREA SQ.FT. = 4,823  
HMP SETBACK ZONE = 0



OWNER: RICHARD MOSES  
CW-004



KEY	
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STRUCTURE	//////
HMP SETBACK ZONE	.....

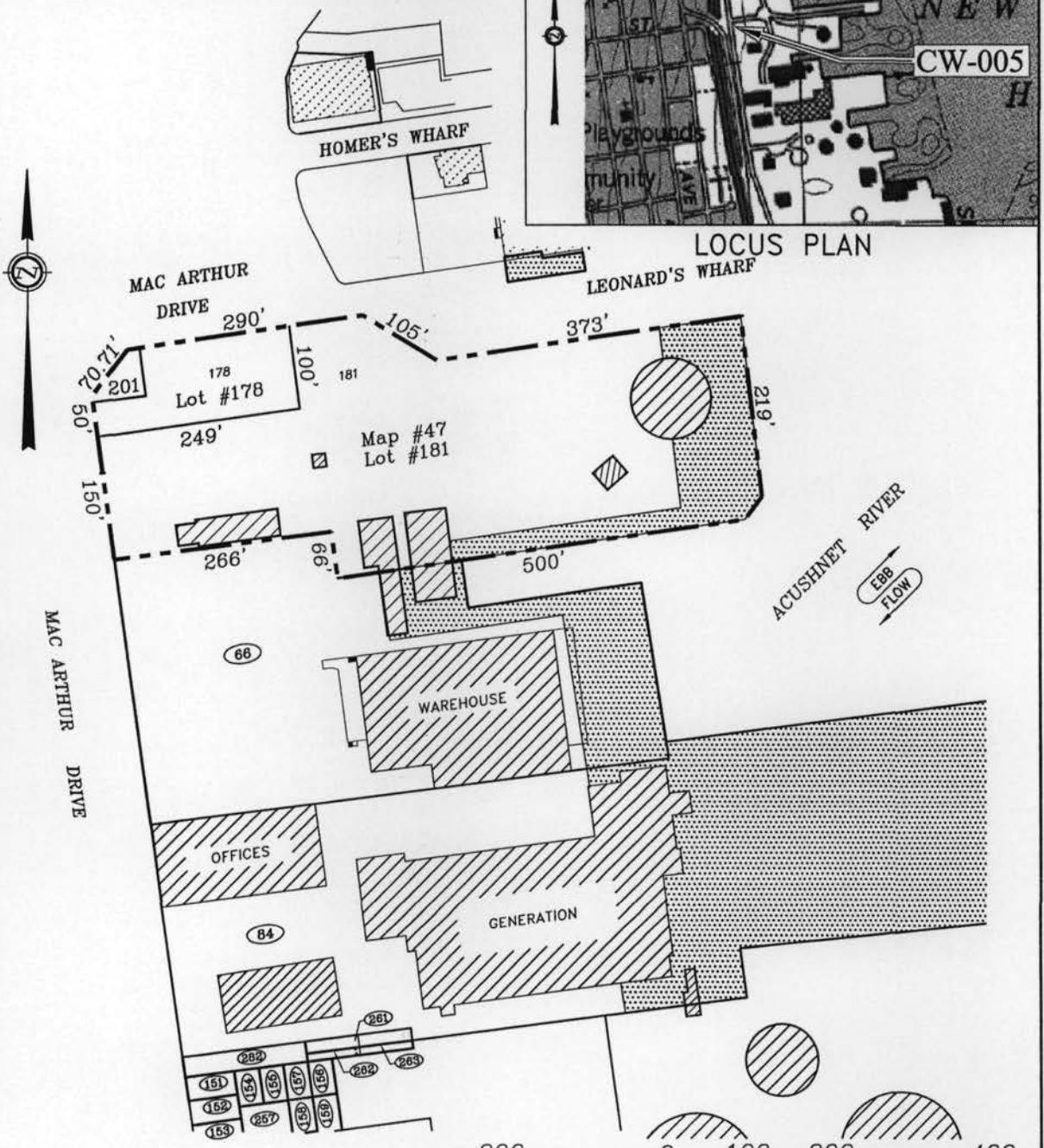


PARE ENGINEERING CORPORATION  
700 PLEASANT STREET  
NEW BEDFORD, MA 02740  
508-991-4400

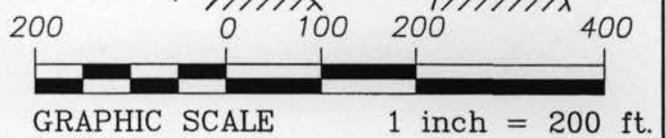
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# HARBOR DEVELOPMENT COMMISSION SUPPORTING DPA USE ELIGIBILITY CREDIT PROGRAM

AREA SQ.FT. = 201,367  
HMP SETBACK ZONE = 26,998 SF



OWNER: NSTAR CW-005



KEY	
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STRUCTURE	▨
HMP SETBACK ZONE	.....

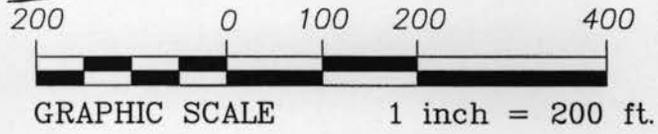
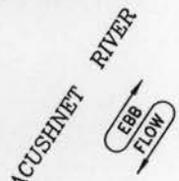
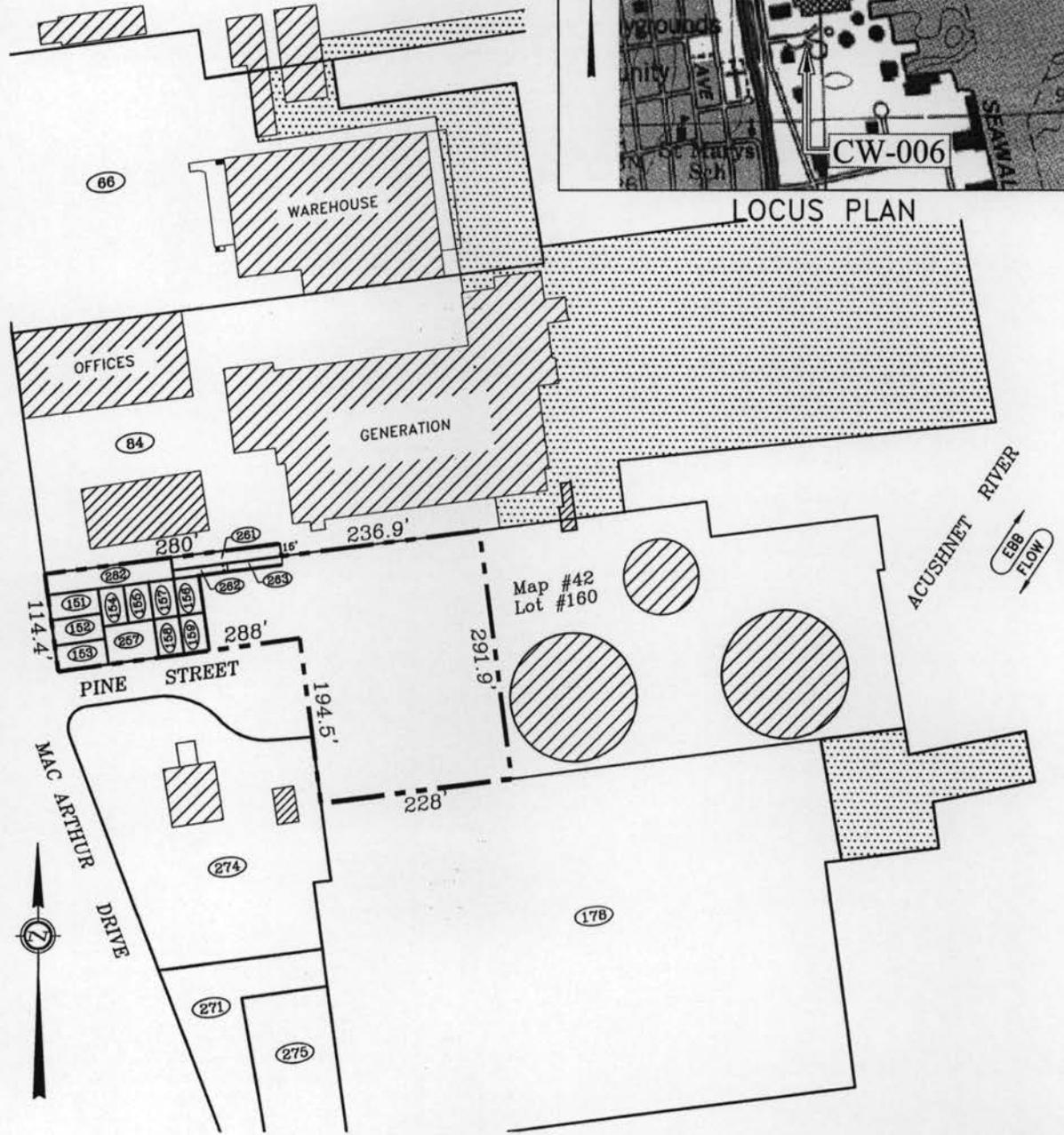
**PARE**  
 PARE ENGINEERING CORPORATION  
 8 BLACKSTONE VALLEY PLACE  
 LINCOLN, RI 02865  
 401-334-4100

# HARBOR DEVELOPMENT COMMISSION SUPPORTING DPA USE ELIGIBILITY CREDIT PROGRAM

AREA SQ.FT. = 99,161  
HMP SETBACK ZONE = 0 SF



LOCUS PLAN



OWNER: NSTAR CW-006

KEY	
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STRUCTURE	▨

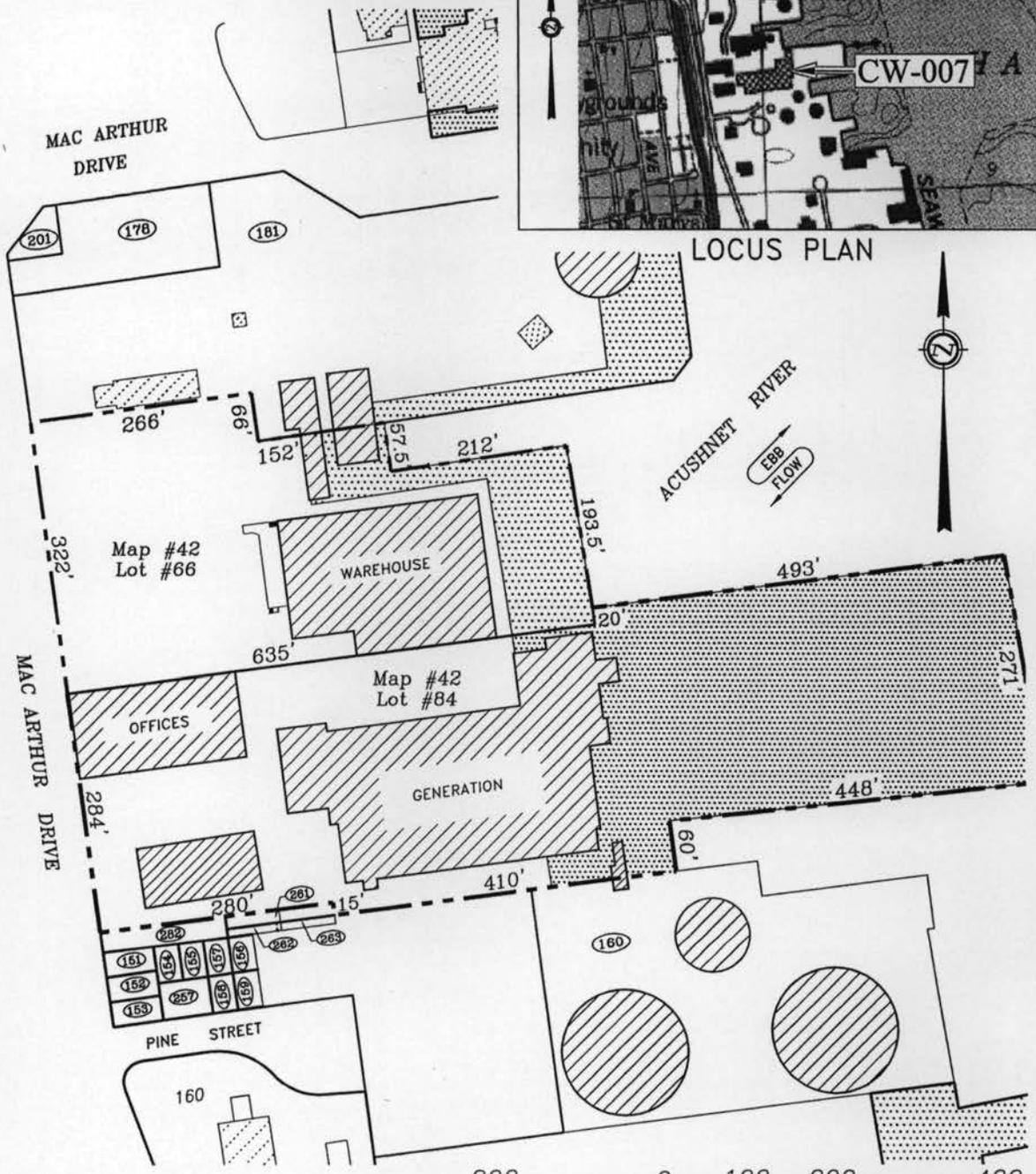
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8 BLACKSTONE VALLEY PLACE  
LINCOLN, RI 02865  
401-334-4100

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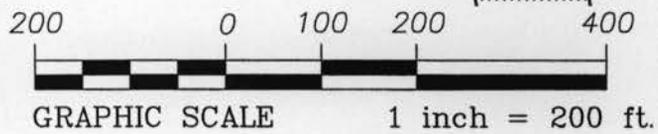
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HMP SETBACK ZONE = 170,709 SF



LOCUS PLAN



OWNER: NSTAR CW-007

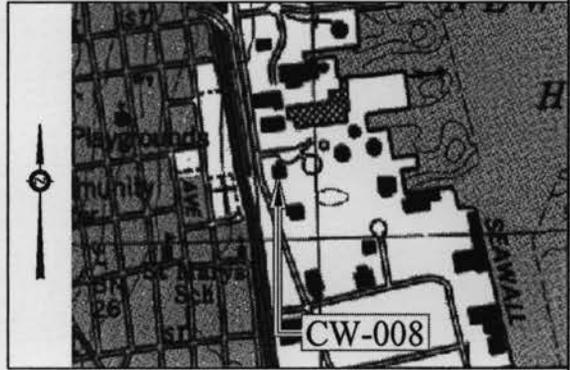


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STRUCTURE	
HMP SETBACK ZONE	

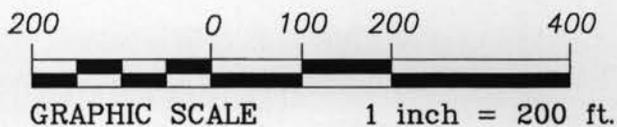
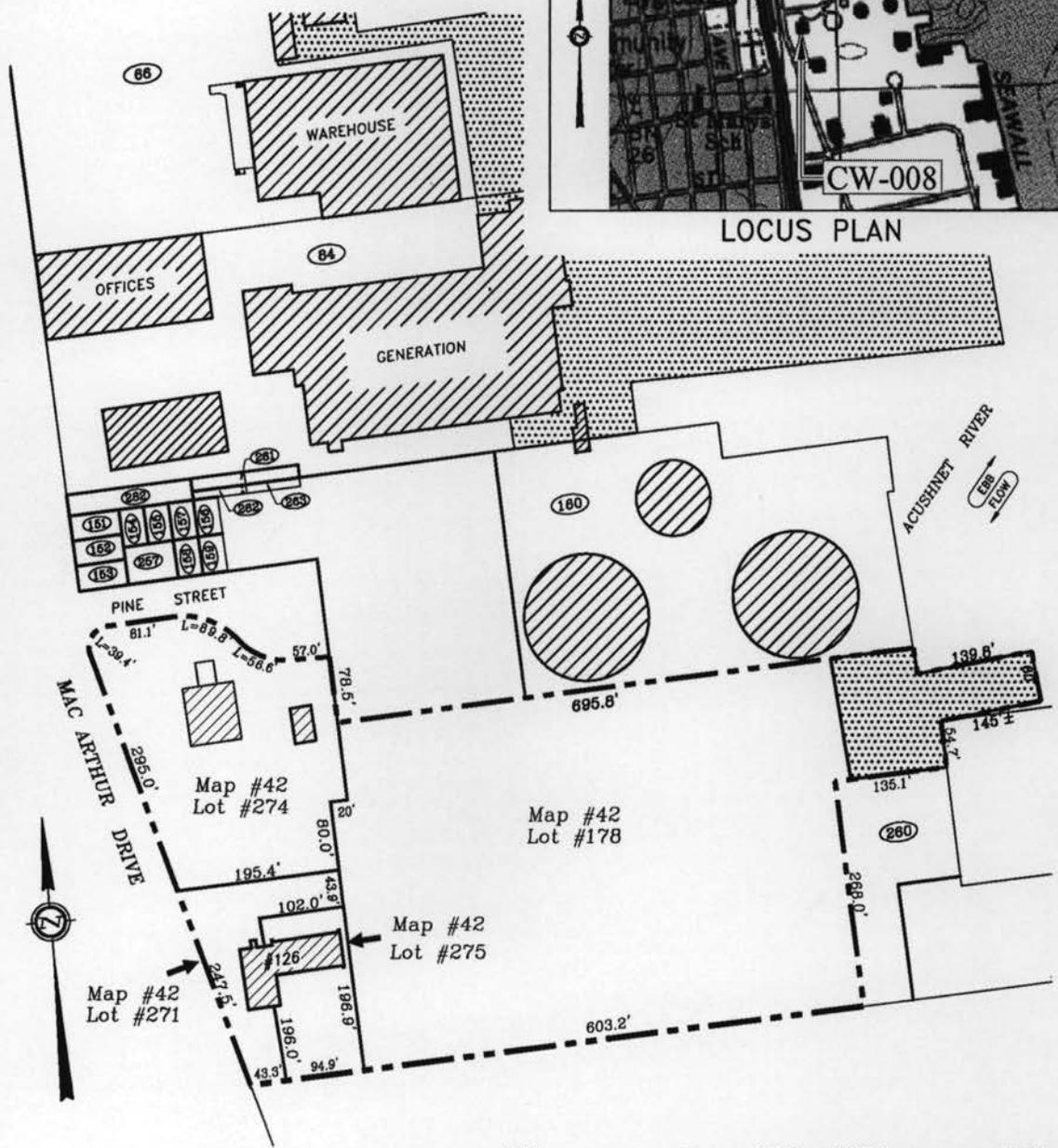
**PARE**  
PARE ENGINEERING CORPORATION  
8 BLACKSTONE VALLEY PLACE  
LINCOLN, RI 02865  
401-334-4100

# HARBOR DEVELOPMENT COMMISSION SUPPORTING DPA USE ELIGIBILITY CREDIT PROGRAM

AREA SQ.FT. = 384,968  
HMP SETBACK ZONE = 24,238 SF



LOCUS PLAN



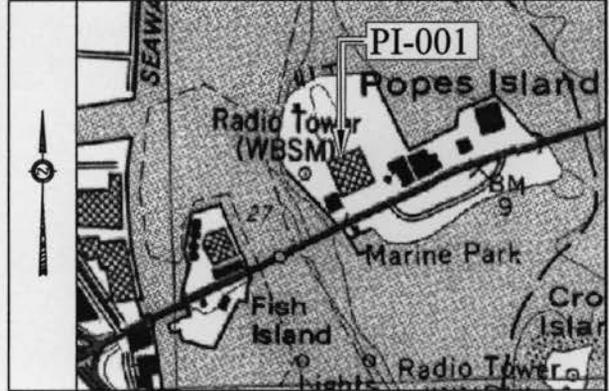
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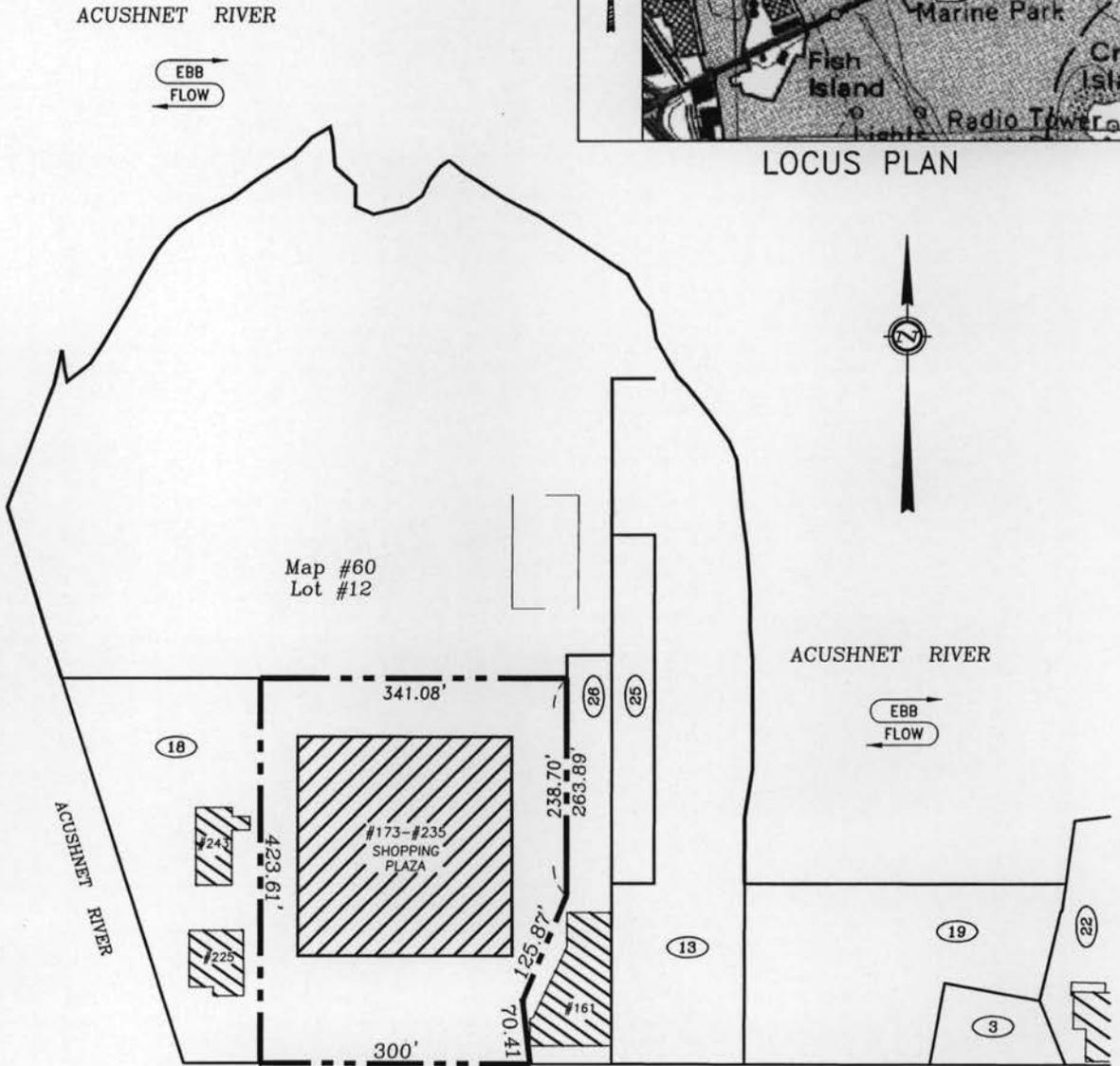
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8 BLACKSTONE VALLEY PLACE  
LINCOLN, RI 02865  
401-334-4100

# HARBOR DEVELOPMENT COMMISSION SUPPORTING DPA USE ELIGIBILITY CREDIT PROGRAM

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HMP SETBACK ZONE = 0



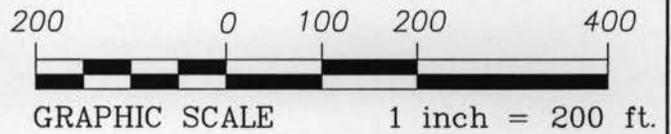
LOCUS PLAN



**NEW BEDFORD-FAIRHAVEN BRIDGE**

INTERSTATE HIGHWAY - ROUTE 6

**OWNER: POPES ISLAND HARBOR  
DEVELOPMENT CORP. PI-001**



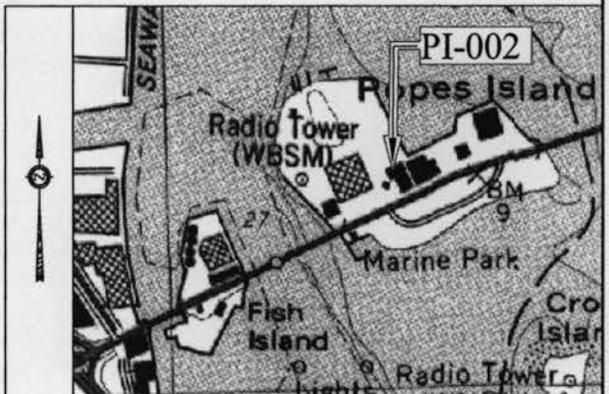
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STRUCTURE	
HMP SETBACK ZONE	

**PARE ENGINEERING CORPORATION**  
700 PLEASANT STREET  
NEW BEDFORD, MA 02740  
508-991-4400

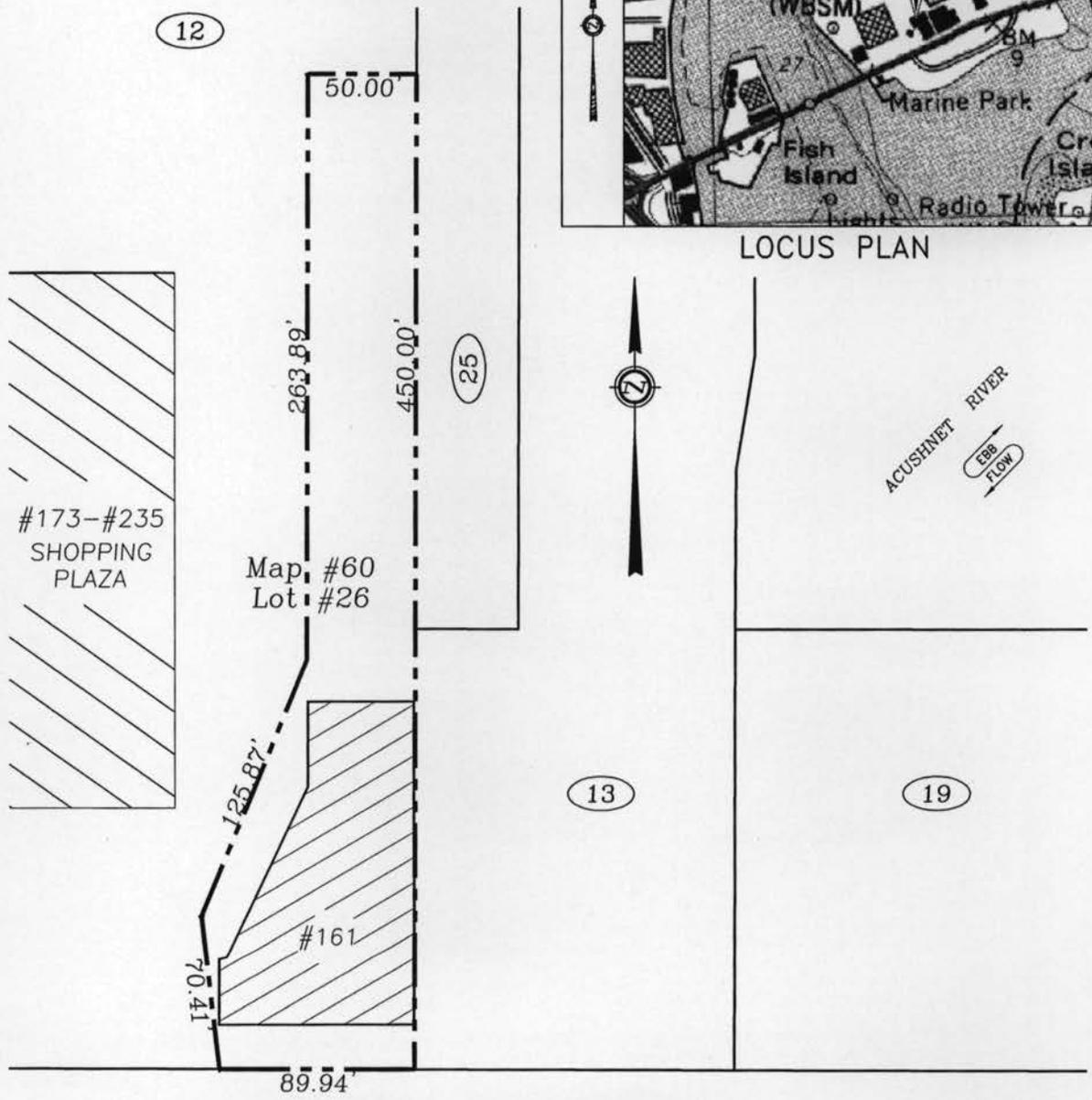
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HMP SETBACK ZONE = 0

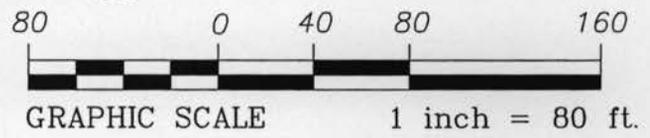


LOCUS PLAN



**NEW BEDFORD-FAIRHAVEN BRIDGE**  
INTERSTATE HIGHWAY - ROUTE

**OWNER: POPES HAVEN  
MARINA, INC. PI-002**



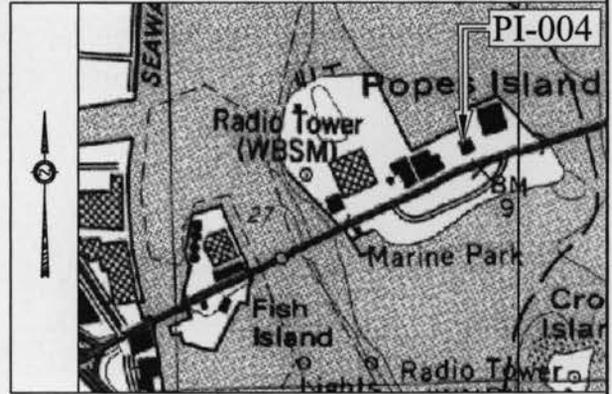
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STRUCTURE	
HMP SETBACK ZONE	

**PARE ENGINEERING CORPORATION**  
700 PLEASANT STREET  
NEW BEDFORD, MA 02740  
508-991-4400

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# HARBOR DEVELOPMENT COMMISSION SUPPORTING DPA USE ELIGIBILITY CREDIT PROGRAM

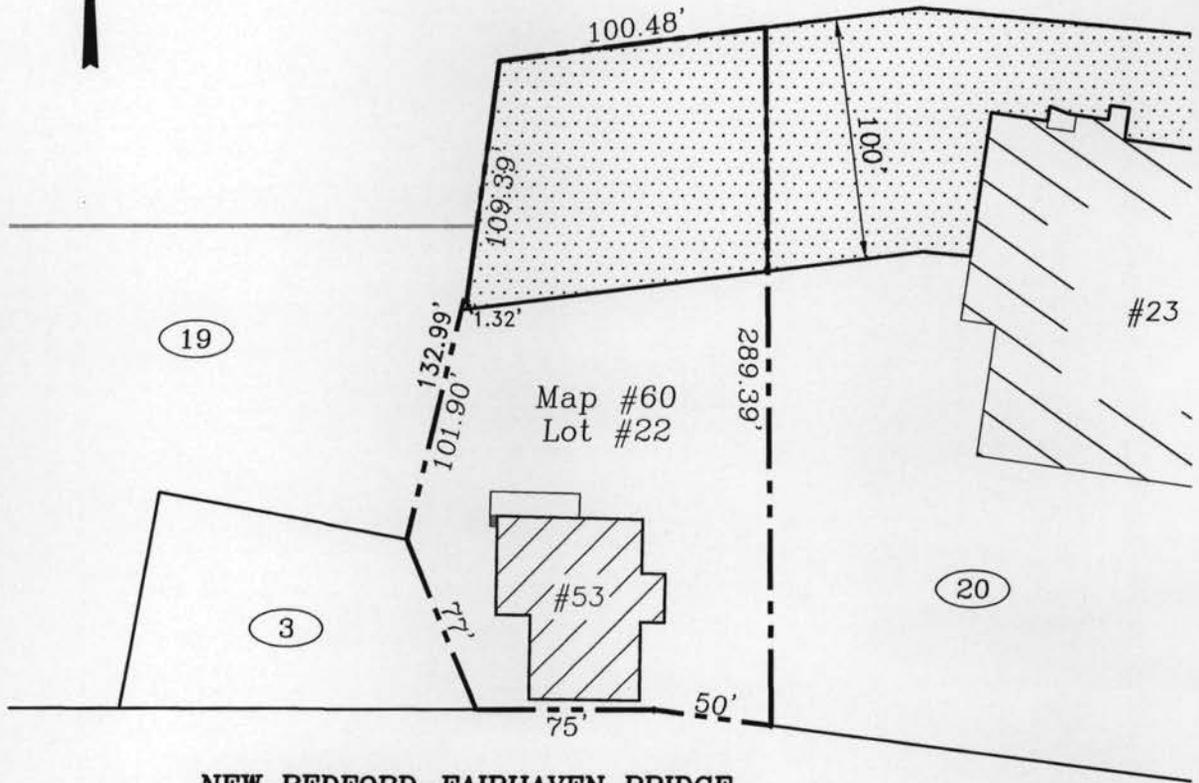
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HMP SETBACK ZONE = 12,092



LOCUS PLAN

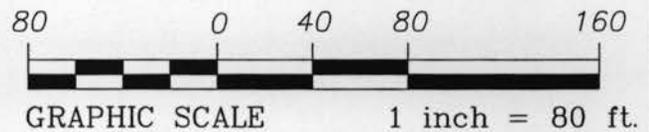


ACUSHNET RIVER  
EBB FLOW



**NEW BEDFORD-FAIRHAVEN BRIDGE**  
INTERSTATE HIGHWAY - ROUTE

OWNER: MICHAEL PANAGAKOS  
PI-004



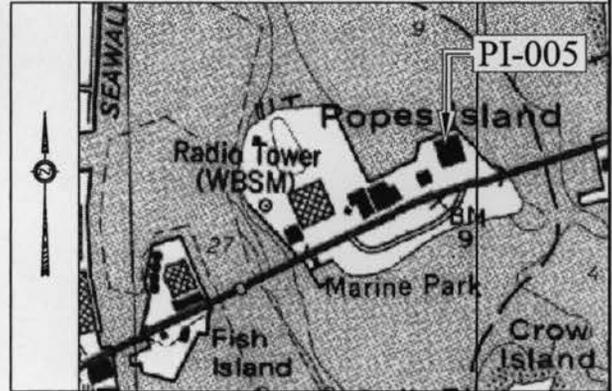
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STRUCTURE	
HMP SETBACK ZONE	

PARE ENGINEERING CORPORATION  
700 PLEASANT STREET  
NEW BEDFORD, MA 02740  
508-991-4400

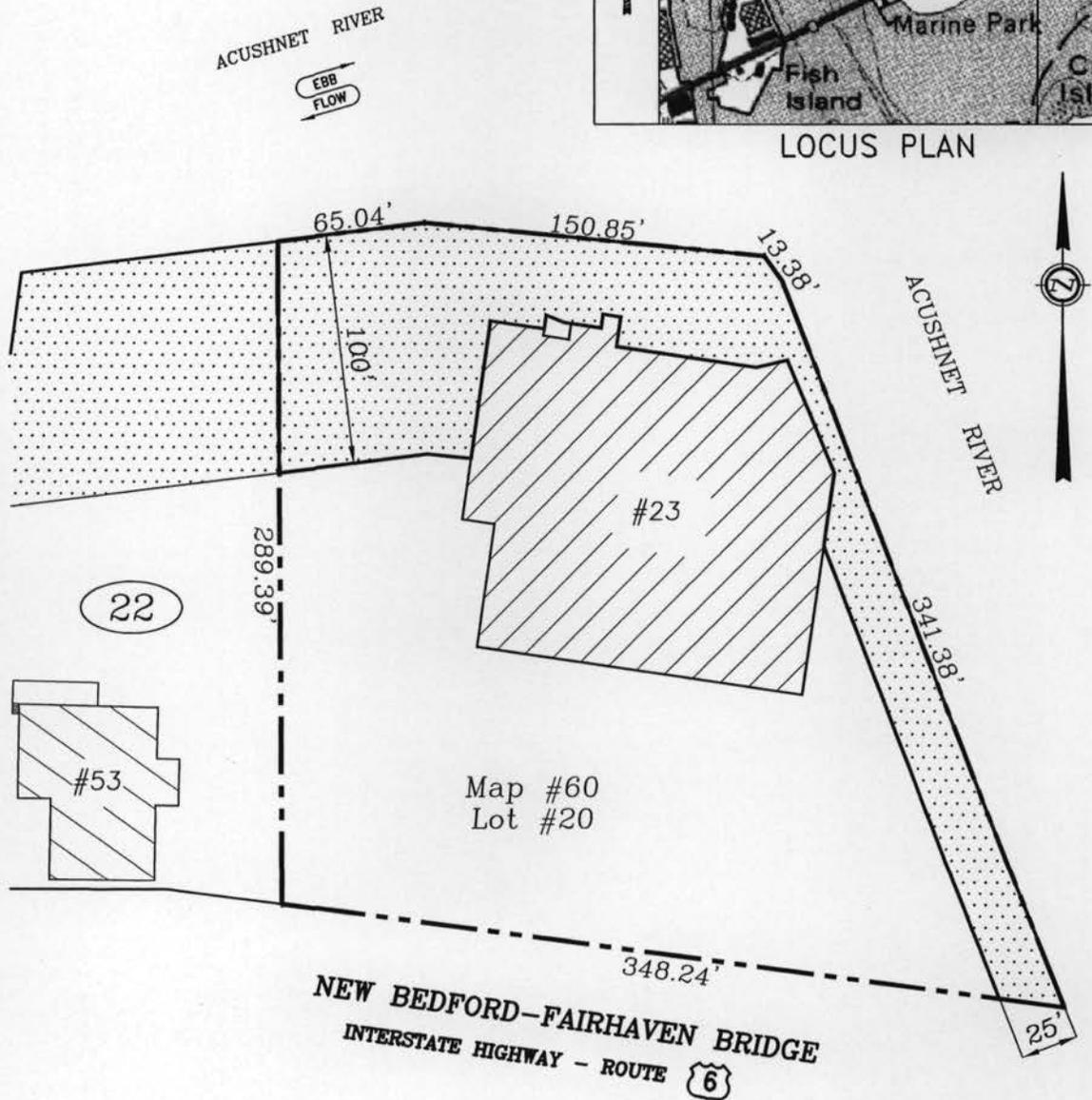
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# HARBOR DEVELOPMENT COMMISSION SUPPORTING DPA USE ELIGIBILITY CREDIT PROGRAM

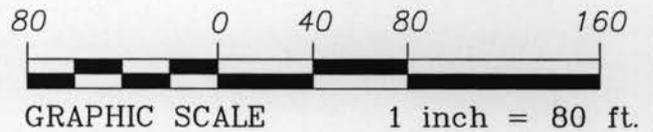
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HMP SETBACK ZONE = 21,401 SF



LOCUS PLAN



**OWNER: ROBERT CHANDLER**  
**PI-005**



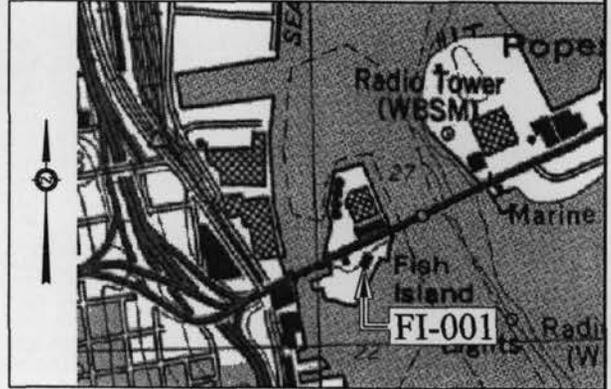
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STRUCTURE	▨▨▨▨▨
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**PARE ENGINEERING CORPORATION**  
700 PLEASANT STREET  
NEW BEDFORD, MA 02740  
508-991-4400

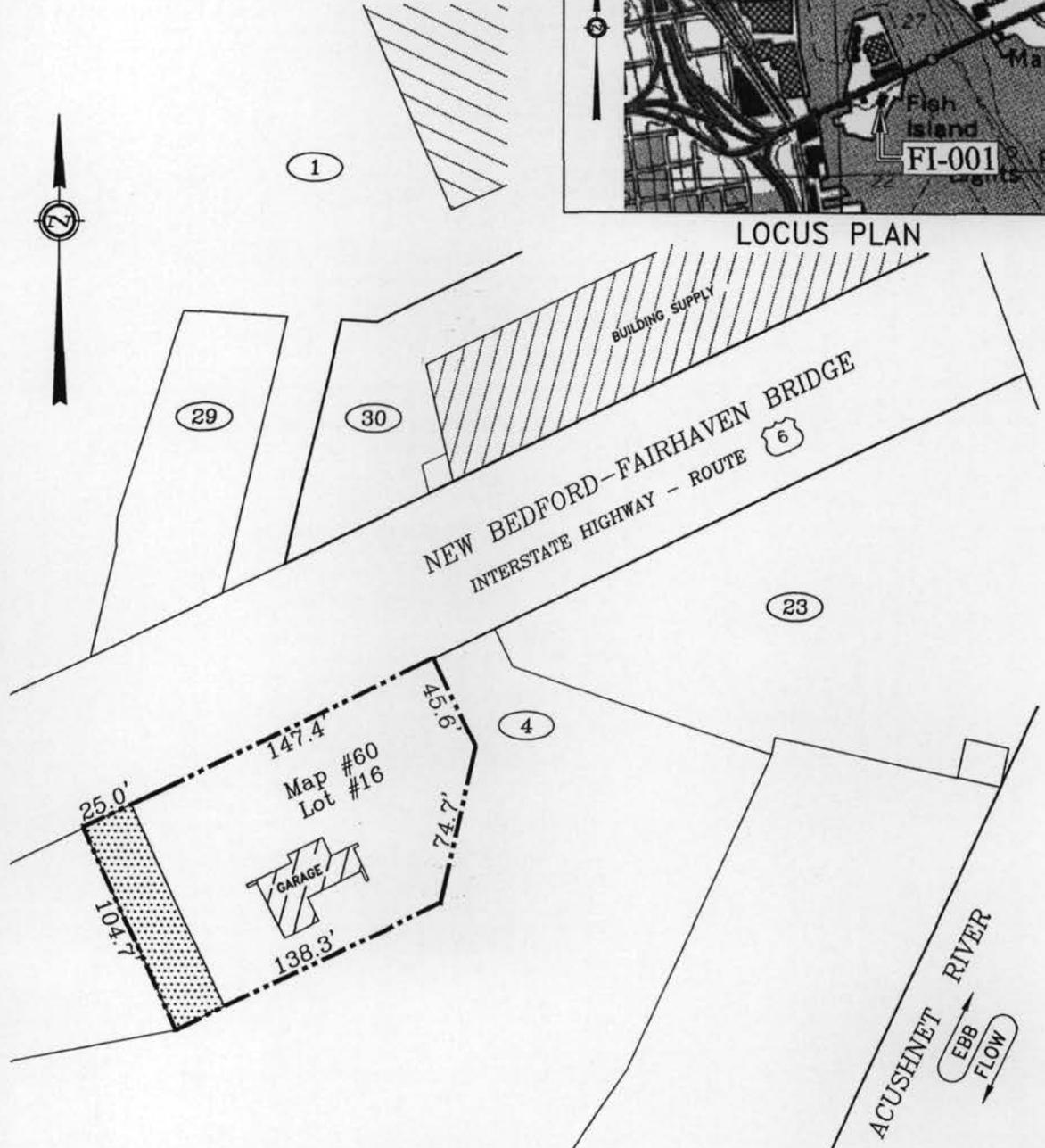
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HARBOR DEVELOPMENT COMMISSION  
SUPPORTING DPA USE ELIGIBILITY CREDIT PROGRAM

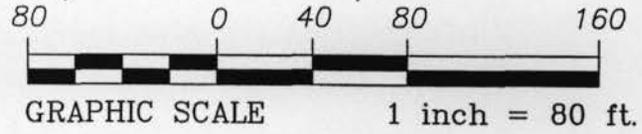
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HMP SETBACK ZONE = 2,618 SF



LOCUS PLAN



OWNER: ROBERT R. ANDERSON  
FI-001

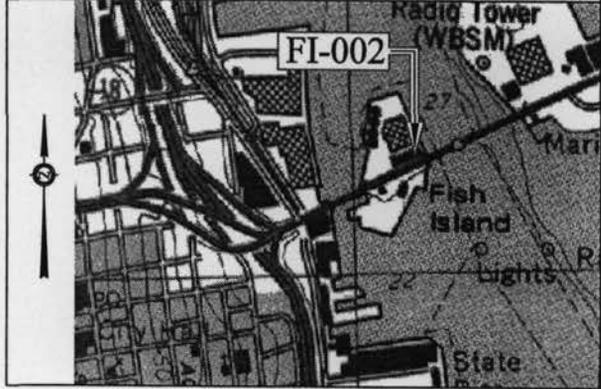


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HMP SETBACK ZONE	▤

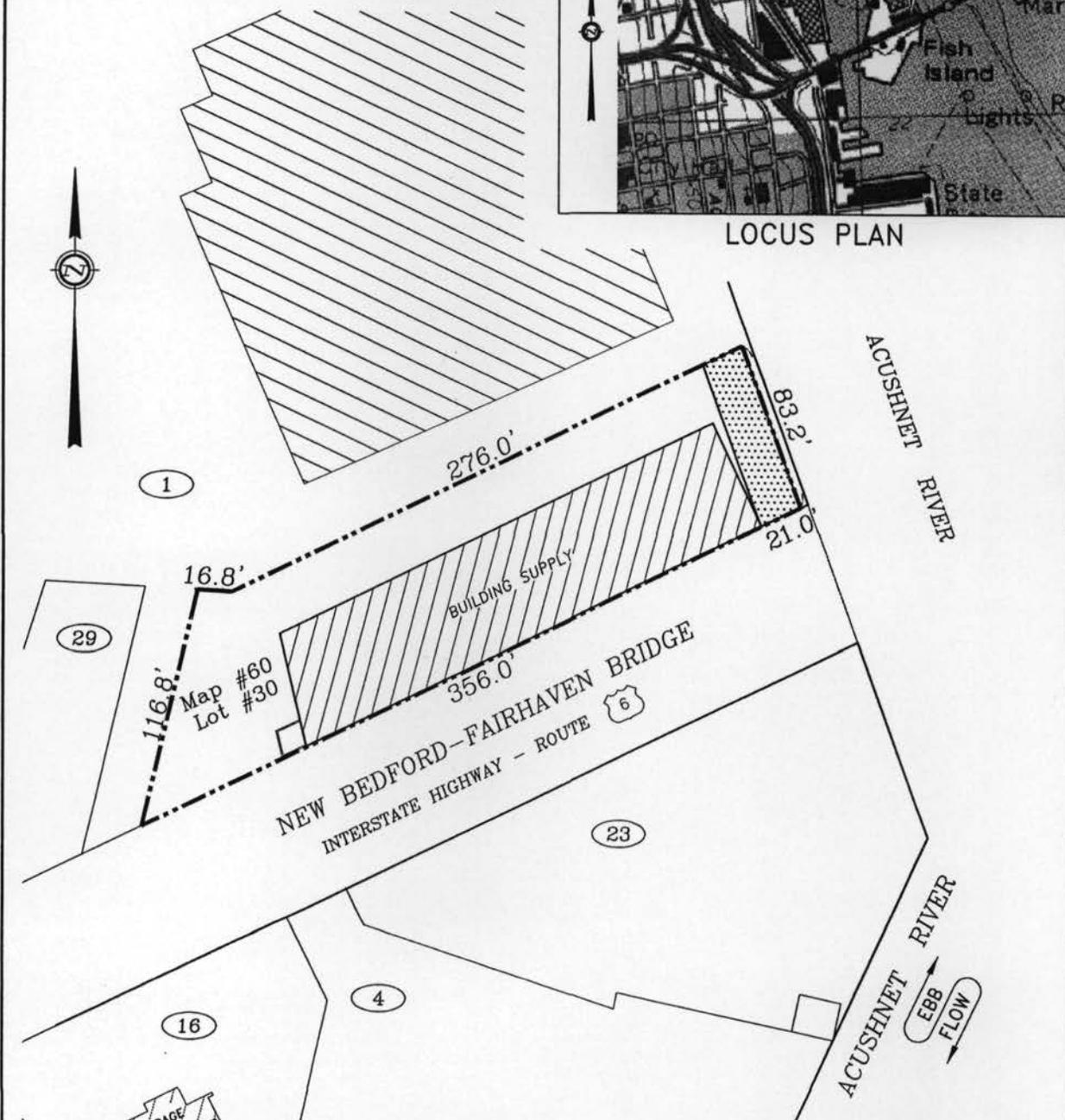
PARE ENGINEERING CORPORATION  
8 BLACKSTONE VALLEY PLACE  
LINCOLN, RI 02865  
401-334-4100

**HARBOR DEVELOPMENT COMMISSION  
SUPPORTING DPA USE ELIGIBILITY CREDIT PROGRAM**

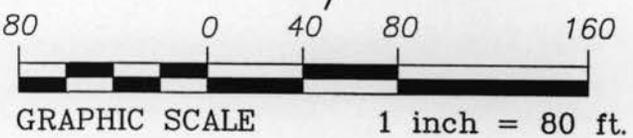
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HMP SETBACK ZONE = 1,744 SF



LOCUS PLAN



**OWNER: LOUIS J. KALIFE  
FI-002**



KEY	
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STRUCTURE	//////
HMP SETBACK ZONE	.....

  
**PARE ENGINEERING CORPORATION**  
 8 BLACKSTONE VALLEY PLACE  
 LINCOLN, RI 02865  
 401-334-4100

# Appendix B

## DPA Compatibility Assessment

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### 1. Introduction

This assessment provides an overview of the compatibility of waterfront uses proposed in the Harbor Plan with existing and potential future water-dependent industrial uses within the New Bedford Designated Port Area (DPA). The focus of this assessment is the compatibility of proposed tourism-oriented uses with water-dependent industry within the DPA in the Central New Bedford Waterfront. The development of these uses within the Central New Bedford Waterfront is intended to provide enhanced public access to the waterfront in support of the community's downtown revitalization goals. Outside of the Central Waterfront, the Harbor Plan contemplates only very limited incidences of commercial use within the DPA. These commercial uses within the DPA, outside of the Central Waterfront, are small in size, continuations of existing activities, or involve uses that provide support to water-dependent industry.

The area of the waterfront that is the primary focus of this assessment extends between Fisherman's Wharf and Leonard's Wharf and includes the State Pier. This land area is almost exclusively publicly owned, controlled by Commonwealth's Department of Environmental Management (DEM), the New Bedford Harbor Development Commission (HDC), and the City of New Bedford.

This analysis also includes a preliminary review of the proposed New Bedford Aquarium project that is supported by the Harbor Plan and the communities. This project is currently evolving its program in response to ongoing market evaluation and development feasibility assessments. As noted in the Harbor Plan, this large project will require extensive environmental review as its final program and layout becomes more precisely defined. The intent here is to provide a preliminary assessment of its compatibility as a basis and framework for subsequent analyses.

Typical potential conflicts between tourism-oriented commercial/cultural activities and water-dependent industry are examined:

- Potential for expanded pedestrian activity generated by nonwater-dependent uses which conflicts with vehicular access to fishing piers and other working waterfront uses
- Potential for expanded vehicular traffic on piers generated by nonwater-dependent uses which conflicts with operational needs of the fishing industry and other port users
- Potential for parking conflicts, when tourism oriented uses occupy available parking needed for working waterfront activities.

These considerations represent potential conflicts with water-dependent industry which can be caused by commercial/cultural uses; there is also the potential for impacts on these commercial uses once located within a DPA from water-dependent industry related to noise, odors and other factors. However, commercial businesses making decisions to locate within the DPA must be mindful of the needs and realities of water-dependent industry and the potential impacts upon their operations. In supporting the introduction of commercial uses within the DPA, the Harbor Plan does not support nor contemplate curtailing activities of water-dependent industry to accommodate commercial uses. In making a decision to locate within the DPA, commercial users are making a conscious decision to accept as neighbors all of the activities and potential activities that may lawfully be sited within a DPA.

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## 2. Central Waterfront Area Program

Proposed uses, which have potential to expand levels of tourism activity within the Central Waterfront DPA as described in the Harbor Plan, are as follows:

- Continuing and expanded occasional/seasonal use of the existing structure(s) on the State Pier is proposed for waterfront festivals and other major events. These events would expand on existing programs and would be subject to review and approval by public agencies responsible for State Pier and facilities.
- Berthing area for commercial excursion and charter vessels and the Schooner Ernestina at State Pier, in conjunction with educational interpretive facilities for the Ernestina and a seasonal outdoor pushcart market occupying approximately 60,000 sf at State Pier
- National Park interpretive facilities
- Water taxi dock at Fisherman's Wharf
- Reuse of the Twin Piers building on Homer's/Leonard's Wharf for restaurant use
- Reuse/redevelopment of the Bourne Counting House at Merrill's Wharf

In addition to these uses within the DPA, a hotel development is proposed for an area of land adjacent to the Central Waterfront but outside the DPA.

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**A. Waterfront Festivals at State Pier**

The Harbor Plan anticipates expanded use of currently underutilized space/buildings on State Pier for temporary activities associated with the City's program of waterfront events and festivals. These festivals have a long history within the New Bedford waterfront and have not resulted in any identified conflicts with the operation of the working waterfront. The principal festivals using the waterfront as major centers of activity include the following:

- **Summerfest** - weekend program with attendance of approximately 100,000 (based on New Bedford Chamber of Commerce estimates) using State Pier as its major destination for major performances, carnival, and food tent. This is easily the largest waterfront festival held in the harbor area. This festival continues the tradition of waterfront scallop festivals which were initiated in the 1950's.
- **Blues Festival** - primary waterfront venue is sited on Fisherman's Wharf
- **Jazz Festival** - primary waterfront venue is sited on Fisherman's Wharf
- **Maritime Heritage Festival** - primarily located within the downtown area with some activities and demonstrations on State Pier.

Very little documentation exists on attendance at the festivals (other than Summerfest), largely because their impact and scale are relatively modest, generally confined to the area around Fisherman's Wharf and/or at State Pier. The City of New Bedford's Director of Tourism and Marketing believes that attendance at the smaller festivals that use the waterfront ranges between a few hundred and one thousand. Based on discussions with key harbor plan participants, including Harbor Master Plan Committee Members Marty Manley and Deb Shrader, these festivals have never been considered to provide any substantial impact on the operations of the fishing fleet and other water-dependent uses. Many of these events have traditionally celebrated the importance of the waterfront and the fishing industry in the City's current life and its history. Because of the long successful history of managing such events, extensive experience has been gained on how to manage these activities that will be important in the successful expansion of this program - especially those associated with traffic flow, pier access and parking. Events are primarily scheduled during weekends, at off-peak times for water-dependent industrial uses with the DPA, and consequently large crowds have been accommodated without compromising the operations of the DPA. Even at the peak of Summerfest (easily the largest festival with visitation of approximately 100,000 over the weekend, using State Pier as its principal destination), traffic flows efficiently along Route 18 (with police officer control facilitating pedestrian access to the waterfront from downtown - and ensuring necessary access to the Pier for other users).

According to Harbor Master Plan Committee Members Marty Manley and Deb Shrader, access to surrounding fishing piers including Fisherman's, Steamship, Homer's and Leonard's Wharves is not restricted in this period and parking for working waterfront uses is available on each of these piers. In addition to stationing a police officer to direct traffic at the end of Union Street, the City directs festival visitors to City-owned garages in the downtown area and provides free parking in these locations for festival attendees, ensuring that waterfront parking impacts are limited.

Expanded use of State Pier for festival activities is likely to attract lower levels of attendance than Summerfest, although on a more frequent basis. This lower attendance level together with the extensive experience in managing such activities within the City, and the public ownership of the State Pier will ensure that impacts are modest and effective public control is maintained over future festival activity within the working waterfront. The City maintains additional controls over events, which are typically promoted by non-profit organizations, through permitting requirements associated with traffic controls, board of health permits and other controls depending on the particular needs of each festival.

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## B. State Pier and Environs

### SOUTHWEST CORNER OF STATE PIER

#### *Charter and Excursion Vessel Berthing*

The Harbor Plan proposes the development of a floating dock along the southwest edge of State Pier to create a berthing area for commercial charter and excursion vessels providing services to the general public. These types of commercial vessel activities are fully compatible with the area's designation as a DPA. The mixing of these activities attracting tourists and other commercial vessel activities has been successfully accomplished in other local ports such as Galilee, Rhode Island and at Provincetown's MacMillan Pier.

Based on experience in other locations including Galilee, RI and Provincetown, MA peak usage of these types of visitor attraction are similar to other visitor-oriented uses with peak attendance in the middle of the day on weekends during the summer period. Weekday attendance is likely to be substantially lower, and even here, peak attendance will occur substantially later in the day than the periods of peak activity in the surrounding working waterfront (identified by the HDC as experiencing its peak of activity in the early morning hours).

*Open Air Market*

An open area of land adjacent to the charter and excursion vessel berthing area would be designated for the operation of a seasonal open air/pushcart market. This market area would be accessory to the vessel berthing area, providing service to waterfront visitors and vessel users.

*National Park*

The New Bedford Whaling National Historical Park (NHP) legislation references an area as the southwest corner of State Pier where the Schooner Ernestina formerly berthed. The NHP General Management Plan, which was approved in September 2001, includes proposals for undertaking interpretive activities in this area of the State Pier (as well as at the Wharfinger Building and Bourne Counting House) related to the City's maritime heritage and immigration history.

*Schooner Ernestina*

The Schooner Ernestina's mission has an educational focus and use of the vessel itself is already close to capacity. Additional visitation is associated with its on-shore activities including interpretive facilities. The educational programs and school age visitors mean that its increased visitation is spread out throughout the year, peaking on weekdays, unlike other visitor activities. The typical visitor would arrive and depart by bus as part of an organized group (typically 40-60 individuals). Smaller groups would be anticipated on weekends or in association with after school programs. Ernestina visitors would largely be confined to the State Pier and proposed interpretive facilities and present minimal potential impacts for other adjacent activities. The anticipated level of visitation parking needs are very minor compared for example with the anticipated truck traffic associated with the State Pier freight ferry (approximately 16 trucks per day), which itself is very modest in terms of the overall capacity of the surrounding roadway network.

**COROLLARY DEVELOPMENT OF ADJACENT SITES***Water Taxi*

The proposed water taxi dock will be located on the southwestern corner of Fisherman's Wharf. This facility will enable the establishment of an effective water transportation service between Fairhaven and New Bedford, linking the communities' central areas and waterfronts. In addition to visitors to the communities, the service would link recreational boaters primarily located within Fairhaven with the attractions of New Bedford's historic downtown including the National Park, other cultural attractions and restaurants. The primary destinations for recreational boaters visiting New Bedford will be the historic district, across Route 18 from the harbor. The peak times of use of this service would be weekends during May-October, both during the day and in the evenings with a lower level of use anticipated during the week.

*Twin Piers*

The proposed Twin Piers Restaurant reopening would serve visitors and workers in the waterfront area but be primarily supported by a local clientele with evenings and weekends serving as the peak activity period. These peak times of use do not coincide with the peak use of surrounding water-dependent industrial uses (identified by HDC as occurring in the early morning hours) and the restaurant will be able to use available waterfront parking in these off peak periods. This restaurant use previously operated in the same building without conflicting with adjacent water-dependent industrial uses. Indeed, the facility provided tavern facilities serving the working waterfront and was a popular destination for the fishing industry. The reopened facility would be relatively modest in size and comparable to the previous restaurant that seated approximately 100 persons. The new facility will continue to serve the fishing industry and other water-dependent industrial uses. This restaurant will generate a very modest level of activity in peak periods of operations in the surrounding working waterfront. This factor together with its history of operations within the same building provides sufficient experience to conclude that it represents a compatible use with very modest impacts.

*Bourne Counting House*

This important historic structure was constructed in 1847-48 to provide office space for Jonathan Bourne, the most important owner of whaling ships of his day. Continued use of this structure for a mix of office, restaurant, interpretive and related uses is anticipated with no significant increase in use or visitation. The capacity of this building (approximately 30,000 square feet) will not be expanded. For more than a century, the operations of this structure have always supported not compromised the activities of the working waterfront. For the purposes of this assessment, it has been assumed based on its history of operations that sufficient experience exists to conclude that it represents a compatible use with very modest impacts.

*Downtown Hotel/Conference Facility*

The Harbor Plan proposes a hotel facility outside of the DPA. This facility would serve as a business and visitor facility and may include conference facilities. Current plans call for a 175-room facility. Parking will primarily be located on-site, and will not restrict the parking supply for water-dependent industrial uses. It is anticipated that vehicles will access this facility directly from Route 18, avoiding vehicular impacts on water-dependent industrial uses. This hotel facility could result in some increase in visitation within the waterfront area but this is likely to be modest with the hotel serving visitors already drawn to the area rather than itself attracting new visitors.

*Miscellaneous Uses*

Miscellaneous tourism-oriented uses including potentially expanded Cuttyhunk Ferry service, Duck Tours, walking trails and other similar activities are also likely to result in a modest level of new pedestrian activity although some of these activities such as the Cuttyhunk Ferry currently operate exclusively in off-peak hours.

**VISITOR ATTENDANCE AND PEDESTRIAN ACTIVITY**

While a clear planning strategy has been developed for separating tourism-oriented pedestrian activity from compromising the operation of water-dependent industrial uses (as discussed below in the compatibility assessment), estimates of the level of pedestrian activity likely to be generated by proposed uses have been made to gain an order of magnitude level of understanding of the level of pedestrian activity that is likely to be generated, based on projected visitation. This assessment incorporated two major components:

- Pedestrian Activity Associated with Proposed Hotel, Twin Piers Restaurant Reuse, Bourne Counting House Reuse
- Pedestrian Activity Associated with approximately 50,000 Visitors Identified through the Economic Analysis

The economic analysis undertaken by FXM Associates in support of the Harbor Plan (included in the December 1999 draft version of the Harbor Plan as Appendix B - Technical Memorandum: Expanded Economic Analysis) concluded that tourism uses within the harbor planning area (including downtown New Bedford) could be expanded substantially.

Current levels of visitation result in a negligible level of pedestrian use of the waterfront area. However, planned tourism oriented uses are explicitly intended to more fully integrate the waterfront into the visitor experience. The economic analysis projects an increase in visitation of approximately 50,000 directly associated with activities located within the Central Waterfront DPA, exclusive of the Aquarium site.

These additional waterfront visitors are accounted for approximately as follows:

Use	Projected Visitation
Charter and Excursion Vessels (including support retail)	20,000
Water Taxi	10,000
National Historical Park/ Schooner Ernestina	10,000
Miscellaneous Uses/ Cuttyhunk Ferry, etc.	10,000
Total	50,000

FXM's economic analysis, summarized above, projects visitation associated with these new waterfront activities but does not specifically address additional waterfront visitation attributable to a waterfront hotel (located outside the DPA), the reuse of the historic Bourne Counting House, or the reopening of a restaurant at Twin Piers. However, these uses do not have the potential to generate additional pedestrian activity in the waterfront area that might be considered to conflict with the operations of the working waterfront. Therefore, an assessment has been undertaken of the likely pedestrian activity associated with these uses. As the precise nature of these uses is not fully defined, this assessment focuses on establishing the order of magnitude of pedestrian activity likely to be generated to gain an understanding of the potential for conflict with DPA activities. The time period that is examined is the peak lunch period on weekdays and weekends. The most significant generator of pedestrian activity in this period is likely to be restaurant use. For the purpose of this assessment, it has been assumed that a total of approximately 200 restaurant seats are provided in the area distributed between Twin Piers, the hotel and the Bourne Counting House. VHB has estimated the pedestrian activity generated by this number of restaurant seats and associated uses as peak lunch hour accumulations of approximately 40 pedestrians on the weekday and 30 pedestrians on the weekend. These estimates were prepared using the following approach:

- The Institute of Transportation Engineers (ITE) Trip Generation Manual, 6<sup>th</sup> Edition estimates vehicle trips generated by a 200 seat high turnover restaurant (Land Use 832) in its PM peak hour to be approximately 165 (includes arrivals and departures).

- ITE statistics generally assume a high percentage of users arriving by automobile - say 90%. Therefore, it is assumed that the total number of trips (including pedestrians) to and from a 200-seat restaurant in its PM peak hour is 165 plus 10%, or approximately 180 combined arrivals and departures.
- Research undertaken by the Urban Land Institute in 1982 related to parking needs associated with various uses, suggests that a typical restaurant, not surprisingly, experiences its peak demand in the evening peak hour. Weekday lunch hour parking is typically estimated at 70% of the evening peak, with weekend lunchtime parking estimated at 45% of the evening peak. Weekday and weekend PM peaks are considered to be approximately equal.
- Applying this information to a 200-seat restaurant, to estimate weekday and weekend lunch hour arrivals and departures results in an estimated 126 combined arrivals and departures (70% of 180 trips) on a weekday and 81 combined arrivals and departures in the weekend lunch hour (45% of 180).
- However, all of these arrivals and departures do not generate new pedestrian activity within the waterfront area as a whole. Some restaurant visitors will already be in the area and are already counted as visitors to other waterfront uses. Others are assumed to drive directly to the restaurant and park onsite. For the purposes of this assessment, it is assumed, conservatively, so as not to underestimate the impact of these uses, that 50% of the total number of trips to the restaurant represent trips generated primarily by the restaurant that result in pedestrians walking across the waterfront area from the downtown or another location.
- Therefore, the estimate of the number of pedestrians moving through the waterfront associated with restaurants in the peak hour is estimated at approximately 60 on the weekday lunch hour period (50% of 126) and approximately 40 (50% of 81) at lunch hour period at the weekend. These total numbers of pedestrians are spread throughout a one-hour period. Accumulations at any one time are unlikely to exceed even one half of this number, 30 (weekday) and 20 (weekend) pedestrians respectively.
- Other uses of the Bourne Counting House or the hotel will add only minimally to pedestrian activity in this period. For the purpose of this assessment, these uses are assumed to add an additional 10 pedestrians.
- Therefore, the peak levels of pedestrian accumulations associated with these three facilities are assumed to be 40 people in the weekday lunch time period and 30 people at the weekend lunch time period.

The following assessment incorporates pedestrian activity associated with the proposed hotel, Bourne Counting House and Twin Piers restaurant into the assessment of pedestrian activity associated with other proposed uses.

Based on an anticipated attendance of 50,000 new visitors annually within the central waterfront area, preliminary estimates have been prepared of peak visitation levels based on norms used within the visitor industry for undertaking planning level assessments of peaking characteristics of visitor attractions<sup>4</sup>. These estimates are as shown below. Only the peak hour numbers listed below include pedestrians associated with the proposed hotel, Twin Piers restaurant and Bourne Counting House reuse as described above.

<i>Time Period</i>	<i>Projected Waterfront Visitation</i>
<b>Annual</b>	<b>50,000</b>
<b>Peak Month</b>	<b>10,000</b>
<b>Peak Week</b>	<b>2,250</b>
Peak Weekend Day	575
Peak Weekend Day	200-225
Peak Hour	
Average Weekday	275
Average Weekday	125-140
Peak Hour	

*Peak Weekend Pedestrian Attendance*

The peak weekend hour attendance of 200-225 persons coincides with the lowest level of activity in the surrounding working waterfront where the HDC reports a peak activity level in the early morning weekday period. The projected level of visitor activity is quite modest when spread across more than a quarter of a mile of waterfront, and it has been planned to occur almost fully independent of activities of water-dependent industrial uses. Furthermore, this level of activity is a rare occurrence, a peak expected to occur only on peak Saturdays during the July/ August peak summer season for an approximately 4-hour period (11 am - 3 pm) on 8-10 days each year, fully compatible with the operations of the surrounding waterfront.

*Peak Weekday Pedestrian Attendance*

This weekday peak hour attendance of 125-140 coincides with an off-peak period of activity for the fishing industry. This level of activity, again, is quite modest when spread across more than a quarter of a mile of waterfront, and it occurs almost fully separated from activities of water-dependent industrial uses. It is also important to note that the New Bedford fishing piers are not used by the industry to offload vessels which occurs elsewhere in the harbor.

<sup>4</sup> Sources: FXM Associates, Office of Thomas J. Martin

## COMPATIBILITY DISCUSSION

The proposed tourism-oriented uses described above are relatively modest in scale and have been discussed extensively by the Harbor Master Plan Committee and the communities and no major issues have been raised regarding compatibility of the proposed uses. These reviews have included presentations to the Mayor of New Bedford, the New Bedford City Council, the New Bedford Harbor Development Commission, harbor stakeholders including representatives of the fishing industry, public meetings, cable television informational presentations, press reports, and a public review and comment period. Representatives of the fishing industry have considered the proposed charter and excursion vessel berthing area as fully compatible with adjacent fishing fleet berthing areas, as has been the experience in other ports.

Extensive planning was undertaken within the Harbor Plan process in order to integrate tourism-oriented uses without creating undesirable impacts on the surrounding working waterfront. This process has yielded the following results:

- Proposed tourism activities are located on the base or landward edge of piers separated from the working waterfront. These uses would be connected by a pedestrian path that skirts the landward edge of the piers. This pedestrian walkway has been developed as linking tourism-oriented uses and providing views of the fishing fleet and other waterfront industrial uses through proposed harbor viewing areas and a viewing tower, but physically separating pedestrians from the actual activities of the working waterfront itself.
- Parking needs associated with tourism uses are generally located across Route 18 within the downtown area, not within the DPA. This minimizes potential vehicular conflicts and ensures that parking spaces remain available to water-dependent industrial uses.
- A program of monitoring parking on publicly-owned land (State Pier and City-owned Piers) is proposed to identify any potential impacts on the availability of parking to serve water-dependent industrial uses and to facilitate the introduction of parking controls should such an eventuality emerge (the Harbor Plan commits HDC to implementing parking controls if conflicts arise).
- Peak hours of use of proposed tourism activities are seasonal, at weekends and during the middle of the day, with very different activity peaks from water-dependent industrial uses.

The peak level of activity associated with the proposed program is at the lower end of the range of pedestrian activity associated with the smaller waterfront festivals that have proven through experience to be compatible with the activities of the working waterfront.

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### C. Aquarium

The Aquarium project is continuing to refine its program and plans in response to ongoing market and development feasibility assessments. Therefore, this analysis provides an order of magnitude assessment of compatibility considerations that will need to be refined and amended as the project program is more fully defined and as the project advances into the MEPA process. This project is primarily an educational attraction with supporting uses; its proposed Science Education and Economic Development Center (SEED) has the potential to provide substantial benefits to marine industry within the harbor area.

Order of magnitude anticipated annual visitation at the Aquarium project is projected at approximately 1 million visitors. This assessment attempts to provide a preliminary quantitative and qualitative assessment of this level of visitation to determine the level of pedestrian activity likely to be generated and to compare this level of activity with previously known levels of use associated with the traditional program of weekend waterfront festivals.

Like other visitor-oriented uses, peak levels of visitation at the Aquarium are anticipated to occur seasonally and on weekends, with lower levels of visitation during the week. Even during the weekdays, visitation is likely to peak in the middle of the day and will not coincide with peak activity times for water-dependent industrial uses in the surrounding area. Extensive parking will be provided on site, and Aquarium-related parking will not utilize parking areas within the waterfront which are currently used to serve the fishing fleet or other water-dependent industrial businesses. Vehicular access is anticipated to be provided directly from Route 18, limiting the potential for conflicts with the vehicular access to fishing piers and other related uses. Peak patterns of arrival and departure for a visitor attraction such as this will not coincide with peak levels of traffic on surrounding roadways.

Based on annual visitation of 1 million, preliminary estimates have been made of anticipated visitation in peak periods<sup>5</sup>. Based on this analysis, it is anticipated that approximately 45,000 visitors might be expected in the peak week, with approximately 11,500 on the peak day, 3,500 in the peak attendance period (11 am-3 pm) requiring peak period parking for approximately 1,150 cars.

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<sup>5</sup> Sources: FXM Associates, Office of Thomas J. Martin

<i>Time Period</i>	<i>Projected Aquarium Visitation</i>
<b>Annual</b>	<b>1,000,000</b>
<b>Peak Month</b>	<b>200,000</b>
<b>Peak Week</b>	<b>45,000</b>
<b>Peak Weekend Day</b>	<b>11,500</b>
<b>Peak Weekend Hour (in building)</b>	<b>3,400-3,500</b>
<b>Average Weekday</b>	<b>5,500</b>
<b>Average Weekday Peak Hour (in building)</b>	<b>1,600-1,700</b>

For comparison purposes, some traditional waterfront festivals such as Summerfest have attracted up to an estimated 50,000 persons in a single day, with up to 15,000 at a given moment, representing an approximately five-fold higher level of attendance than the Aquarium even at the moment of its peak visitation. (Note: The overall Summerfest attendance level of over 100,000 is widely used and accepted in press reports and through estimates of festival sponsors. However, both this level of attendance as well as the daily and peak attendance levels have proved difficult to verify objectively and are offered here as order of magnitude assessments based on the best available information.) In addition, unlike Aquarium attendees, who will be primarily concentrated within the building, festival attendees are mostly moving about in the downtown and waterfront areas creating a higher potential for impacts on the working waterfront. However, as previously noted in the discussion of festivals, with appropriate controls, even at the peak of festival activity, access to water-dependent industrial uses can be adequately maintained.

Since the Aquarium facility is physically separated from the Central Waterfront and only a segment of Aquarium visitors are likely to venture out into the waterfront area, the level of impact of this peak-period Aquarium visitation is only a small fraction of the impact associated with waterfront festivals that have a history of successful operation in the waterfront.

Assuming conservatively that approximately half of the peak Aquarium weekend attendance is arriving or departing in the peak hour, this represents approximately 1,700-1,750 persons. Of those arriving in the peak hour, most will arrive by car and park in the available on-site parking lots. While arrivals will likely exceed departures in this period as a facility continues to fill up during the afternoon period, it is assumed conservatively for this assessment that arrival and departures are approximately equal.

Of the approximately 900 people arriving, it is assumed that 90% will park on-site and enter the building directly. The remaining 10% of people are assumed to access the building by walking across the Central Waterfront.

This represents approximately 90 people arriving in the peak period and walking through the Central Waterfront. Of the approximately 900 people estimated to be leaving the facility in this period, some will exit directly to the parking area; others may choose to visit the Central Waterfront or the downtown area. These individuals leaving the facility are considered to be more likely to choose to visit the downtown or Central Waterfront than individuals arriving to visit the Aquarium and parking on-site as they have completed their visit to their primary destination. If between one-third and two-thirds of these visitors choose to visit downtown or the Central Waterfront, this would represent approximately 300-600 pedestrians in the peak hour period, with the balance exiting the site by car.

It should be noted that it is unlikely that as many as two out of three people leaving the Aquarium would visit the downtown or the Central Waterfront, since the multi-use program anticipated on the project site will itself provide a relatively complete visitor experience. At the same time, the cinema and other commercial uses proposed in conjunction with the Aquarium will to some extent attract a separate patronage, so the upper bound of 600 pedestrians is used here to ensure that this impact is not overlooked.

Based on these assumptions, approximately 390-690 people arriving or departing the Aquarium would cross through the Central Waterfront in the peak hour. However, this is the total number of people moving through the waterfront area associated with the Aquarium over a one-hour period. Not all of these people will be in the waterfront at the one time. For the purposes of this assessment, it is assumed that it takes them on average approximately 20 minutes to traverse the approximately  $\frac{1}{4}$  mile distance between the Aquarium and downtown. As the actual time required to walk this distance is approximately five minutes this assumes for every person that walks directly to downtown, another person spends approximately 35 minutes in the area between the Aquarium and downtown. Furthermore, as planning for the Aquarium is advanced it may be possible to offer pedestrians alternative routes to downtown that do not pass through the Central Waterfront but cross Route 18 directly opposite the Aquarium and connect into the downtown area. However, for the purposes of this assessment, again conservatively, it is assumed that such a connection does not exist to determine the most conservative "worst case scenario" for Aquarium-related pedestrian traffic.

Based on this assessment, the highest number of Aquarium-related pedestrians present in the area between the Aquarium site and downtown at one time would be approximately 130-230 persons. This level of peak Aquarium attendance is infrequent, confined largely to Saturdays in July and August, representing 8-10 days per year in total. Using the same methodology described above, peak weekday pedestrian accumulations associated with the Aquarium are estimated at approximately 65-115 persons.

### AQUARIUM AND OTHER WATERFRONT VISITATION COMBINED

Based on the analyses described above, the accumulated peak visitor use (Aquarium *plus* other visitor facilities planned for the Central Waterfront discussed in this appendix) on the peak weekend day in the peak season would represent approximately 330-455 pedestrians (130-230 associated with the Aquarium and approximately 200-225 associated with other uses), a small fraction of the peak visitation level in the Central Waterfront associated with a major festival such as Summerfest, and well within the attendance range of the smaller waterfront festivals.

On weekdays, the total peak accumulation of visitors from the Aquarium and other uses is estimated as approximately 190-225 (with Aquarium sources accounting for approximately 65-115 and other Central Waterfront uses for an additional 125-140 persons).

The Aquarium development program remains fluid at this time and continues to evolve based on ongoing analyses. Ultimately, these analyses may result in a development program with higher or lower attendance levels than are examined here as the build-out of retail and other supporting uses are finalized. However, the assumptions used here are conservative and provide a basis for concluding at this level of assessment that the project is compatible with the activities of the DPA at this location. While this finding is very preliminary and in no way obviates the need for extensive analysis of impacts and potential impacts associated with the Aquarium project and its components, it lends support to the proposition that this water-dependent use and its associated support uses have relatively low impacts on a scale that is comparable to successful visitor activities/festivals that have already been accommodated within the DPA.

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