

Selectmen's Meeting – July 19, 2004

Dr. Bowcock and Mr. Silvia were present. Mr. Eckenreiter was absent.

Also in attendance was Jeffrey Osuch.

Dr. Bowcock called the meeting to order at 6:30 p.m.

Mr. Silvia motioned to approve the minutes of July 6, 2004. Dr. Bowcock seconded. It was so voted.

#### DR. JOHN BADWEY

Mr. Osuch read the following condolences from Mr. Eckenreiter: "Like the rest of the Town, I was shocked and saddened to learn of the passing of Dr. John Badwey. For many years, Dr. Badwey was a dedicated Town servant and was a well respected member of all of the boards and committees that he was a part of, particularly with the Board of Health. He also was a pre-eminent scientist in his field, serving as a researcher, lecturer and professor at one of the Country's top medical schools. John's wit, his sense of humor and his unique style will be missed throughout this community. My condolences go out to his family, friends and loved ones."

Dr. Bowcock and Mr. Silvia expressed their condolences to Dr. Badwey's family and friends.

#### TREE DEPARTMENT

Tony Medeiros, Tree Warden, was in attendance to request two full time employees. Currently, the department is staffed with two part-time workers. Funds are in the budget for one full time employee. Money will be needed for the second full time position. Discussion followed. Mr. Medeiros was instructed to provide the total cost to hire a full time worker.

#### MATTAPOISETT RIVER VALLEY WATER DISTRICT

Members of the Board of Public Works were present to appoint, with the Board of Selectmen, a represent to the Mattapoissett River Valley Water District. The Board of Public Works stated they will stand by their original motion to appoint Edward Fortin. The Board of Selectmen stated they will stand by their past motion to appoint Alfred Raphael. No appointment was made. Once the Water District legislation is passed, the legislation states that if the Board of Selectmen and Board of Public Works can not agree on a representative, the Moderator will make the appointment.

### COMMONWEALTH CAPITAL POLICY

The Director of Planning and Economic Development, members of the Planning Board and the Board of Public Works discussed the importance of the new State Commonwealth Capital Policy. (See attached memo and score sheet.) The three Boards support the program. The Master Plan needs to be updated and an article will be placed on a future Town Meeting Warrant. Zoning By-Laws will be reviewed and any proposed amendments will be placed on a future Warrant. Mr. Roth will be the contact person for the Policy.

### SCHOOL COMMITTEE

Members of the School Committee and the Board of Selectmen interviewed Patricia Estrella, Colin Veitch, David Gonsalves and Michele Merolla for the vacancy on the School Committee. Mr. Eckenreiter participated in the interviews via speaker phone. Dr. Bowcock read M.G.L. Chapter 41, §11. "Appointment to Fill Vacancy in Certain Town Offices". (See attached.) Five votes are necessary to fill the vacancy. Mr. Gagne voted for Colin Veitch, Mr. MacLean for David Gonsalves, Mr. Tillett for Patricia Estrella, Mrs. Hemmingway for David Gonsalves, Mr. Silvia for Patricia Estrella, Mr. Eckenreiter for Patricia Estrella, Dr. Bowcock for Patricia Estrella. Four votes for Ms. Estrella. Mrs. Hemmingway changed her vote to Patricia Estrella. Ms. Estrella's term will expire on April 4, 2005.

A meeting will be scheduled in September with the School Committee, Finance Committee, Treasurer and the Board of Selectmen to discuss the School Budget.

### EXECUTIVE SECRETARY'S REPORT

Dr. Bowcock and Mr. Osuch will meet with the Board of Assessors on July 20<sup>th</sup> at 2:30 p.m.

Buzzards Bay Action Committee will meet at 12:00 noon on Wednesday, July 21<sup>st</sup>.

Mattapoisett River Valley Water District sub-committee will meet on July 22<sup>nd</sup> at 4:30 p.m. at the Board of Public Works.

Mattapoisett River Valley Water District Committee will meet on July 27<sup>th</sup> at 4:30 p.m. at the Board of Public Works.

Celco Construction job meeting is scheduled for July 29<sup>th</sup> at the Board of Public Works.

Angela and Eric Dawicki offered a 15 passenger van to the Recreation Department. Mr. Osuch summarized the letter from the Director of Recreation, outlining plans for use of the van. (See attached.) Ms. Tavares will be asked to provide an estimated cost to operate the van and projected revenue from the proposed after school program.

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Dr. Bowcock and Mr. Silvia approved Town Counsel's request to hire Robert Cummings, an engineer, to assist in the Atlas Tack case.

Letter of resignation, effective July 15<sup>th</sup>, was received from Dispatcher David M. Dearden.

The Board supports "An Act Relating to Oil Spill Prevention and Resources in Buzzards Bay and Other Harbors and Bays of the Commonwealth". A letter will be sent to Governor Romney requesting he support the proposed legislation.

#### ANIMAL SHELTER BUILDING FUND

Donations to the Building Fund totaling \$215.00 were accepted.

#### BUILDING DEPARTMENT

Construction Report for June 2004 will be placed on file.

#### EMERGENCY MANAGEMENT AGENCY

\$300.00 donation to the Gift Account was accepted.

#### POLICE DEPARTMENT

Mr. Silvia motioned to request a Civil Service list for the hiring of two permanent Police Officers. Dr. Bowcock seconded. It was so voted.

The Police Chief informed the Board that the Police Department will no longer receive an annual Local Law Enforcement Grant (LLEBG) from the U. S. Department of Justice. Over the past 8 years, the Town has received over \$225,000. in LLEBG Grants and the majority of the funds were used for the School Resource Officer Program.

#### COMMITTEE APPOINTMENTS

Mr. Silvia motioned to appoint Elizabeth M. Trull to the Disability Commission. Dr. Bowcock seconded. It was so voted. Term to expire May 31, 2007.

Mr. Silvia motioned to appoint Heidi Hacking to the Cultural Council. Dr. Bowcock seconded. It was so voted. Term to expire May 31, 2007.

Mr. Silvia motioned to appoint Ronald Manzone to Hoppy's Landing Committee. Dr. Bowcock seconded. It was so voted.

Selectmen's Meeting -- July 19, 2004

#### COMMON VICTUALER LICENSE

Mr. Silvia motioned to approve the application for a Common Victualer License submitted by Fairhaven House of Pizza, 121 Sconticut Neck Road. Dr. Bowcock seconded. It was so voted.

#### FORT PHOENIX 5K ROAD RACE/WALK

Kathy Lopes requested permission to hold the Ft. Phoenix 5K Road Race to benefit Alzheimer's disease on Sunday, September 12<sup>th</sup>. Mr. Silvia motioned to approve the request. Dr. Bowcock seconded. It was so voted.

#### NSTAR GAS

Mr. Silvia motioned to approve the petition for maintenance to gas main and service at 132 Bridge Street. Dr. Bowcock seconded. It was so voted.

Mr. Silvia motioned to approve the petition for maintenance to gas main and service at 8 Hill Street. Dr. Bowcock seconded. It was so voted.

Mr. Silvia motioned to approve the petition for maintenance to gas main and service at 89-92 Howland Road. Dr. Bowcock seconded. It was so voted.

Mr. Silvia motioned to approve the petition for maintenance to gas main and service at 200 Huttleston Avenue. Dr. Bowcock seconded. It was so voted.

Mr. Silvia motioned to approve the petition for maintenance to gas main and service at 75-78 Laurel Street. Dr. Bowcock seconded. It was so voted.

Mr. Silvia motioned to approve the petition to install a new gas service and main on Fort Street. Dr. Bowcock seconded. It was so voted. (Re-submitted from expired permit dated 4/1/04.)

All petitions were approved by the Board of Public Works.

#### SHEILA BECOTTEE

The Board offered their condolences to the family and friend of Sheila Becotte, who recently passed away.

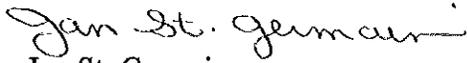
Selectmen's Meeting – July 19, 2004

COMCAST

Mr. Osuch was asked to write a letter to Mary O'Keeffe, Manager of Government and Community Relations, requesting the extremely poor volume on the government access channel be corrected.

EXECUTIVE SESSION

At 8:10 p.m., Mr. Silvia motioned to go into executive session to discuss Armand Reynolds Workers' Compensation case and not to reconvene in open session. Dr. Bowcock seconded. It was so voted. Roll call vote 2-0.

  
Jan St. Germain  
Secretary



2C

Town of Fairhaven  
*Department of Planning and Economic Development*  
Town Hall 40 Center Street Fairhaven, MA 02719 508-979-4082

Memorandum

Date: June 21, 2004  
To: Board of Selectmen  
From: William D. Roth, Jr., AICP *WDR*  
Planning and Economic Development Director  
RE: Commonwealth Capital Policy

2004 JUN 21 A 11:41  
BOARD OF SELECTMEN  
FAIRHAVEN MASS

RECEIVED

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The State has initiated a policy called **Commonwealth Capital**. It was created by the Office for Commonwealth Development to ensure coordination of state capital spending program that affect development patterns so that the state spending represents an investment in both:

- *Projects that are consistent with the Administration's Sustainable Development principals, and*
- *Partnership with municipalities that advance the Commonwealth interests reflected in those principles.*

**Affected Programs:**

1. Public Works Economic Development Program
2. Community Development Action Grant Program
3. Transit Node Grant Program
4. State Revolving Fund
5. DEP Brownfields Funding
6. Self-Help Program
7. Urban Self-Help Program
8. Agriculture Preservation Restriction Program
9. Other Land Protection Programs (EOEA - DCR, DFG)
10. Off-Street Parking Program

A majority of Commonwealth Capital principals are zoning related, which are under the Planning Board's jurisdiction. The Commonwealth Capital application represents 20% of a municipalities score for the above programs. However, some of the above programs that do not have a well-defined selection/scoring process are now required to create such a selection process and base it on the Commonwealth Capital principles. Therefore, those programs scoring will be much more heavily weighted towards Commonwealth Capital.

I have filed out three Commonwealth Capital applications. The first is how I feel we currently would score. The second is if we commit to passing the various zoning bylaws and the third is if we actually pass the bylaws. The state feels that a score in the 70's would be a solid application.

I have concerns with some of the zoning bylaws that the state wants passed because it is my impression is that the Planning Board has no interest or desire in bringing them up, let alone passing them. I have discussed Commonwealth Capital with the Planning Board and it was not received very well and in fact I got the impression that they were opposed to most of the zoning bylaw initiatives such as Cluster Zoning, Inclusionary Zoning, Accessory Dwelling Units, Transfer of Development Rights, providing additional multifamily zoned land, EO 418 or any of the affordable housing initiatives. While the CPA will be on the ballot in the fall, I feel that its success may be slim because of current feelings on overrides here in Fairhaven.

I present this information to you because most of the grants we have received in the past are on the list and a low Commonwealth Capital score may be what keeps us from receiving them in the future. In addition, the SRF is listed, which is significant to us because that could effect funding for the new Water District.

I feel that the effected Boards need to meet to map out a strategy to address Commonwealth Capital. The Boards I see as playing a critical role are Selectmen, BPW and Planning.

## Commonwealth Capital

The Commonwealth Capital policy was created by the Office for Commonwealth Development to ensure coordination of state capital spending programs that affect development patterns so that state spending represents an investment in both

- *Projects* that are consistent with the Administration's Sustainable Development Principles, and
- *Partnerships with municipalities* that advance the Commonwealth interests reflected in those principles.

Commonwealth Capital is premised on recognition that sustainable development requires a partnership that links state spending programs with municipal land use policies.

**Affected Programs.** In FY 2005, Commonwealth Capital will include:

1. Public Works Economic Development Program (EOTC)
2. Community Development Action Grant Program (DHCD)
3. Transit Node Grant Program (DHCD)
4. State Revolving Fund (EOEA - DEP)
5. DEP Brownfields Funding (EOEA - DEP)
6. Self-Help Program (EOEA)
7. Urban Self-Help Program (EOEA)
8. Agricultural Preservation Restriction Program (EOEA - DAR)
9. Other Land Protection Programs (EOEA - DCR, DFG)(Some funding for land protection will be reserved for critical state activities (e.g., protection of land around the Quabbin and Wachusett Reservoirs) with limited or no consideration of municipal performance)
10. Off-Street Parking Program (EOAF)

In future years, other programs will be brought within the Commonwealth Capital framework.

**Criteria.** Commonwealth Development project proposals will be evaluated using two sets of criteria:

- Program-Specific Criteria related to the purpose of the particular program. Where applicable (e.g. the Public Works Economic Development Program and Community Development Action Grant program) pre-existing criteria will be revised to ensure that each project is consistent with sustainable development principles.
- Municipal Land Use Regulation & Policy Criteria (see attached application form) related to a municipality's promotion of sustainable development and four specific Commonwealth interests:
  1. *Redevelopment of previously developed areas* to create walkable, mixed-use places for residents to live and work (through downtown and neighborhood revitalization; brownfield redevelopment; transit-oriented development; mixed-use redevelopment of previously developed commercial, industrial, and institutional properties; other higher-density redevelopment)
  2. *Sustainable housing production*
  3. *Protection of farms, forests, and other open space*
  4. *Drinking water supply protection*

**For Information:** Visit our website <http://www.mass.gov/ocd/comcap.html>

**Questions/Comments:** Email: [commcap@massmail.state.ma.us](mailto:commcap@massmail.state.ma.us)  
Call: (617) 626-4949

*"EXISTING"*  
COMMONWEALTH CAPITAL APPLICATION

Municipality: *FALLHAVEN*

Email:

Date:

Name:

Title:

Phone:

Please attach to this application a letter signed by the municipality's chief elected official designating a point of contact and outlining how the community has met, or made a binding commitment to, the following criteria. For zoning measures, please cite the zoning bylaw or ordinance and submit a zoning map. For non-zoning criteria or recently passed zoning, provide a copy of pertinent plans, bylaws, appropriations, maps, or other documentation. Electronic submissions are preferred. See Application guidance for additional details and a sample letter.

	Existing	Commit
<b>1. PROMOTE COMPACT DEVELOPMENT (42)</b>		
a. Mixed-use zoning district with capacity for additional growth	<input checked="" type="checkbox"/> (7)	<input type="checkbox"/> (3)
b. Zoning for accessory units	<input checked="" type="checkbox"/> (7)	<input type="checkbox"/> (3)
c. Zoning allowing, as of right, multi-family dwellings (not age restricted)	<input checked="" type="checkbox"/> (4)	<input type="checkbox"/> (2)
If capacity exists within such districts for the equivalent of >20% of existing units in the community	<input type="checkbox"/> (3)	<input type="checkbox"/> (1)
d. Zoning for clustered development	<input type="checkbox"/> (4)	<input type="checkbox"/> (2)
If zoning is mandated, as of right, or has been utilized in the past 12 months	<input type="checkbox"/> (3)	<input type="checkbox"/> (1)
e. Zoning for transfer of development rights	<input type="checkbox"/> (7)	<input type="checkbox"/> (3)
f. Zoning directing new development to existing water and sewer network	<input type="checkbox"/> (7)	<input type="checkbox"/> (3)
<b>2. EXPAND HOUSING OPPORTUNITIES (33)</b>		
a. Executive Order 418 Housing Certification, including, where applicable, regional certification	<input type="checkbox"/> (7)	
b. DHCD-approved Affordable Housing Plan	<input type="checkbox"/> (7)	<input type="checkbox"/> (3)
c. Attainment of the affordable housing goals	<input type="checkbox"/> (7)	
d. Zoning requiring the inclusion of affordable units	<input type="checkbox"/> (6)	<input type="checkbox"/> (3)
e. Local funding or use of appropriate municipally-owned land	<input type="checkbox"/> (6)	<input type="checkbox"/> (2)
<b>3. REUTILIZE BROWNFIELDS AND ABANDONED BUILDINGS (12)</b>		
a. Plan for redevelopment: (a) inventory, (b) remediation/reuse strategy, (c) site planning, (d) other	<input type="checkbox"/> (6)	<input type="checkbox"/> (3)
b. Incentives for Brownfields assessments and reuse: (a) funding, (b) tax incentives, (c) permit streamlining, (d) other	<input type="checkbox"/> (6)	<input type="checkbox"/> (3)
<b>4. PLAN FOR LIVABLE COMMUNITIES (10)</b>		
a. Current Master Plan or Executive Order 418 Community Development Plan	<input type="checkbox"/> (2)	<input type="checkbox"/> (1)
If zoning is consistent with the plan	<input type="checkbox"/> (2)	<input type="checkbox"/> (2)
If the plan and zoning are consistent with relevant Regional Policy Plan (when available)	<input type="checkbox"/> (2)	<input type="checkbox"/> (1)
b. Current DCS-approved Open Space and Recreation Plan	<input type="checkbox"/> (4)	<input checked="" type="checkbox"/> (2)
<b>5. PROMOTE LIVABLE COMMUNITIES (12)</b>		
a. Adoption of Community Preservation Act or Land Bank, or recent passage of municipal bond authorization or significant funding for open space protection	<input type="checkbox"/> (4)	<input checked="" type="checkbox"/> (2)
b. Protection of 15-25% of land area by a permanent Chapter 184-type restriction or fee-simple Article 97 type acquisition	<input type="checkbox"/> (2)	
If 25% or more of land area	<input type="checkbox"/> (3)	
If a restriction or fee acquisition occurred in the past 12 months	<input type="checkbox"/> (3)	
If a restriction or acquisition was undertaken jointly with a land trust in past 12 months	<input type="checkbox"/> (2)	
<b>6. ADVANCE SOUND WATER POLICY (12)</b>		
a. Water Conservation Plan consistent with the Water Conservation Standards	<input type="checkbox"/> (4)	<input type="checkbox"/> (2)
b. Implementation of (a) stormwater BMPs, (b) LID techniques, (c) other water resource measures	<input checked="" type="checkbox"/> (4)	<input type="checkbox"/> (2)
c. Integrated Water Resources Management Plan	<input type="checkbox"/> (4)	<input type="checkbox"/> (2)
<b>7. PRESERVE WORKING NATURAL LANDSCAPES (12)</b>		
a. Right-to-farm bylaw	<input type="checkbox"/> (4)	<input type="checkbox"/> (2)
b. Zoning for agricultural and forestry uses (≥10 acres per dwelling unit)	<input type="checkbox"/> (4)	<input type="checkbox"/> (2)
c. Existing agricultural commission or use of Ch. 61-61A-61B right of first refusal in last 2 years	<input type="checkbox"/> (4)	
<b>8. PROMOTE SUSTAINABLE DEVELOPMENT VIA OTHER ACTIONS (7)</b>		
a. Existing or commitment to local measures or actions not listed	<input type="checkbox"/> (7)	<input type="checkbox"/> (5)

TOTAL BOTH EXISTING & COMMIT POINTS (MAX. 140)

26

\* IF WE WORK ON ZONING ISSUES !!

COMMONWEALTH CAPITAL APPLICATION

Municipality: FAIRHAVEN

Email:

Date:

Name:

Title:

Phone:

Please attach to this application a letter signed by the municipality's chief elected official designating a point of contact and outlining how the community has met, or made a binding commitment to, the following criteria. For zoning measures, please cite the zoning bylaw or ordinance and submit a zoning map. For non-zoning criteria or recently passed zoning, provide a copy of pertinent plans, bylaws, appropriations, maps, or other documentation. Electronic submissions are preferred. See Application guidance for additional details and a sample letter.

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b. Zoning for accessory units	<input checked="" type="checkbox"/> (7)	<input type="checkbox"/> (3)
c. Zoning allowing, as of right, multi-family dwellings (not age restricted)	<input checked="" type="checkbox"/> (4)	<input type="checkbox"/> (2)
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f. Zoning directing new development to existing water and sewer network	<input type="checkbox"/> (7)	<input checked="" type="checkbox"/> (3)
<b>2. EXPAND HOUSING OPPORTUNITIES (33)</b>		
a. Executive Order 418 Housing Certification, including, where applicable, regional certification	<input type="checkbox"/> (7)	
b. DHCD-approved Affordable Housing Plan	<input type="checkbox"/> (7)	<input checked="" type="checkbox"/> (3)
c. Attainment of the affordable housing goals	<input type="checkbox"/> (7)	
d. Zoning requiring the inclusion of affordable units	<input type="checkbox"/> (6)	<input checked="" type="checkbox"/> (3)
e. Local funding or use of appropriate municipally-owned land	<input type="checkbox"/> (6)	<input type="checkbox"/> (2)
<b>3. REUTILIZE BROWNFIELDS AND ABANDONED BUILDINGS (12)</b>		
a. Plan for redevelopment: (a) inventory, (b) remediation/reuse strategy, (c) site planning, (d) other	<input type="checkbox"/> (6)	<input type="checkbox"/> (3)
b. Incentives for Brownfields assessments and reuse: (a) funding, (b) tax incentives, (c) permit streamlining, (d) other	<input type="checkbox"/> (6)	<input type="checkbox"/> (3)
<b>4. PLAN FOR LIVABLE COMMUNITIES (10)</b>		
a. Current Master Plan or Executive Order 418 Community Development Plan	<input type="checkbox"/> (2)	<input checked="" type="checkbox"/> (1)
If zoning is consistent with the plan	<input type="checkbox"/> (2)	<input checked="" type="checkbox"/> (2)
If the plan and zoning are consistent with relevant Regional Policy Plan (when available)	<input type="checkbox"/> (2)	<input checked="" type="checkbox"/> (1)
b. Current DCS-approved Open Space and Recreation Plan	<input type="checkbox"/> (4)	<input checked="" type="checkbox"/> (2)
<b>5. PROMOTE LIVABLE COMMUNITIES (12)</b>		
a. Adoption of Community Preservation Act or Land Bank, or recent passage of municipal bond authorization or significant funding for open space protection	<input type="checkbox"/> (4)	<input checked="" type="checkbox"/> (2)
b. Protection of 15-25% of land area by a permanent Chapter 184-type restriction or fee-simple Article 97 type acquisition	<input type="checkbox"/> (2)	
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If a restriction or fee acquisition occurred in the past 12 months	<input type="checkbox"/> (3)	
If a restriction or acquisition was undertaken jointly with a land trust in past 12 months	<input type="checkbox"/> (2)	
<b>6. ADVANCE SOUND WATER POLICY (12)</b>		
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b. Implementation of (a) stormwater BMPs, (b) LID techniques, (c) other water resource measures	<input checked="" type="checkbox"/> (4)	<input type="checkbox"/> (2)
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<b>7. PRESERVE WORKING NATURAL LANDSCAPES (12)</b>		
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<b>8. PROMOTE SUSTAINABLE DEVELOPMENT VIA OTHER ACTIONS (7)</b>		
a. Existing or commitment to local measures or actions not listed	<input type="checkbox"/> (7)	<input type="checkbox"/> (5)

TOTAL BOTH EXISTING & COMMIT POINTS (MAX. 140)

53

IF WE PASS ZONING PLANS, CPA, & H<sub>2</sub>O PLAN

COMMONWEALTH CAPITAL APPLICATION

Municipality: FAIRHAVEN

Email:

Date:

Name:

Title:

Phone:

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TOTAL BOTH EXISTING & COMMIT POINTS (MAX: 140)

89

n not less than one hundred days prior to the date of the next annual election.

If there is a resignation of a town officer creating a vacancy at some other time certain, and such resignation is filed with the town clerk in accordance with the provisions of section one hundred and nine, said town clerk shall certify a vacancy shall occur at the later time certain if the board of selectmen may call a special election as provided in s section; provided, however, that no such election may be held prior the effective date of the resignation creating such vacancy.

No election shall be held for any office pursuant to this section unless selectmen file with the town clerk notice of an election for such office not less than fifteen days before the last day to submit nomination papers to the registrars of voters for certification, before the election any preceding primary, caucus, or preliminary election.

History—

785, 75, § 4; RS 15, § 42; 1855, § 8; GS 18, § 43; 1864, 174; PS 27, § 93; 0, 386, § 15; 1891, 336, § 1, 2; 1893, 417, §§ 284, 292; 1898, 548, §§ 351, RL 11, §§ 355, 363; 1907, 560, §§ 383, 391, 456; 1913, 835, §§ 423, 431, 1918, 291, § 30; 1920, 591, § 33; 1954, 201; 1985, 34; 1987, 112; 1990, 526, 1991, 278, approved Oct 18, 1991, effective 90 days thereafter.

Editorial Note—

The 1954 amendment inserted the fourth paragraph specifying a new procedure in case of failure to elect a selectman, and added the exception as to a selectman in the first paragraph.

The 1985 amendment added the fifth paragraph, applicable to the situation where a vacancy is created by resignation of a board member.

The 1987 amendment added the sixth paragraph, relating to the filing of a vacancy of election.

The 1990 amendment, rewrote the last paragraph, substituting "fifteen" for "fifty-seven" days, and "before the last day to submit nominations to the registrars of voters for certification, before the election or any other primary, caucus, or preliminary election" for "before the date of the election".

The 1991 amendment, in the fifth paragraph, substituted "of a town officer" for "which occurs in the office of the selectmen", and "board of selectmen" for "board".

References—

Temporary performance of duties of selectmen or other elected town officer in military service, see ALM Spec L c 35 § 11.

Client-Service Library® References—

Am Jur 2d, Municipal Corporations, Counties, and Other Political Divisions § 254.

### § 11. Appointment to Fill Vacancy in Certain Town Offices.

As used in this section, the term "vacancy" includes a failure to elect. If a vacancy occurs in any town office, other than the office of selectman, town clerk, treasurer, collector of taxes or auditor, the selectmen shall in writing appoint a person to fill such vacancy. If there is a vacancy in a board consisting of two or more members, except a board whose members have been elected by proportional representation under chapter fifty-four A, the remaining members shall give written notice thereof, within one month of said vacancy, to the selectmen, who, with the remaining member or members of such board, shall, after one week's notice, fill such vacancy by roll call vote. The selectmen shall fill such vacancy if such board fails to give said notice within the time herein specified. A majority of the votes of the officers entitled to vote shall be necessary to such election. The person so appointed or elected shall be a registered voter of the town and shall perform the duties of the office until the next annual meeting or until another is qualified.

History—

1864, 174; PS 27, § 86; 1891, 336, § 1; 1893, 417, § 290; 1898, 548, § 357; RL 11, § 361; 1907, 560, §§ 389, 456; 1913, 835, §§ 429, 503; 1918, 291, § 31; 1938, 341, § 3; 1969, 296; 1971, 151, § 1; 1974, 101; 1981, 386, § 2.

Editorial Note—

The 1969 amendment rewrote the last sentence to provide that persons appointed or elected to fill vacancies shall be registered voters of the town.

The 1971 amendment inserted two sentences in place of the former second sentence to provide for the giving of notice of a vacancy by certain boards within one month of the vacancy, and to direct the selectmen to fill the vacancy if a board fails to give notice within the specified time.

The 1974 amendment amended the second and fourth sentences to provide for the filling of vacancies by roll call vote, rather than by ballot.

The 1981 amendment struck out the first sentence and inserted in place thereof the first two sentences, simplifying language and stating the term "vacancy" shall include a "failure to elect".

Cross References—

Temporary performance of duties of selectmen or other elected town officer in military service, see ALM Spec L c 35 § 11.

Total Client-Service Library® References—

56 Am Jur 2d, Municipal Corporations, Counties, and Other Political Subdivisions § 254.



## TOWN OF FAIRHAVEN RECREATION DEPARTMENT

227 Huttleston Avenue Fairhaven, MA 02719  
Phone 508-993-9269 Fax 508-993-9257  
www.fairhavenrecreation.com  
e-mail fhvnrtares@comcast.net



Town of Fairhaven  
Board of Selectmen  
40 Center Street  
Fairhaven, MA 02719

RECEIVED  
2001 JUL 16 P 2 55  
BOARD OF SELECTMEN  
FAIRHAVEN MASS

Dear Selectmen,

We have been offered a 15 passenger van from Fairhaven residents Angela and Eric Dawicki who are also from the Northeast Maritime Institute. The vehicle is a 1996 Ford E350 and it is perfect for the Recreation Department. For the last two years the Recreation Department has offered an after-school program. Kids Club After-School is for children in grades K-5. We had a good response to the idea of this program however our enrollment is not what it should be. This is because we have lacked the ability to transport the students from their school to the recreation center where the program is held. I tried to organize car pools for parents and I also investigated renting our own bus each day for transportation services, as well as working with school department to utilize one of the few busses they have running routes in town. Unfortunately none of these scenarios seem to solve the problem. Most parents are working parents who can not pick their children up in the afternoon when school lets out. In these instances they need to rely on private child care facilities that provide transportation. With this van the Fairhaven Recreation Department would be capable of supplying a more affordable after-school program for these families currently relying on the private industry.

The vehicle is in need of approximately \$1,000 in repairs. Between the gift accounts and the program account the money for repairs is available. The van will also be required to have school bus markings and equipment as is defined in chapter 90 of Massachusetts General Laws. The cost of outfitting the van with this equipment is less than \$1,000. The law states that when transporting children to or from school the van must be marked as "school bus". This will also require the department to hire a licensed school bus driver specifically for the after school program. Please note this cost and other associated costs (fuel) will be paid from the program account which is supplemented through the after school program fees themselves.

I have carefully reviewed the Office of Child Care Services (OCCS) policy with regards to transportation. Although we as a municipality are not OCCS certified nor are we required to, however I feel that following the same guidelines is beneficial to the department and the integrity of the program. In order for the transportation to work effectively I will seek cooperation from the school principal's. I have established good working relationships with the school administration already so I do not see this as being a problem.

Each school will have  
instead of a parent drop-off. The  
wait for the Recreation Supervisor  
are being transported to Recreation  
precautions. This allows that  
children safely while following

I seek your approval  
lifetime opportunity that I will  
It with the school bus markings  
more participants to the Kia  
and the community. More from  
Enterprise Fund. Fairview

Sincerely,

*Renee A. TAVARES*

Renee A. Tavares, CIPPE  
Recreation Director

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to the van. When children  
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