

**COMMITTEE ON CITY PROPERTY - January 21, 2021**  
**MEETING AT 7:00 PM, THIS MEETING IS BEING HELD REMOTELY IN ACCORDANCE**  
**WITH THE GOVERNOR OF MASSACHUSETTS' MARCH 12, 2020 ORDER SUSPENDING**  
**CERTAIN PROVISIONS OF THE OPEN MEETING LAW G.L.C. 30A, SECTION 20 AND**  
**THE CITY COUNCIL'S VOTE TO WAIVE RULE 21A**  
**AGENDA**

THIS MEETING WILL BE LIVE STREAMED ON  
NB CABLE ACCESS FACEBOOK PAGE

1. COMMUNICATION, Mayor Mitchell, to City Council, submitting AN ACT, Authorizing The City of New Bedford To Convey Certain Land Acquired For Open Space and Playground Purposes. (Ref'd 11/12/2020)

1a. AN ACT, (Ref'd 11/12/2020)

***INVITEES: David Gerwatowski, Legal Counsel Attorney; Mikaela McDermott, City Solicitor; Dexter Mead, Executive Director, Dartmouth Natural Resources Trust; Neil Mello, Chief of Staff; Mary Rapoza, Director, Parks, Recreation and Beaches; Derek Santos, Executive Director, New Bedford Economic Development Council; Ari J. Sky, Chief Financial Officer***

***In accordance with the Americans with Disabilities Act (ADA), if any accommodations are needed, please contact the Clerk of Committees Office at 508-979-1482. Requests should be made as soon as possible but at least 48 hours prior to the scheduled meeting.***



Item Title:  
STREAMING STATEMENT

Item Detail:  
THIS MEETING WILL BE LIVE STREAMED ON  
NB CABLE ACCESS FACEBOOK PAGE

Additional Information:



Item Title:

AN ACT re Open Space and Playground

Item Detail:

1. COMMUNICATION, Mayor Mitchell, to City Council, submitting AN ACT, Authorizing The City of New Bedford To Convey Certain Land Acquired For Open Space and Playground Purposes. (Ref'd 11/12/2020)

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Additional Information:

ATTACHMENTS:

Description	Type
1. COMM re Open Space and Playgrounds	Cover Memo
1a. ACT re Open Space and Playgrounds	Cover Memo



**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

CITY CLERKS OFFICE  
NEW BEDFORD, MA  
2020 NOV -5 A 10:39  
CITY CLERK

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

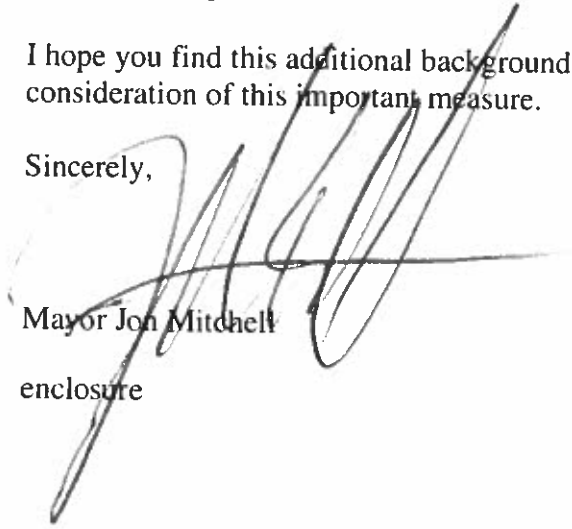
The 2017 business park concept reduced the number of operable golf course holes from 18 to 9 based on preliminary engineering reports. Subsequent surveys led to an adjustment of the business park borders and reduction in size, which has allowed for reconsideration of several golf course options.

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

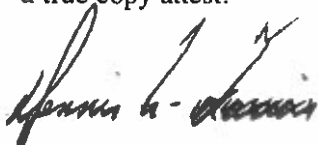
enclosure

**IN CITY COUNCIL, November 12, 2020**

Referred to the Committee on City Property.

Dennis W. Farias, City Clerk

a true copy attest:



City Clerk

# 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

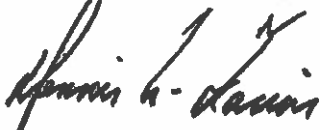
operation, the portion of the land subject to the conservation restriction may be open to the public for passive recreation, as appropriate given public safety considerations. In the event the rifle range ceases to be used as a rifle range at any time, the land subject to the conservation restriction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

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

**IN CITY COUNCIL, November 12, 2020**

Referred to the Committee on City Property.  
a true copy attest:

Dennis W. Farias, City Clerk



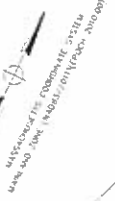
City Clerk







NEW REGISTER USE ONLY



175 WOOD ROAD  
SARASOTA, FL 34234  
TEL: 941-552-3333  
FAX: 941-552-3334

**SMC**  
SOUTH MAINE CONSULTANTS

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

PREPARED FOR: CITY OF NEW BEDFORD  
SCALE: 1" = 100'  
REVISED: SEPTEMBER 20, 2020  
DATE SUBMITTED: 11, 2020

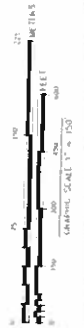
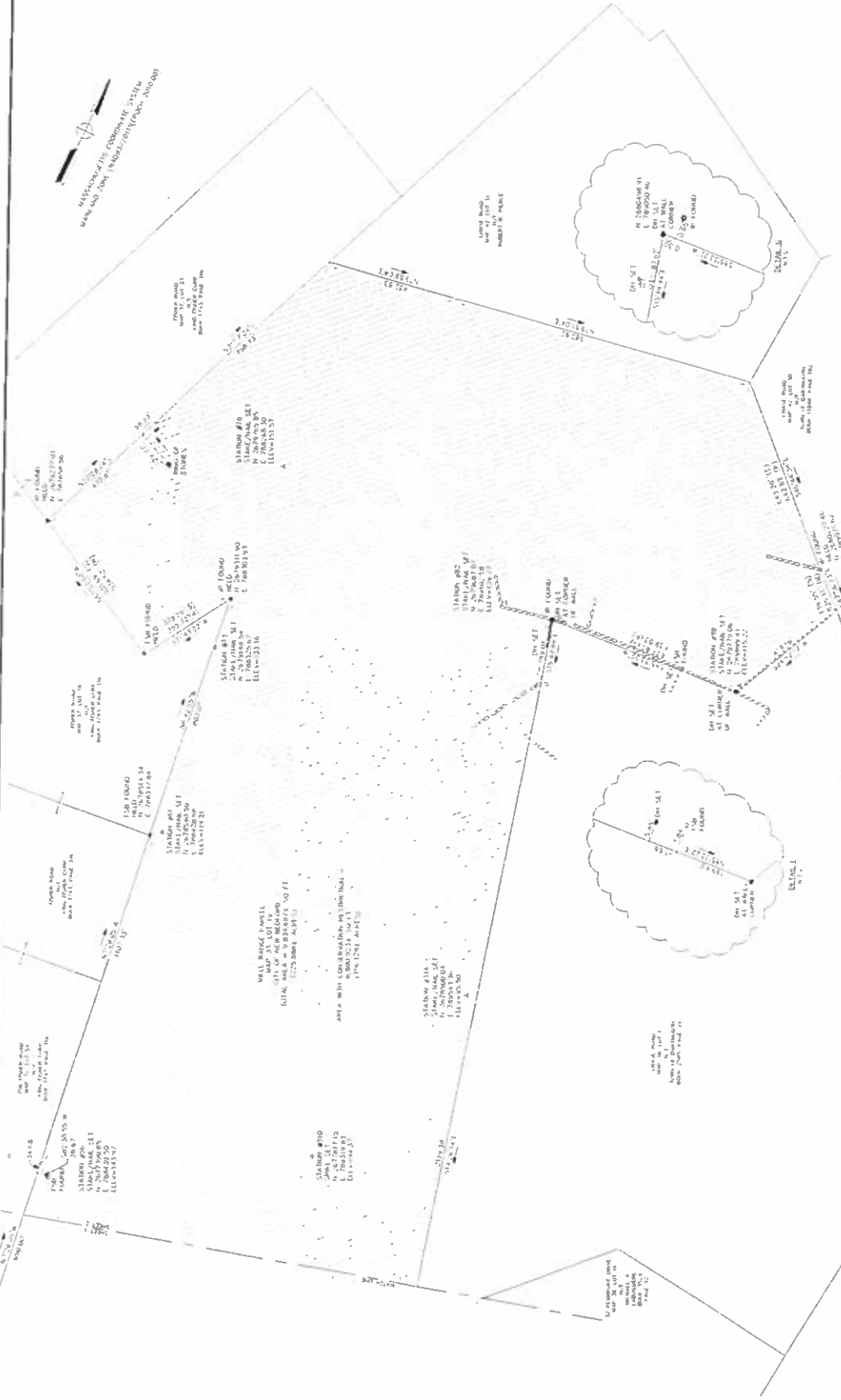
PROJECT NO.: 1901002-0007-P-000

SHEET 2 OF 2

THIS PLAN HAS BEEN PREPARED IN CONFORMANCE WITH THE RULES AND REGULATIONS OF THE BOARD OF REGISTRATION OF PROFESSIONAL ENGINEERS OF MASSACHUSETTS.

THE PROPERTY LINES SHOWN ON THIS PLAN ARE THE RESULT OF A SURVEY CONDUCTED BY SMC SOUTH MAINE CONSULTANTS IN 2020. THE SURVEY WAS CONDUCTED IN ACCORDANCE WITH THE RULES AND REGULATIONS OF THE BOARD OF REGISTRATION OF PROFESSIONAL ENGINEERS OF MASSACHUSETTS.

DATE: 11/11/2020  
DRAWN BY: J. B. BROWN  
CHECKED BY: J. B. BROWN



DATE	11/11/2020
PROJECT NO.	1901002-0007-P-000
DRAWN BY	J. B. BROWN
CHECKED BY	J. B. BROWN
SCALE	1" = 100'
SHEET NO.	2 OF 2



Item Title:  
ACCESSIBILITY STATEMENT

Item Detail:

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