

HOUSE No. 611

The Commonwealth of Massachusetts

In the Year Two Thousand Nine

An Act creating the Lincoln Park Infrastructure Financing District in the town of Dartmouth ..

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

1 SECTION 1. Notwithstanding any general or special law, rule or regulation to the
2 contrary, the town of Dartmouth may establish an infrastructure financing district to be known as
3 the Lincoln Park Infrastructure Financing District.

4 SECTION 2. This district will consist of approximately 40.9 acres and will have the
5 same or approximately the same boundaries as the Lincoln Park Smart Growth Overlay District
6 as referenced in §7.3.1 of the Town’s Zoning By-Laws.

7 SECTION 3. This district will assume financial liability for the capital and operating
8 costs associated with certain existing, proposed and future public infrastructure within the
9 boundaries of the district.

10 SECTION 4. Such public infrastructure may include, but is not necessarily limited to,
11 storm drainage systems, sewage treatment plants, sewers, water and well systems, roads, bridges,
12 culverts, tunnels, streets, sidewalks, lighting, traffic lights, signage and traffic control systems,
13 parking, including garages, public safety and public works buildings, parks, landscaping of

14 public facilities, recreational facilities, transportation stations and related facilities, shuttle
15 transportation and equipment, fiber and telecommunication systems, facilities to produce and
16 distribute electricity, including alternate energy sources such as co-generation and solar
17 installations. The district shall be responsible for payment of all taxes, betterments and fees
18 assessed by the Town or the Commonwealth of Massachusetts as a result of the district's
19 construction and ownership of any improvements, including public infrastructure it constructs or
20 causes to be constructed within the boundaries of the district, except that there shall not be any
21 tax assessed on water pipes, sewer pipes and streets owned by the district since the value of these
22 improvements is reflected in the assessed value of the abutting properties within the district.
23 Nothing in this Act shall limit, restrict or in any way impair the ability of the Commonwealth or
24 the Town to tax the residents and businesses located in the district or their real or personal
25 property located therein.

26 SECTION 5. The district may be empowered to purchase, own, maintain, construct,
27 reconstruct and operate such public infrastructure.

28 SECTION 6. The district may be further empowered to borrow funds for capital
29 improvements and to assess betterments, assessments, special assessments and fees in relation
30 thereto, and to support operating expenses.

31 SECTION 7. The district may be further empowered to enter into such contracts as may
32 be necessary to carry out the purposes of the district, and to exercise such additional powers as
33 shall be defined in the special act.

34 SECTION 8. A summary of the proposed legislation, including the boundaries defining
35 this district, is available at the office of the Town Clerk.

36 SECTION 9. The petition may provide that the General Court may make only clerical or
37 editorial changes to the bill, unless the Select Board approves amendments to the bill before
38 enactment by the General Court.

39 SECTION 10. Creation of the district shall not adversely affect or otherwise impair the
40 performance of all required actions to satisfy the conditions necessary to develop property within
41 the district under the provisions of the Lincoln Park Smart Growth Overlay District regardless of
42 whether such conditions presently exist or shall exist in the future.

43 SECTION 11. The Act shall provide that it is enacted by the General Court of the
44 Commonwealth notwithstanding the provisions of any special or general law to the contrary and
45 that said Act shall not be superceded by any special or general law of the Commonwealth unless
46 said special or general law expressly provides that it is superceding the provisions of the act.

47 SECTION 12. The Town shall be under no obligation to accept or otherwise take
48 ownership of any public improvements constructed by the district and the present intention of the
49 Town is not to accept or otherwise take ownership of any public improvements constructed by
50 the district.