

## Select Board Members Present:

Joseph Michaud-Chairperson  
Diane Gilbert  
Nathalie Dias

Robert W. Carney, Vice-Chairperson  
William J. Trimble

The Chairperson opened the Public Meeting at 5:30.

The Chairperson polled the Board for a roll call vote to convene into Executive Session Pursuant to M.G.L. Ch. 39 Sec 23B: Collective Bargaining Grievance: Selectperson Dias, Yes; Vice-Chairperson Carney, Yes; Selectperson Trimble, Yes; Selectperson Diane Gilbert, Yes; Chairperson Joseph Michaud, Yes.

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The Chairperson reconvened the meeting to order at 6:30 p.m. on October 6, 2008 in room 304.

Board members signed the **warrant(s)** for the following bills from various departments in the amounts of:

\$ 871,570.90	PR13	\$ 1,082,057.95	PD0914	\$ 131,150.09	D0915
\$ 70,146.34	P0915	\$ 186,882.22	S0915	\$ 652,908.57	T0915

### **6:30/Application of UMass Dartmouth Alumni Association for a One Day Beer & Wine License for October 18, 2008.**

Mary Ellen DeFrias was present for the Application of UMass Dartmouth Alumni Association.

*After a motion was made by Vice-Chairperson Robert Carney and seconded by Selectperson Nathalie Dias, It was voted unanimously to approve the Application of UMass Dartmouth Alumni Association subject to the Police Chief's Signature.*

### **6:35/ Application of Chuck E. Cheese for a Change of Officers.**

Tabled.

### **6:40/ Presentation from Mr. Tom Davis, Executive Director of the Greater New Bedford Industrial Park, about their work and improvements.**

Mr. Tom Davis Executive Director of the greater New Bedford Industrial Park, briefed the Board on improvements since 1999. Mr. Davis mentioned since 1999 there has been 31 purchases, 15 expansions, 3,300 new jobs created, sales revenue of \$1.5

billion/year and is the fifth largest Park in Massachusetts. Mr. Davis presented the advantages of the New Business Park compared to greater Boston Industrial parks.

**7:00/ Appointment with Mr. Hal Davis on Lincoln Park Project to discuss Enabling Legislation that would be used for Capital Improvements associated with the Development.**

Mr. Hal Davis briefed the Board on "The Village at Lincoln Park". The project has recently been approved by the Commonwealth of Massachusetts and the the Town of Dartmouth to construct 50,900 sq ft of retail space, 25,000 sq ft. of retail/residential, and 307 residential housing units. Considering the proximity to the University of Massachusetts at Dartmouth, student housing is also a possibility for the residential portion of the site. As they understand it the HB. #150 would allow them to fund their infrastructure improvements through the issuance of bonds paid through special assessments or betterment fees on the property. He further explained the procedure and how to accomplish this. Mr. Davis stated this will be going to Town Meeting on October 21, 2008 for the final approval.

**New Business:**

**Petitions of NStar Gas to obstruct and disturb the surface of: 6 H McCabe St, 223 Richard St, 123 Frank St, 15 Kennedy St, 139 Longwood Ave, 34 Country Club Blvd and Intersection of Thatcher St and Newton St.**

*After a motion was made by Selectperson Nathalie Dias and seconded by Selectperson William Trimble, it was voted unanimously to approve the petitions of NStar Gas to obstruct and disturb the surface of: 6H McCabe St, 223 Richard St, 123 Frank St, 15 Kennedy St, 139 Longwood Ave, 34 County Club Blvd and Intersection of Thatcher St and Newton St.*

In another matter Michael Gagne is requesting a representative from NStar Gas to come in and have a discussion on the potential expansion of Natural Gas Service in Town.

**Invitation from Bristol County Agricultural High School annual fall Show to be held on Thursday October 16<sup>th</sup> from 7:00 p.m. to 8:00 p.m.**

Chairperson Michaud read the invitation from Bristol County Agricultural High School annual Fall Show.

**Letter from Donald Perry Planning Director regarding grant assistance to plan for impacts from the expansion of rail service to the Southcoast.**

The Chairperson read the letter from Donald Perry, Planning Director pertaining to the Southcoast Rail. The Board agreed to meet with the Planning Board on this matter.

## **Minutes of September 18, 2008 workshop and September 22, 2008.**

Selectperson Gilbert requested clarification on page 2 paragraph 2.

*After a motion was made by Selectperson William Trimble and seconded by Selectperson Nathalie Dias, it was voted unanimously to approve the minutes of September 18, 2008 workshop making the requested changes and September 22, 2008.*

### **Other Business:**

Chairperson Michaud announced the Dartmouth Library Foundation Annual Meeting will be held on October 22<sup>nd</sup> at 6:00 p.m. at the Southworth Library followed by Dinner and Entertainment. Tickets are \$20.00 and can be purchased at Baker Books and at all Town Libraries.

Selectperson Gilbert felt it was appropriate for the Executive Administrator to read a letter from Michael O'Reilly, Conservation Commission in reference to the Conservation Restriction at Mishaum Point Road and suggested the Chairperson Michaud revisit this issue.

The Executive Administrator read it into the record.

Dear Chairman Michaud and Members of the Board,

At its September 23, 2008 meeting the Conservation Commission voted to approve the municipal certification of conservation values associated with a Conservation Restriction (CR) negotiated between a private landowner and Dartmouth Natural Resources Trust. This parcel is located at 136 Mishaum Point Road, known as assessors map 7, lot 26, a 3.01 acre undeveloped, bay front parcel that has been left in its natural state. The Conservation Commission feels strongly that approval of this CR is in the public interest. The Conservation Commission is aware that the Select Board voted 3 - 2 not to support the Conservation Restriction. The Commission feels that a dangerous precedent may have been set by the Select Board with its decision in this case.

Conservation Restrictions have protection of natural resource values and the inherent protection of the public interest realized by preservation of open space at the core of their reason for being. CR's are also consistent with one of the goals of the Town of Dartmouth's Open Space and Recreation Plan which advocates for the conservation, protection, and maintenance of the scenic beauty and existing rural character of the Town.

Most people donate CR's because of their love of the land and their desire to see it protected for future generations. Tax implications, while important, are often secondary considerations for the landowner. However, a CR is a critical tool available to private landowners who wish to protect their property from development in perpetuity. In Massachusetts, a CR must be approved by a municipalities Conservation Commission and Select Board. Without these certifications a CR is not possible. Removal of a tool that encourages private landowners to place their properties into CR's creates a significant disincentive to property owners who wish to protect their property from development. Clearly, without CR's a significant number of properties that could be protected as open space for future generations will be lost to development.

On the issue of public access, the Conservation Commission feels that it is important to note that the majority of the private CR's throughout the town are negotiated between a private landowner and a private conservation organization and do not have a public access component written into the agreement. Most private landowners do not want public access on their private property, they want to preserve and protect the land. The municipality only certifies the public value protected by the private CR. Where public monies are expended for CR's either through Town Meeting vote or State or Federal grant money being used public access is required.

The Conservation Commission hopes that the Select Board will reconsider their decision and certify the conservation value of the Conservation Restriction.

For the Commission,

Michael O'Reilly  
Environmental Affairs Coordinator

Chairperson Michaud responded he is not going to revisit this issue. He stated in his opinion there are no tangible public benefit, no watershed protection, no public access or visitation or viewing, no scenic vista visible to the public that would be preserved or protected by this.

Selectperson Gilbert mentioned DNRT should have gone to the Conservation Commission before coming before the Select Board. Selectperson Gilbert said the Board had little opportunity to vote on this matter and should have been postponed. Selectperson Gilbert said she does not want this to be a precedent to other Preservation Group coming before the Select Board. Selectperson Gilbert suggested that DNRT and Conversation Commission come before the Board to review any future Conservation Restrictions.

The Executive Administrator announced the YMCA on Gulf Road will be hosting a Fall Family Festival to be held on October 18<sup>th</sup>, 2008.

Chairperson Michaud announced that October 15<sup>th</sup> is the last day to register to vote the Town Hall will be open until 8:00 p.m.

With no further business to discuss, the Chairperson declared the regular meeting adjourned.

Attest:



Michael J. Gagné Executive Administrator

Transcribed by: Linda Torres