



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

November 4, 2020

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

Dear Council President Lopes and Honorable Members:

I am pleased to submit for the Council's consideration the attached *Act Authorizing The City of New Bedford To Convey Certain Land Acquired For Open Space and Playground Purposes*.

As you know, with the support of the New Bedford legislative delegation my Administration recently announced a plan for an Advanced Manufacturing Campus (AMC) on 100 acres of the 275-acre Whaling City Golf Course on Hathaway Road.

The announcement also included news that a solution had been developed to resolve an important legal hurdle related to the business park project. When protected recreational land is repurposed for development, municipalities are required by the Commonwealth to enact special legislation which lifts the development prohibition and places into protection comparable land elsewhere.

A 2017 decision of the Massachusetts Supreme Judicial Court, Smith v. City of Westfield, expanded the definition of lands classified as protected by Article 97 of the Massachusetts Constitution. The City was consequently required to place into protection new land equal to the entire 100 acres proposed for the business park, a figure well beyond the City's initial estimate of 25 acres.

After consultation with local conservation organizations and officials, including the Buzzards Bay Coalition, the Town of Dartmouth, and the Dartmouth Natural Resources Trust (DNRT), the City determined that the only viable strategy for compliance with the state requirement was to partner with the DNRT to place a conservation restriction on a portion of the 224-acre property owned by the City on Woodcock Road in Dartmouth. In January of this year, the City and DNRT entered into a Memorandum of Understanding (MOU) for this purpose.

Consistent with the DNRT MOU, the attached measure would put the City in a position to successfully comply with Article 97 requirements by removing approximately 100 acres from protection on the golf course site in New Bedford and conferring protection on 156 acres of the Dartmouth property.

The City Council's approval will allow the measure's legislative supporters, led by Senator Montigny and Representative Christopher Markey, to then work to secure its anticipated passage in early 2021, clearing the way for continued advancement of the AMC.

*Background: Benefits of the Advanced Manufacturing Campus*

The AMC is expressly developed with a view toward the needs of the state's and region's leading industries, and will incorporate the amenities, landscape and building design, and other features seen in high-quality business parks.

Building on a business park concept first introduced in 2017, the AMC refines the City's development approach, incorporating fresh information from real estate and golf industry professionals, conservation organizations, and state economic development experts. In addition, studies commissioned by the City and its state partners have now confirmed several earlier, preliminary assessments. Among the findings, the Advanced Manufacturing Campus would:

- Capitalize on high demand among major commercial real estate interests as the pandemic accelerates a pre-existing trend which saw focus shifting to large, highway accessible, "greenfield" sites in eastern Massachusetts outside the I-95 and I-495 corridors.
- Create 1 million square feet of new industrial/office space assessed at \$80 million
- Generate \$2.7 million in annual property tax revenue
- Produce more than 1,000 new jobs

As I noted in conjunction with the recent public announcement, constructing a new business park from scratch is no small undertaking and a complex challenge for any city, but if we are serious in New Bedford about reducing the property tax burden, regenerating our local economy, and keeping local government financial stable, we have no choice but to find a way to succeed. And with our existing business park at full capacity, it is critical to have a new driver of commercial growth. The plan recently presented to the public creates this critical driver.

It is important to also note the extensive, sustained effort that has been invested in the plan. Several years of study, planning, and revision have brought us to current stage. The plan is significantly better for those efforts. It is more pragmatic, achieves more of our goals, and is more responsive to the community. Most important, the project is grounded in a robust body of research that gives us confidence in our approach.

*Background: A New Understanding of the Options for Ensuring A Successful Golf Course*

The 2017 business park concept reduced the number of operable golf course holes from 18 to 9 based on preliminary engineering reports. Subsequent surveys led to an adjustment of the business park borders and reduction in size, which has allowed for reconsideration of several golf course options.

Under my Administration's proposal, the City would leave open the option of an 18-hole course, an option for a 9-hole course, and an option for 9+ "flex solutions" that create opportunities for a course operator to change active holes for various purposes or events.

Under all options, a new clubhouse and parking area (comparable to existing facilities) will be constructed, and additional enhancements will be considered, including a driving range and practice areas. The course option and amenities ultimately selected will be based on continued stakeholder input and a further assessment of market trends.

I hope you find this additional background information useful, and I thank you for your consideration of this important measure.

Sincerely,



Mayor Jon Mitchell

enclosure

# The Commonwealth of Massachusetts

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IN THE YEAR TWO THOUSAND TWENTY

## **AN ACT** AUTHORIZING THE CITY OF NEW BEDFORD TO CONVEY CERTAIN LAND ACQUIRED FOR OPEN SPACE AND PLAYGROUND PURPOSES

*Be it enacted by the Senate and House of Representatives in General Court assembled, and by the authority of the same, as follows:*

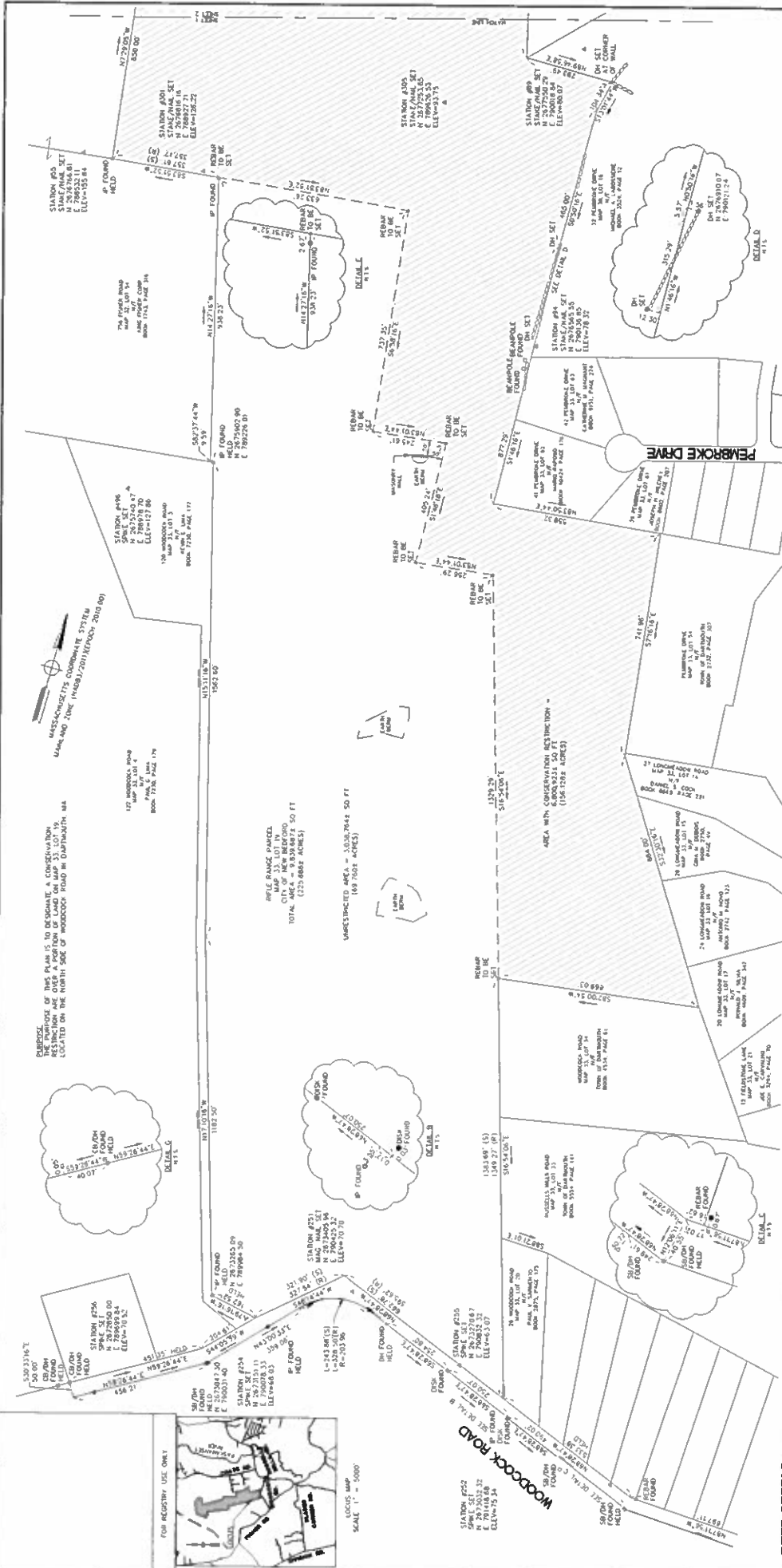
SECTION 1. Notwithstanding any general, special, or local law to the contrary, but subject to chapter 30B of the General Laws, the city of New Bedford, acting by and through its city council, with the approval of its mayor, may convey a parcel of land currently used as a municipal golf course and acquired by the city in part for open space purposes and in part for playground purposes. The property to be conveyed contains approximately 99.86 acres and is shown as Parcel "B" on a plan entitled "Subdivision Plan, Tax Map 121-1 Lots: 1-8, 37, 45, and 86" prepared by Nitsch Engineering, dated October 7, 2020.

SECTION 2. To ensure a no-net-loss of lands protected for conservation and recreation purposes, and as consideration for the transfer authorized in section 1, the city council, with the approval of the mayor, shall convey a conservation restriction pursuant to sections 31, 32, and 33 of chapter 184 of the General Laws on approximately 156.128 acres of land owned by the city of New Bedford in the town of Dartmouth, which is a portion of an approximately 225.888-acre parcel of land currently used as a rifle range. The land to be subject to the proposed conservation restriction, which shall be held by the Dartmouth Natural Resources Trust, Inc. is shown as "Area with Conservation Restriction" on a plan entitled "Plan of Land for Conservation Restriction, City of New Bedford Rifle Range, Woodcock Road, Dartmouth, MA," prepared by SMC dated January 14, 2020 and revised September 30, 2020. The land currently used as the active portion of the rifle range is an approximately 69.750-acre parcel of land shown as "Rifle Range Parcel" on Sheet 1 of the same plan. The city of New Bedford shall be permitted to indemnify the Dartmouth Natural Resources Trust, Inc. in connection with said conservation restriction. The active rifle range shall be allowed to continue in operation, and that portion of the land shall be open to the public. While the active rifle range is in

operation, the portion of the land subject to the conservation restriction may be open to the public for passive recreation, as appropriate given public safety considerations. In the event the rifle range ceases to be used as a rifle range at any time, the land subject to the conservation restriction shall be open to the public for passive recreation.

**SECTION 3.** This act shall take effect upon its passage.





175 WOOD ROAD  
 BARNSTABLE, MA 01915  
 TEL: 508-263-7737  
 FAX: 508-263-7737  
**SMC**  
 SURVEYING & MAPPING COMPANY

**PLAN OF LAND FOR  
 CONSERVATION RESTRICTION  
 CITY OF NEW BEDFORD, RIFLE RANGE  
 WOODCOCK ROAD, DARTMOUTH, MA**

PREPARED FOR: CITY OF NEW BEDFORD  
 DATE: SEPTEMBER 30, 2020  
 SCALE: 1"=500'  
 REC'D: MARKET, PLS  
 MASSACHUSETTS REG. NO. 31133

SAC: DWG NO 190033007P.DWG  
 SHEET 1 OF 2

THE PURPOSE OF THIS PLAN IS TO DESIGNATE A CONSERVATION RESTRICTION ARE OVER A PORTION OF LAND ON MAP 33, LOT 19, LOCATED ON THE NORTH SIDE OF WOODCOCK ROAD IN DARTMOUTH, MA.

MASSACHUSETTS COORDINATE SYSTEM  
 MASS 8302 ZONE NAD83(2011)NAD83\_2010\_00

175 WOOD ROAD  
 BARNSTABLE, MA 01915  
 TEL: 508-263-7737  
 FAX: 508-263-7737

UNRESERVED AREAS - 3033.7644 SQ FT  
 (14,758.1 ACRES)

RIFLE RANGE PARCEL  
 CITY OF NEW BEDFORD  
 MAP 33, LOT 19  
 10746 (322-8682 ACRES)

AREA WITH CONSERVATION RESTRICTION  
 (154,728 ACRES)

REAR TO BE  
 SIDE TO BE  
 SIDE TO BE  
 SIDE TO BE

REAR TO BE  
 SIDE TO BE  
 SIDE TO BE  
 SIDE TO BE

REAR TO BE  
 SIDE TO BE  
 SIDE TO BE  
 SIDE TO BE

**LEGEND**

- 6" P
- 6" F
- 6" R
- 6" S
- 6" D
- 6" O
- 6" H
- 6" W
- 6" T
- 6" B
- 6" L
- 6" U
- 6" V
- 6" X
- 6" Y
- 6" Z

**DEED REFERENCES**

- 1 BOOK 434, PAGE 237-238 & 427-430
- 2 BOOK 434, PAGE 237-238 & 427-430
- 3 BOOK 733, PAGE 283
- 4 BOOK 1035, PAGE 201
- 5 BOOK 1035, PAGE 201
- 6 BOOK 1035, PAGE 201
- 7 BOOK 1035, PAGE 201
- 8 BOOK 1035, PAGE 201
- 9 BOOK 1035, PAGE 201
- 10 BOOK 1035, PAGE 201
- 11 BOOK 434, PAGE 237-238 & 427-430
- 12 BOOK 434, PAGE 237-238 & 427-430

**PLAN REFERENCES**

- 1 PLAN OF THE BOUNDING OF WOODCOCK ROAD AT RIFLE RANGE CORNER DARTMOUTH MASS. FILED AT THE SOUTH BRISTOL REGISTRY OF DEEDS AS PLAN BOOK 33, PAGE 52 (PLAN 4)
- 2 PLAN OF LAND IN BARNSTABLE COUNTY, MASS. AS SHOWN & REVISIONS OF PORTIONS OF "REARSHIRE" METERS (FOR 17, 1975 FILED AT THE SOUTH BRISTOL REGISTRY OF DEEDS AS PLAN BOOK 103, PAGE 9
- 3 APPROVAL NOT REQUIRED (TASER ROAD DARTMOUTH MASS. 2014 FILED AT THE SOUTH BRISTOL REGISTRY OF DEEDS AS PLAN BOOK 171, PAGE 30
- 4 SUBDIVISION PLAN OF LOT 20 OF PLAN OF JARVIS M. THOMAS AT THE SOUTH BRISTOL REGISTRY OF DEEDS AS PLAN BOOK 100A, PAGE 32
- 5 PLAN SHOWING PROPOSED RIFLE RANGE IN DARTMOUTH, DATED AS PLAN BOOK 14, PAGE 10 (PLAN 14A.20)



NO.	DATE	BY	DESCRIPTION
1	09/30/20	SMC	PREPARED
2	10/02/20	SMC	REVISED
3	10/02/20	SMC	REVISED
4	10/02/20	SMC	REVISED
5	10/02/20	SMC	REVISED
6	10/02/20	SMC	REVISED
7	10/02/20	SMC	REVISED
8	10/02/20	SMC	REVISED
9	10/02/20	SMC	REVISED
10	10/02/20	SMC	REVISED
11	10/02/20	SMC	REVISED
12	10/02/20	SMC	REVISED
13	10/02/20	SMC	REVISED
14	10/02/20	SMC	REVISED
15	10/02/20	SMC	REVISED
16	10/02/20	SMC	REVISED
17	10/02/20	SMC	REVISED
18	10/02/20	SMC	REVISED
19	10/02/20	SMC	REVISED
20	10/02/20	SMC	REVISED

FOR REGENCY USE ONLY



MASSACHUSETTS COMMISSARY 2025/6  
MAP 30, LOT 13  
BOOK 114, PAGE 304

**SMC**  
SOUTHWOOD CONSULTANTS  
100 WOOD ROAD  
DARTMOUTH, MA 01928  
TEL: 508-237-7227  
FAX: 508-237-7228

**PLAN OF LAND FOR  
CONSERVATION RESTRICTION**  
CITY OF NEW BEDFORD RIFLE RANGE  
WOODCOCK ROAD, DARTMOUTH, MA

PREPARED FOR: CITY OF NEW BEDFORD  
PROJECT: 08/16/18, 10/20/19  
DATE: JANUARY 24, 2020

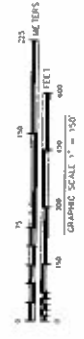
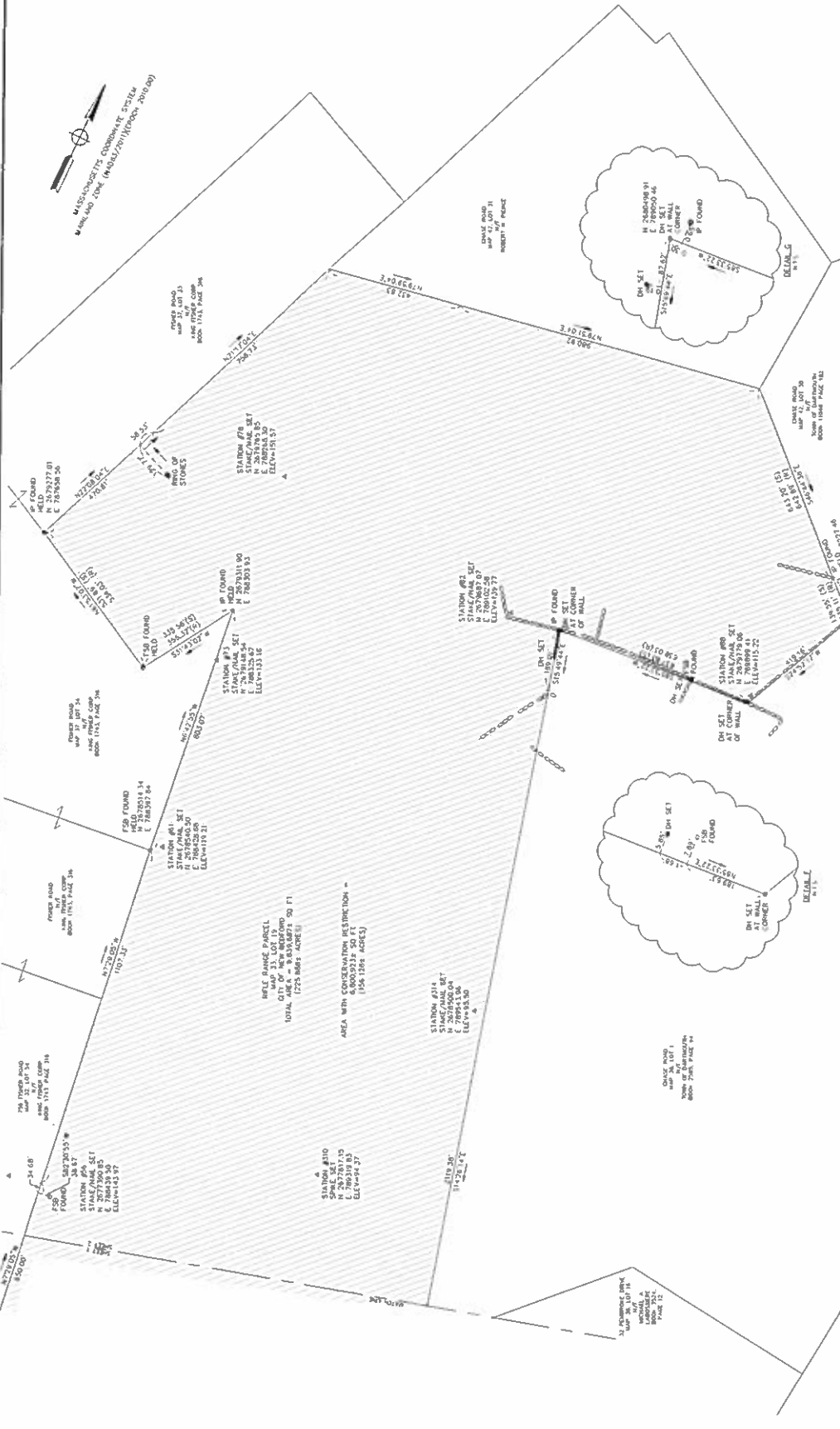
SCALE: 1"=150'  
SMC DWG NO 1800210897 DWG

SHEET 2 OF 2

THIS PLAN HAS BEEN PREPARED IN CONFORMANCE WITH THE RULES AND REGULATIONS OF THE BOARD OF REGISTRY OF THE COMMONWEALTH OF MASSACHUSETTS.

THE PROPERTY LINES SHOWN ON THIS PLAN ARE THE LINES DERIVING EXISTING OWNERSHIP, SHOWN AS THOSE OF PUBLIC OR PRIVATE OWNERSHIP, AND NOT ESTABLISHED, AND THAT NO NEW LINES FOR ANY OF THE PROPERTY OWNERSHIP OR FOR NEW WALLS ARE SHOWN.

DATE: 1/24/20  
DRAWN BY: SMC  
MASSACHUSETTS REG NO 31313



DATE	01/24/20
BY	SMC
SCALE	1"=150'
PROJECT	CONSERVATION RESTRICTION
SHEET	2 OF 2