



**TOWN OF FAIRHAVEN**

**COMMUNITY PRESERVATION PLAN**

**for**

**2012**

**COMMUNITY PRESERVATION COMMITTEE**

August 2011

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## INTRODUCTION

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The Town of Fairhaven Community Preservation Committee (“the Committee”) is pleased to present the 2012 Town of Fairhaven *Community Preservation Plan* (“the Plan”). This Plan describes the process for administering the Community Preservation Act (CPA) in the Town of Fairhaven. The Plan presents a description of the CPA as it applies to the Town, a definition of CPA goals, and a methodology and procedure by which the CPA is administered. As such, it represents an informational document for the citizens of the Town, a guideline and instructional document for applicants seeking project funding through the CPA, and a guidance document for this and future CPA Committees in making recommendations to Town Meeting for project funding. The Committee fully recognizes that this document may be modified by future CPA Committees in response to changing goals and experience with the CPA over time.

Since Fairhaven’s adoption of the CPA in 2005, the Town has collected CPA funds through six a fiscal years and appropriated CPA dollars in four funding rounds:

<i>Surcharge</i>		<i>Appropriations</i>	
FY 05:	\$ 236,065.16	2005 Annual Town Meeting:	\$ 0
FY 06:	\$ 263,814.73	2006 Annual Town Meeting:	\$ 362,000
FY 07:	\$ 264,577.48	2007 Annual Town Meeting:	\$ 598,000
FY 08:	\$ 282,602.87	2008 Annual Town Meeting:	\$ 744,000
FY 09:	\$ 293,385	2009 Annual Town Meeting:	\$ 381,000
FY 10:	\$ 302,128	2010 Annual Town Meeting:	\$ 445,658
		2011 Annual Town Meeting:	\$ 429,000

This Plan includes a summary report of the appropriation.

The Committee wishes to thank the multitude of Town citizens, Town and State officials, and Committee members, as well as members of neighboring town CPA committees for their help in the development of this Plan.

For additional information on the CPA statute and how it is being applied in towns across the State, visit the Community Preservation Coalition website at [www.communitypreservation.org](http://www.communitypreservation.org). For information on Fairhaven’s Community Preservation activity, visit the Town website at [www.fairhaven-ma.gov](http://www.fairhaven-ma.gov).

## **THE COMMUNITY PRESERVATION ACT IN FAIRHAVEN**

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The Community Preservation Act, M.G.L. c. 44B, (“the CPA”) allows Massachusetts cities and towns to raise monies through a surcharge of up to 3% of the real estate tax levy on real property. These funds may then be used to acquire, create and preserve open space; acquire and preserve historic resources; create, preserve and support community housing; and acquire, create and preserve land for recreational use. The Act also provides significant State matching funds. State CPA trust fund distributions matched 100% of locally raised CPA funds in FY2007 & FY2008, 65% match in FY2009, 34% match in FY2010 and a 27% match in FY2011.

As of the summer of 2011, 148 Massachusetts cities and towns have adopted the CPA. The Department of Revenue has notified the towns that the projected FY2012 distribution is anticipated to be 25%.

Fairhaven voters approved the Community Preservation Act, M.G.L. c. 44B (the CPA), at the May 1, 2004 Special Town Meeting and again at the April 4, 2005 Town election. In Fairhaven, voters elected to fund the CPA account through a 2% surcharge on all real estate property tax bills with two exemptions:

- Residential property owned and occupied by any person who qualifies for low-income housing, or low- or moderate-income senior housing.
- \$100,000 of taxable value of residential real property.

For FY 2010, revenues from the local CPA surcharge are estimated at \$250,000. A 30% State match is expected.

The following is a list and total award of the projects approved by the CPC:

	<b>FY 2006</b>	<b>FY 2007</b>	<b>FY 2008</b>	<b>FY 2009</b>
Open Space	None	Viveiros Farm - \$350,000	None	Nasketucket Woods \$184,000
Historic Resources	None	Fort Phoenix – \$10,000	Town Hall Phase I - \$455,000 Town Hall Phase II Design - \$78,000	Town Hall Phase II - \$510,000
Community Housing	None	None	Fhn Housing Auth. – Green Meadows Project - \$50,000	Fhn Housing Auth. – HUD 202 Project - \$50,000
Recreation	None	None	Rogers Playground - \$15,000	None
<b>Total</b>		<b>\$360,000</b>	<b>\$598,000</b>	<b>\$744,000</b>

	<b>FY 2010</b>	<b>FY 2011</b>	<b>FY 2012</b>
Open Space	New Boston RD Land Purchase - \$35,000	Long Rd. Land Purchase - \$70,000 * LANG Grant – Mahoney Property - \$215,000	Wolf Island Well Site - Open Space Conservation Restriction - \$79,000
Historic Resources	FHS-Repointing & Waterproofing PH I - \$40,000	FHS-Arch. Design PH I - \$50,000 * Hist. Com.-Academy Bldg. - \$12,000 * Millicent Library-Roof Repairs - \$55,000	Town Hall Repairs Phase III - \$90,000 * Millicent Library – Exterior Envelope Study - \$8,000 * Millicent Library– Cemeteries Ground Penetrating Radar Project - \$9,000 * FHS- Gables and Stain Glass Restoration Project - \$190,000
Community Housing	FHA-Main ST Land Purchase - \$280,000 * FHA – Non-profit Startup - \$6,000 * FHA- Affordable Housing Plan - \$20,000	FHA-Fire Alarms - \$40,000 * FHA-Main ST Land Purchase - \$3,658	FHA- Ash Street Siding and Roof Project - \$50,000
Recreation	None	None	
<b>Total</b>	<b>381,000</b>	<b>445,658</b>	<b>429,000</b>

### **Community Preservation Committee: Formation and Responsibilities**

Consistent with the terms of the CPA and with the Community Preservation Committee Bylaw adopted at the May 7, 2005 Special Town Meeting, the Community Preservation Committee has been formed to administer the CPA. The Committee is appointed by the Selectmen, and by the represented Boards and Commissions. It consists of four at-large members designated by the Board of Selectmen (William R. Markey, Terrence P. Meredith, James T. Souza & Ann Richard), Conservation Commission (Vacant), Historical Commission (Cynthia McNaughten), Planning Board (Rene Fleurent, Jr.), Board of Public Works (Frank Rezendes) and Fairhaven Housing Authority (Jay S. Simmons). The Selectmen have assigned William D. Roth, Jr., Planning & Economic Development Director, to provide the Committee with staff assistance.

This Plan evolved from a collaborative effort between the Community Preservation Committee the various Town Departments, Boards and Committees. The Committee also reviewed other similar plans and lessons learned from other towns that have had several years of experience with the CPA. The Committee makes an ongoing effort to meet with many interest groups, including Town department heads and staff, Town committees, environmental and land trust organizations, and the general citizenry. The Committee uses the 1996 Town of Fairhaven *Master Plan*, the 2008 Town of Fairhaven *Open Space and Recreation Plan* and other relevant

planning materials for reference and guidance. This Community Preservation Plan attempts to capture Fairhaven's community preservation needs and goals in the four CPA target areas. This Plan also outlines the processes by which the Committee solicits, reviews, and recommends proposals for CPA funding, including the application package. It is updated every year to reflect changes in goals or emphasis.

### **CPA Funding Requirements**

The CPA mandates that each fiscal year Fairhaven must spend, or set aside for later spending, at least 10% of the annual Community Preservation Fund revenues that were collected from the local surcharge and State match for each of three CPA target areas: open space, historic resources, and community housing. Beyond these required allocations, Fairhaven Town Meeting decides how much of the remaining 70% of the funds to spend on the three purposes identified above or for recreation, based on the recommendations of the Committee. The spending mix for the remaining 70% of the Fund can be modified each year, and any monies not appropriated remain in the Fund for future distribution.

A recommendation by the Committee and an appropriation by Town Meeting are both required to spend any Fund monies for particular community preservation purposes. Appropriations from the Fund, except borrowing, are made by a simple majority vote. Borrowing monies for CPA purposes requires a two-thirds majority vote.

Town Meeting may approve, reduce, or reject any amount of spending appropriation recommended by the Committee. At the Committee's recommendation, Town Meeting may also decide to set aside all or part of the annual Fund revenues for later spending by allocating revenues to a reserve for one or more community preservation purpose category. Town Meeting may not, however, increase any recommended appropriation or reservation. In addition, Town Meeting may not appropriate or reserve any fund monies on its own initiative without a prior recommendation by the Committee.

All citizens are welcome to attend the Committee's meetings. The times and locations of these meetings are posted at Town Hall. Written comments or questions are welcome and may be submitted via email to [cpa@fairhaven-ma.gov](mailto:cpa@fairhaven-ma.gov) or directed to the Community Preservation Committee, c/o Planning & Economic Development Department, Town Hall, 40 Street, Fairhaven, MA 02719.

### **Gifts to Community Preservation Fund**

The Town of Fairhaven can accept monetary gifts to the Community Preservation Fund. Gifts can be designated for specific purposes consistent with the four statutory categories – open space, community housing, historic preservation, and recreation. Donations to the Town of Fairhaven are tax deductible.

## HOW CPA FUNDS CAN BE USED

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Community Preservation Act funds must be used for public community preservation purposes. The following guidelines summarize these public purposes.

Community preservation is defined by the Act as, “the acquisition, creation and preservation of open space, the acquisition, creation and preservation of historic structures and landscapes, and the creation and preservation of community housing.”

Preservation is defined as, “the protection of personal or real property from injury, harm or destruction, but not including maintenance.”

As detailed by the CPA, Fund monies may be spent to undertake the following primary community preservation purposes:

- The acquisition, creation, and preservation of open space. Open space, as defined by the CPA, “shall include, but not be limited to, land to protect existing and future well fields, aquifers and recharge areas, watershed land, agricultural land, grasslands, fields, forest land, fresh . . . water marshes and other wetlands, river, stream, lake and pond frontage, . . . lands to protect scenic vistas, land for wildlife or nature preserve and land for recreational use.”
- The creation, preservation, and support of community housing. The CPA defines community housing as, “low-and moderate- income housing for individuals and families, including low-or moderate- income senior housing.” The term “support” includes expenditures such as annual payments to the Fairhaven Housing Authority to preserve or expand the affordable housing supply.
- The acquisition and preservation of historic resources. The CPA recognizes historic resources as, “historical structures and landscapes,” including “a building, structure, vessel, or real property that is listed or eligible for listing on the State register of historic places or has been determined by the local historic preservation commission to be significant in the history, archeology, architecture, or culture of a city or town.” For CPA purposes, the local historic preservation commission is the Town of Fairhaven Historical Commission.
- The acquisition, creation, and preservation of land for recreational use. The CPA defines recreational use as, “active or passive recreational use including, but not limited to, the use of land for community gardens, trails, and noncommercial youth and adult sports, and the use of land as a park, playground or athletic field. ‘Recreational use’ shall not include horse or dog racing or the use of land for a stadium, gymnasium, or similar structure.”

Community Preservation Act funds may also be used for the following purposes:

- The “rehabilitation or restoration of open space, historic resources, land for recreational use and community housing that is acquired or created” using monies from the Fund.
- A community may “set aside” revenues for “later spending.”
- Annual “administrative and operating expenses” of the Committee, not to exceed 5% of the Fund’s estimated annual revenues.
- Annual principal and interest payments, preparation, issuance and marketing costs for bonds or notes for borrowings for community preservation purposes.
- Damages payable to property owners for real estate interests taken by the Town by eminent domain for community preservation purposes.
- “Local share for state and federal grants” for allowable community preservation purposes.
- Property acquisition-related expenses including appraisal costs, expenses for title searches, and closing fees.

Community Preservation Act funds may **not** be spent for the following purposes:

- “Replace existing operating funds, only augment them.” The Fund is a supplementary funding source intended to increase available resources for community preservation acquisitions and initiatives.
- Pay for routine maintenance, defined as, “the upkeep of any real or personal property.”
- Gymnasiums, stadiums, or any similar structure.
- Projects without a public purpose or public benefit.

## OPEN SPACE AND RECREATION

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In the 2008 Town of Fairhaven *Open Space and Recreation Plan* (the OSRP) the residents of Fairhaven identified five key open space and recreation goals:

- Preserve and protect Fairhaven's open space resources
- Promote environmental awareness and appropriate conservation oriented use of Fairhaven's natural resources.
- Protect Fairhaven's water supply and marine resource areas, including, but not limited to, the Nasketucket River Basin, Mattapoisett River aquifer, Shaw's Cove and Little Bay area.
- Provide properly located, sized and equipped recreational and athletic facilities, accessible to all citizens of Fairhaven, including elderly, younger and physically challenged residents.
- Provide for adequate management of recreational and open space facilities and areas, allowing for Town recreational programs, appropriate safety standards, and upgrading and care of equipment and lands.

In reaffirming these five key goals the residents of Fairhaven continue to recognize the importance of open space and adequate passive and active recreational areas as critical to preserving the character of the Town and thereby the quality of life shared by its citizens.

### **A. Open Space Resources and Needs**

Although the Town continues to experience residential development, Fairhaven remains a community with abundant natural and scenic resources, including dedicated conservation lands, active farmlands, open fields, woodlands, and wetlands and waterways. These resources contribute to making the Town a desirable place to live, a factor, which has fueled its continued residential growth. Hence, the Town lies at a crossroads, where many of its natural resources are threatened by the very development they attract.

Currently, about 18.6% or 1,394.44 acres of Fairhaven's almost 7,497 acres are protected as open space with the Land Trust, Conservation Commission, Conservation Restrictions, Well Head Protected lands and state-owned lands. Unprotected lands, which include municipal land and cemeteries account for approximately 1.8% or 137.7 Acres of the Town's recreation and open space. This is based on the 2008 Fairhaven OSRP and MassGis data. In recent years a number of open space parcels in Fairhaven have been successfully preserved through conservation restrictions and fee ownership purchases. However, as a general rule, the development of the Town's "green spaces" has out-paced land protection. The CPA offers a significant tool for increasing the protection and preservation of the Town's open spaces, farmlands, and natural resources.

The CPA allows and encourages the acquisition, creation, and preservation of open space. CPA funds may be used to protect open space by outright purchase, through bonding, through purchases made in conjunction with other private and/or public funds, and/or by extinguishing or limiting development rights through the purchase of permanent land conservation or

agricultural preservation easements or restrictions. In identifying multiple land preservation and funding methods, the CPA essentially recognizes the prohibitive costs of land in communities such as Fairhaven, and similarly recognizes that CPA funds alone will likely not be sufficient for the protection of significant tracts of land.

CPA funds may also be used to support land protection efforts through the development of land protection plans or strategies, such as the development of local Open Space Plans required by the State as a prerequisite for receiving funding for land purchases. Similarly, CPA funds may be used to establish land protection trust funds, the monies of which can be used to conduct preliminary land assessments and enable the Town to rapidly respond to land protection opportunities.

### **Open Space Preservation Goals**

- Acquire specific critically located parcels of land to prevent development in inappropriate (e.g., coastal) areas in Fairhaven. A priority area for acquisition or preservation is the 100 plus acres used by Mariner Soccer. The other critical areas are the farms in East Fairhaven.
- Encourage continued participation and enrollment in farmland and forestry preservation programs under MGL 61, 61A and 61B, and in the state Agricultural Preservation Restriction (APR) program managed by the state Department of Food and Agriculture.
- Protect inland and coastal wetlands and wildlife habitats through enforcement of regulations on wetlands, floodplains, and areas subject to coastal flooding.
- The Town should consider a right to farm bylaw and/or and Agricultural Commission.
- Preserve the remaining elements of Fairhaven's existing character, including the natural and man-made features that contribute to Fairhaven's character such as open fields, agricultural lands, woodlands, coastal properties, waterways, and scenic vistas.
- Preserve open space and develop additional public open spaces and parklands.
- Protect and maintain the remaining farmland in Town, including the preservation of the farm on Sconticut Neck and farms in East Fairhaven. Encourage continued or new farming enterprises.
- Preserve large tracts of undeveloped land.
- Preserve small tracts of undeveloped land that contribute to other open space goals, such as smaller parcels that are located adjacent to existing protected open spaces, or that preserve corridor linkages between larger open space parcels.
- Preserve lands that protect the quality and quantity of Fairhaven's water supply, wildlife corridors and wildlife habitat, and/or that restore polluted environmental resources.
- Obtain open space through methods such as, but not limited to, outright purchase, acquiring development rights and encouraging property owners to protect and/or preserve their land as open space through conservation restrictions, agricultural preservation restrictions, or other means.

## **B. Recreational Resources and Needs**

The rapid residential development growth over the last 10 years has put a great strain on the Town's existing recreational resources. As the population of Fairhaven has increased, so has the need for new recreational facilities. In addition to increased demand by traditional uses and users, recreational facilities and opportunities need to be broadened to include all age groups and interests, as well as to meet the increasing demand of the youth and adult sports organizations. It is important to plan now for both short- and long-term solutions to this growth. Currently, the Town's passive and active recreation lands make up about 120 acres, not including fields on school campuses. The construction of the Recreation Center in 2001 has helped to expand recreational programs within the Town. However, this did little to alleviate the Town's shortage of passive and active recreation lands. According to National Recreation and Park Association standards of 10 acres per 1,000 residents, Fairhaven still has a considerably shortage of passive and active recreation land to meet the needs of its citizens.

Much of the Town's permanently protected open space includes the West Island & Ft. Phoenix State Reservations, the Phoenix and Little Bay Bike Paths and Little Bay Conservation Area. There are no indoor Public swimming facilities; however, the Town Beach offers swimming opportunities in the summer. There are three public boat ramps within Town that allow access to surrounding local waters and Buzzards Bay.

The development of new recreational facilities should take the shape of multi-use recreational zones, which incorporate playing fields, open space, landscaping, and shade to ensure participant and spectator comfort, land protection, and aesthetic appeal. Funding of such "Rec Zones" would not only provide much-needed playing fields, but would maximize the benefit of CPA funds by creating open space buffers to offset increased development.

### **Recreation Goals**

- Develop Town recreational and athletic areas including multi-purpose fields play areas, particularly in East Fairhaven.
- Meet ADA required accessibility standards for access to all Town recreational and athletic facilities.
- Improve access and facilities at the Town Beach on West Island.
- Extend bicycle access from the Little Bay Extension to the Town Beach utilizing a combination of separated paths, bike lanes and bike routes.
- Provide bicycle connections for the existing Phoenix path to other parts of Town.
- Upgrade Town boat launching and mooring facilities, including the Scoticut Neck area, Pease Park and Hoppy's Landing.
- Identify and develop small pocket parks in Fairhaven Center, Oxford and North Fairhaven to allow for recreation opportunities in these currently underserved areas.

## COMMUNITY HOUSING

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The CPA statute defines “community housing” as housing for low- and moderate-income individuals and families, including senior housing. “Low-income housing” is for households whose annual income is less than 80% of the area-wide median income. “Moderate income housing” is for households whose annual income is less than 100% of the area-wide median income. The area-wide median income is determined annually by the United States Department of Housing and Urban Development.

Fairhaven’s area-wide<sup>1</sup> median household income was \$55,309 (2000 US Census). However, for housing units created with CPA funds to be counted toward Fairhaven’s 10% affordable housing goal, the units must serve those households whose annual income is less than 80% of the area-wide median income, per 2010 US Census, which is \$42,247 for a family of four.

Fairhaven has some lower-cost market housing units, primarily rental in double and triple-decker apartments, but very few of these qualify as countable affordable housing units under State law. In Massachusetts, the term “affordable housing” applies to housing units made affordable to low-and moderate- income households by a recorded deed rider that restricts sale prices and rents in perpetuity to income eligible households.

CPA funds may be expended “for the creation, preservation and support of community housing and for the rehabilitation or restoration ... of community housing,” but not including maintenance. The Fairhaven Housing Authority historically has been the local agency responsible for implementation of community housing projects. However, no new housing has been created in almost 20 years.

### Community Housing Resources and Needs

During the development of the *Fairhaven Master Plan* (1996), residents of the Town reaffirmed their commitment to provide affordable housing. In order to retain Fairhaven’s community character, it is critical for the Town to encourage and enable a diverse range of resident households to live here. These include municipal and school employees, people who work locally, elderly residents, the adult children of Fairhaven residents, and other first time home buyers.

The high cost of housing continues to be a major concern of Massachusetts’s residents. Respondents to a recent UMass Donahue Institute/CHAPA Housing Poll reported the cost of housing makes it hard to make ends meet; causes them to seriously consider moving out of Massachusetts; prevents elderly residents from staying in their town and young families from moving in; hurts the local economy because businesses are having a harder time finding and keeping workers; and prevents municipal workers from living in the towns they serve. The national definition of housing affordability assumes that a home is affordable to its owners if their monthly housing costs, a mortgage payment, property taxes, and house insurance, do not exceed 30% of their monthly gross income. When households pay more than 30% of their gross income for housing costs, they are classified as “housing cost burdened.”

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<sup>1</sup> New Bedford Metropolitan Statistical Area

Affordable housing opportunities help Fairhaven attract and retain talented employees upon whom the Town depends to provide high quality public services. The average price of homes and rental units in Fairhaven has risen far beyond what many Town employees, first-time homebuyers, and renters are able to afford. Under conventional loan underwriting standards and a 10% down payment, homebuyers at Fairhaven's median household income of \$41,696 can afford a purchase price of about \$145,000. The average assessed value of a single-family home in 2010 in Fairhaven was \$271,000.

A 1969 State law, called the Comprehensive Permit Law, created a standard for communities to provide a minimum of 10% of their housing inventory as affordable units. In June 2011, the Massachusetts Department of Housing and Community Development certified 495 or 7.1% of Fairhaven's 7,003<sup>2</sup> dwelling units as deed-restricted affordable housing. That leaves Fairhaven 206 affordable units short of the Town's goal of 10% low- or moderate-income housing units. The Town of Fairhaven *Master Plan, "2007 Affordable Housing Strategy"* report and *"2009 Housing Needs Assessment & Affordable Housing Action Plan"* provides more detailed information and should be referred to for additional discussion of community housing.

The 2009 *Housing Needs Assessment & Affordable Housing Action* looked at the Town's housing needs and identified Action items.

#### Needs Assessment Summary:

As a largely bedroom community, demand for housing in Fairhaven is heavily dependent on the regional south-coast and Providence-area economy. This regional economy has been shedding jobs over the past decade and the prospects for growth over the next decade appear limited at best. Closer at hand, the employment-driven portion of housing demand is tied closely to the future of the Acushnet Company, whose local job force has also declined over the past decade. With its heavy focus on retail and hospitality related jobs, the local job base pays wages well below the average for the state as a whole. Taken together, these factors suggest that job growth will not be a significant factor in driving demand for more ownership housing in Fairhaven in the next several years. Expanding rental housing choices for the relatively large number of low-wage workers employed in the community's retail and hospitality industries represent one area of focus indicated by the economic character of the community.

#### KEY AREAS OF IDENTIFIED NEEDS

The Fairhaven Housing Needs Assessment identified four key areas of affordable housing need in Fairhaven. These include:

- *Non-elderly Rental Housing Need:* 60 units for work-age residents focusing on those earning less than 50 percent of AMI.
- *First Time Homeownership Ownership Need:* 30 new homeownership opportunities over the next several years to address the needs of moderate-income renters, especially single person households.

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<sup>2</sup> U.S. 2010 Census total housing unit count

- *Senior Housing Need:* 60 units of service-enriched rental housing for older seniors earning less than 80 percent of AMI; and 40 units of age-appropriate ownership housing for seniors addressing issues of maintenance and accessibility.
- *Special Needs Housing:* Eight (8) new community-based rental units for very-low income residents with physical disabilities; seven (7) new rental units for very-low income units for mentally disabled residents living independently or with staffed assistance; and a need for financial assistance to 25 low-income homeowners with physical disabilities to retrofit their home for greater accessibility.

#### ACTIONS TO ADDRESS NEEDS

The consultant recommends the following nine actions to address these affordable housing needs.

1. Low Income Housing Tax Credit Rental Development
2. HUD 202 Elderly Housing with Services
3. Support Rental Housing for Residents with Physical and Mental Disabilities
4. Support Private Market Development of Age Appropriate Ownership
5. Offer Accessibility Loans/ Grants for Existing Property Owners
6. Create Accessory Dwelling By-law
7. Fund Renovation of Blighted Properties
8. Create Inclusionary Zoning to Support First Time Homeownership
9. Offer Purchase Buy Downs and Down Payment Assistance for Buyers of Existing Properties

In 2007, the Town completed an *Affordable Housing Strategy*, which identified the following goals:

- To develop 45 affordable housing units each year over the next five years, which is equal to two thirds of one percent (.66%) of the total housing units in the community (6,853). If this goal is reached, the town will obtain the required 10 percent.
- The Fairhaven Housing Authority should expand housing on existing properties and target new properties for development.
- To provide an adequate supply and range of housing types and costs to meet the needs and income levels of diverse individuals and families.
- To expand the supply of market rate and assisted low and moderate cost housing opportunities in the community.
- To expand the opportunities for affordable rental housing units in the community by permitting mixed use developments in certain designated commercial districts.
- The Town shall regularly review its development regulations, which include zoning by-laws, subdivision regulations, health code regulations, etc., to ensure that they do not unnecessarily increase the cost of constructing housing.

- The town shall encourage the development of a range of housing types and densities in the current municipal service area to accommodate housing needs and to promote economic development in the Centers.

### **Community Housing Goals**

The Fairhaven CPC has established the following goals in order to address the housing needs of the community.

- Create, preserve and support community housing and rehabilitate or restore community housing that is acquired or created under the CPA. Give preference to the reuse of existing buildings and to the construction of new buildings on previously developed sites.
- Limit purchase price or rental fees to the Department of Housing and Community Development's established maximum low- and moderate-income limits to ensure that units are counted toward Fairhaven's 10% goal for affordable housing.
- Promote economic diversity of Fairhaven residents by providing housing for households earning at a range of 30%-80% of the Area Median Income.
- Provide permanent rental housing units that include support services for elderly and persons with disabilities.
- Encourage non-profit organizations to build and advocate for affordable housing in Fairhaven.
- Encourage diversity in Fairhaven's population by achieving a mix of homes that enhances Fairhaven's town character and provides needed choices for all its residents.
- Preserve the character of Fairhaven's established residential neighborhoods.
- Promote Smart Growth and be guided by sustainable development principles.

## HISTORIC RESOURCES

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Historic Resources are defined by the CPA as buildings, structures, vessels, or real properties that are listed or eligible for listing on the State Register of Historic Places or are significant in the history, archeology, architecture, or culture of Fairhaven as determined by the Fairhaven Historical Commission. CPA funds may be used for the preservation, restoration or rehabilitation of historic resources (including Town-owned historic resources), but not for routine maintenance. Unless such historic resources are in public ownership, the public purpose of investments in historic resources must be apparent, and must be protected by a permanent preservation restriction that ensures a public benefit.

Currently, Fairhaven has a considerable number of historic assets, including municipal buildings, private homes, and ancient artifacts. Listed on the State and National Registers of Historic Places are Town Hall, the Millicent Library, High School, Unitarian Memorial Church, Rogers Elementary School and Ft. Phoenix. A group of property owners, with the assistance of WHALE, have submitted the application for the creation of a National Register Historic District for Fairhaven Center. The district borders are Spring St. on the north, Green St. on the east, South St. on the south and the edge of the Harbor on the west. The proposed District includes over 140 properties. Listing on the State and National Registers recognizes the importance of these properties as resources.

### Historic Resources and Needs

The rural, agricultural, and historic character of Fairhaven is currently threatened by the rapid rise of local land values. It is often more feasible to remove older structures and replace them with new, much larger structures that are frequently out of scale with their neighborhood and setting, a development trend which damages the historic integrity of the Town. The lost structures, which gave a sense of history and cultural character to the neighborhoods, are gone forever. Similarly, the Town is frequently placed in a position of defending itself from large developments and subdivisions that diminish its rural and historic character.

Many character-contributing historic resources are not listed or adequately documented and some are at risk of demolition. The CPA gives Fairhaven the opportunity to make real the goals and desires of its *Master Plan*. These goals and ambitions become much more attainable with a dedicated funding source.

### Historic Preservation Goals

- Protect, preserve, and/or restore historic properties and sites throughout Fairhaven of historical, architectural, archeological, and cultural significance. Work to assist owners with adaptive re-use of historic properties.
- Protect threatened properties of particular historical significance. Fully document the architectural and historical significance of Fairhaven's historic resources and their current condition. Complete/update historical/cultural resource-survey forms and National Register application forms. Investigate and, if deemed feasible, adopt preservation restrictions for historic properties.

- Preserve the remaining rural/historic character of the Town, including, but not limited to, residential and non-residential buildings, barns, outbuildings, burial grounds, markers, monuments, stone walls, fields, cart paths, historic land- and street-scapes, and scenic vistas.
- Create a Town of Fairhaven Historic Properties/Cultural Resource Inventory and archival records.
- Provide education and community outreach regarding the extensive historical and cultural resources within Fairhaven. Develop a signage program for historic structures to increase public awareness of historical and cultural assets within Fairhaven.
- Review the Town for other potential National Register Historic Districts.

## THE CPA FUNDING APPLICATION PROCESS

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The Committee invites CPA funding applications for the upcoming funding round. It is the responsibility of the Committee to review all applications and to make recommendation(s) as to which, if any, of these applications should be so funded. The Committee expects to bring its recommendations to the 2012 Annual Town Meeting. The Committee has developed the following four-step process for reviewing, recommending, and funding of CPA proposals.

### **Step 1. Submit Completed Application by Monday, November 7, 2011 by 12:00 PM**

Applications (11 printed copies) must be received by Monday, November 7, 2011 to be eligible for ordinary consideration at the 2012 Annual Town Meeting. At its discretion the Committee may accept applications after the deadline for extraordinary reasons.

Applications for CPA funding must be submitted to the following address:

Community Preservation Committee  
c/o Planning & Economic Development Department  
Fairhaven Town Hall  
40 Center Street  
Fairhaven, MA 02719

### **Step 2. Community Preservation Committee Review and Public Comment**

- A. Application Review:** The Community Preservation Committee will review submitted applications to determine whether the proposed projects:
1. Are eligible for Community Preservation funding; and
  2. Are sufficiently developed in terms of their work plan and ripe in terms of timing for further consideration; and
  3. Are consistent with the goals for CPA funding as set forth in this Plan; and
  4. Are signed by the property owner.
- B. Project Review Meetings:** The Committee may ask applicants to meet with the Committee or its representatives to discuss their applications. These meetings will be publicly noticed. The Committee will seek public comments on proposed projects.
- C. Notification:** The Committee will notify applicants of its decisions concerning recommendations. It may ask eligible applicants to submit additional information.
- D. Committee Recommendations:** The Committee will make its final recommendations for funding in the form of one or more warrant articles to be voted on at the 2012 Annual Town Meeting. The Committee may recommend a project as proposed by the applicant, or may modify the project, or it may recommend partial funding or funding for only a portion or phase of the proposed project. The Committee's recommendations to Town Meeting may include detailed project scopes, conditions, and other specifications, as the Committee deems appropriate to ensure CPA compliance and project performance.

### **Step 3. Town Meeting Vote**

The Committee will present its recommendations to the 2012 Annual Town Meeting for discussion and vote. Town Meeting has the final authority to award funds from Fairhaven's Community Preservation Act Fund. A simple majority vote is required to approve funding. A two-thirds vote is required for borrowing.

### **Step 4. Award Letter**

For projects approved by Town Meeting, the Committee will issue award letters with information on funding amount, funding conditions, project modification as voted by Town Meeting (if any), Town staff contact information, and guidelines for project execution.

### **Step 5. Project Execution**

Funding for approved projects will be available following the issuance of the award letter subject to conditions contained in the award letter. CPA monies are public funds raised from dedicated Fairhaven tax revenues and from State subsidies to the Town. Projects financed with CPA funds, and carried out on public property or by a public entity must comply with all applicable State and municipal requirements, including the State procurement law, which requires special procedures for the selection of products, vendors, services, and consultants.<sup>3</sup>

All CPA funds are administered and disbursed by the Town of Fairhaven, and project management, oversight, execution, and financial control will be under the control of the Board of Selectmen or their designee. All bid documents or requests for proposals must be approved by the Town before publication. All purchases of goods and services require a Town of Fairhaven purchase order issued by the Board of Selectmen or their designee. Final decisions regarding the selection of goods and services are the responsibility of the Board of Selectmen or their designee. All contractual agreements with vendors or service providers must be approved and signed by the Board of Selectmen or their designee. Payments are made only after the receipt of goods or services. The Board of Selectmen or their designee may approve partial payments for partially completed service as may be specified in a Town-approved service contract or on a case-by-case basis at his discretion.

Where a private funding source supplements a CPA appropriation for a project to be carried out by the Town of Fairhaven or on land owned by the Town of Fairhaven, all such private funds must be donated to the Town of Fairhaven before any goods or services are procured for the project.

The aforementioned guidelines do not strictly apply where a CPA appropriation is made as a grant to a non-governmental entity or a governmental or quasi-governmental entity other than the Town of Fairhaven. However, the Community Preservation Committee and the Board of

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<sup>3</sup> For Example: Purchases over \$5,000 require the solicitation of at least three quotes. Purchases over \$25,000 require the publication of "invitations for bids" or "requests for proposals". Contracts for goods and services must be awarded to the lowest qualified bidder, which may be someone other than who assisted the applicant with a project application. Project purchases cannot be split to avoid the State procurement laws.

Selectmen or their designee, may require accounting and reporting procedures that are appropriate in the context of the project and satisfy the Town's need to comply with municipal finance laws.

For questions about procurements and other financial requirements and procedures the applicant should contact the Town Treasurer, John Nunes, at (508) 979-4026. General questions concerning the application process should be directed to William D. Roth, Jr., via email at [cpa@fairhaven-ma.gov](mailto:cpa@fairhaven-ma.gov) or by calling (508) 979-4082. Mr. Roth will assist the applicant directly or will direct the Applicant's inquiry to the appropriate Town staff.

The Committee may request project status updates from Fund recipients. The purpose of such update is to aid the Committee in refining the Plan and to identify issues that may assist future applicants.

## **GUIDELINES FOR SUBMISSION**

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The following guidelines should be utilized in preparing an application for CPA funding. These guidelines should be utilized in consideration of the applicable Plan goals, and in conjunction with the "Review and Recommendation Criteria" section of this Plan.

- Each project funding application must be submitted using the *Community Preservation Plan* "Project Application Form." Additional pages should be added as necessary.

Project funding applications (11 printed copies; no e-mail, please) must be received by Noon on Monday, November 7, 2011 to be considered at the 2012 Annual Town Meeting. Submit applications to:

Community Preservation Committee  
c/o Planning & Economic Development Department  
Fairhaven Town Hall  
40 Center Street  
Fairhaven, MA 02719

- Project funding applications should be for funding within a 5-year completion period.
- If submitting multiple applications, projects should be submitted in order of priority.
- Applicants should review the CPA, the Fairhaven CPA Bylaw (Chapter 6), and this *Community Preservation Plan* prior to submitting CPA funding applications.
- Applicants should prepare itemized project scopes, with details describing each item and its estimated cost.
- Prior to submittal, applicants are encouraged to clarify with the Committee, or their own legal counsel as to the eligibility of their project under the Community Preservation Act (M.G.L. Ch. 44B).
- Applicants should obtain professionally prepared quotes for project costs whenever possible. If such quotes are not available, detailed cost estimates may be used provided the basis of the estimates is fully explained.
- If the funding application is part of a longer-term project, the applicant should include the total project cost.

Applicants should take the following factors into consideration when completing the application. In evaluating project proposals, the Committee will use these factors in conjunction with the criteria outlined under "Review and Recommendation Criteria":

Community Character:

- a) encourage and preserve open space and agriculture
- b) promote/maintain diversity in housing stock
- c) preserve historic resources

- d) re-use existing structures
- e) enhance social, economic, cultural, historical, and natural resources, and their diversity
- f) preserve/revitalize historic centers/districts
- g) acquire/preserve threatened resources
- h) be consistent with Town planning documents

Community Impact/Needs:

- a) provide present and future uses
- b) increase/expand recreational facilities
- c) protect environmental/water resources
- d) address community need/fill void in community
- e) maximize number of people affected/benefiting
- f) meet needs of under-served populations
- g) meet multiple needs and populations

Fiscal Impact:

- a) initial cost
- b) ongoing maintenance or program costs
- c) minimize financial impact on taxpayers
- d) debt commitment
- e) multiple funding sources
- f) revenue generation
- g) feasibility

Other Factors:

- a) degree of urgency
- b) required timeline or impending deadlines
- c) complexity of execution

For additional information on the CPA statute and how it is being applied in towns across the State, visit the Community Preservation Coalition website at [www.communitypreservation.org](http://www.communitypreservation.org). For information on Fairhaven's Community Preservation activity, visit the Town website at [www.fairhaven-ma.gov](http://www.fairhaven-ma.gov).

## REVIEW AND RECOMMENDATION CRITERIA

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It is the responsibility of the Committee to review all projects proposed for funding through the CPA Fund and to make recommendations to Town Meeting as to which, if any, of the proposed projects should be funded. In order to be considered eligible for review by the Committee, a project must at a minimum meet the statutory requirements of the CPA.

A project submitted to and deemed eligible for consideration by the Committee will be evaluated in relation to the following "Review and Recommendation Criteria." Recommendations for funding will be based on how well the individual projects meet these criteria, recognizing that all criteria may not apply to every project. The Committee will also give due consideration to the urgency of the project, with particular consideration given to those projects whose successful implementation is constrained by scheduling factors not controlled by the applicant. The following criteria will be considered as the project is evaluated. However, meeting all of the criteria does not guarantee CPC support for the project.

- Is the project consistent with the goals of the Town of Fairhaven *Community Preservation Plan*?
- Does the project have other sources of funding? If so, indicate percentage.
- Does the project require urgent attention?
- Does the project serve a currently underserved population?
- Does the project preserve a threatened resource?
- Is the project consistent with existing Fairhaven Planning Documents such as the Master Plan and Open Space Plan?
- Does the project fit within the current or already proposed zoning regulations?
- Does the project have a means of support for maintenance and upkeep?
- Does the project involve currently owned municipal assets?
- Does the project leverage additional or multiple sources of public and/or private funding?
- Does the project have more than two other sources of funding?
- Does the project serve multiple needs and populations and/or addresses more than one focus area of the CPA?
- Does the project reclaim abandoned or previously developed lands?
- Does the project require special permitting?
- Does the project have community support?
- Does the project have sufficient supporting documentation?
- Does the project provide a positive impact to the community?
- Has the applicant/applicant team successfully implemented projects of similar type and scale, or have demonstrated the ability and competency to implement the project as proposed?
- Does the applicant have site control, or the written consent by the property owner to submit an application?

## **Open Space Criteria for Parcel Selection**

Address each criterion as it applies to the parcel of land under consideration:

1. Is it within the Nasketucket Watershed Area?
2. Is wetland protection a consideration?
3. Is vernal pool protection a consideration?
4. Is stream and bank protection an issue?
5. Is this an Area of Critical Environmental Concern?
6. Would this proposal contribute to a Greenway?
7. Would this proposal contribute to preservation and/or creation of forested land?
8. Would this proposal enhance protection of any FEMA designated floodway?
9. Will this proposal protect other parcels?
10. Does this parcel abut protected land?
11. Does this parcel support a significant wildlife habitat?
12. Is this parcel at risk for development?
13. Is this parcel listed for sale?
14. Did this parcel have a past proposal for development?
15. Are grants available? If so, has application been made?
16. Is there a historic significance to this parcel?
17. Are there any old foundations located in this parcel?
18. Are stonewalls located within this parcel?
19. Does this parcel house any old roads, trails, cart paths, or scenic vistas?
20. Are there any active or passive recreation possibilities associated with this parcel?
21. Is this parcel suitable for a community garden or farm?
22. Is this parcel suitable for nature observation and educational programs?

## **Historic Preservation Selection Criteria**

Address each criterion as it applies:

1. Is the building on the National Register of Historic Places?
2. Is the property eligible for listing on the National Register of Historic Places?
3. Is the property on the State Historic Register?
4. Is the property eligible for listing on the State Historic Register?
5. Has the property been included in the local Survey of Historic Properties?
6. Is the property in danger of being demolished?
7. Are there potential archeological artifacts at the site?
8. Has the property been noted in published histories of the Town or county?
9. Is there a realistic chance of restoring the property?
10. Are there other potential uses for the property, which could benefit the Town?
11. Could the building be converted for affordable housing use while still retaining its' historic quality?
12. Is the property part of an historic area in the Town?
13. Is the owner also interested in preserving the historic integrity of the property?
14. Is there an opportunity for other matching funding to preserve the property? Explain.

15. Are there any particularly important historic aspects about the property?
16. Did the property ever play a documented role in the history of the Town?

### **Affordable Housing Selection Criteria**

Address each criterion as it applies:

1. Will this involve the renovation of an existing building? If so,
  - Is the building structurally sound?
  - Is it free of lead paint?
  - Is it free of asbestos, pollutants, and other hazards?
  - Is there Town sewerage?
  - Is the septic system in compliance with Title 5?
  - Does the building comply with building and sanitary codes?
  - Is it handicap accessible?
  - Is this a conversion of market rate to affordable housing?
  - Is this a tax title property?
2. Does this project involve the building of a new structure? If so,
  - Will the structure be built on tax title property?
  - Will it be built on Town owned land?
  - Will it be built on donated land?
  - Are there other grants available to help fund this project? Explain.
  - Are there other programs such as Habitat for Humanity involved?
  - Will the project be built on a previously developed site?
3. Does the project provide housing that is similar in design and scale with the surrounding community?
4. Does this serve the 60% income level population?
5. Does this serve the 80% income level population?
6. Will this be geared to one age group?
7. Is this infill development?
8. Will there be more than two bedrooms?
9. Will it be located near conveniences (grocery, mass transit, etc.)?
10. Does this project fit with the Master Plan?
11. Will there be multiple units?
12. Is long-term affordability assured?
13. Will priority be given to local residents, Town employees, or employees of local businesses?

### **Recreation Criteria**

Address each criterion as it applies:

1. Will more than one age group use the project?
2. Can the project be used by more than one activity (multiuse)?
3. Would more than 12 participants normally use the project at once?
4. Would more than 20 participants normally use the project at once?
5. Is this project the first of its kind in the Town?

6. Is this project the first of its kind in the County?
7. Can the participants unsupervised by an adult use the project?
8. Are grants available to help pay for the construction? If so, has application been made for the grant?
9. Does the project include considerations for additional parking?
10. Can the project be used more than 1 of the 4 seasons per year?
11. Does the project match the surrounding areas character?
12. Does the project include all normal safety considerations?
13. Does the project meet all building and safety codes?
14. Is the project accessible by pedestrians and/or Cars?
15. Does the project take advantage of connections to other resources?

## PROJECT APPLICATION FORM – 2012

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**Applicant:** \_\_\_\_\_

**Submission Date:** \_\_\_\_\_

**Applicant's Address, Phone Number and Email**

**Purpose: (Please select all that apply)**

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

- Open Space
- Community Housing
- Historic Preservation
- Recreation

**Town Committee (if applicable):** \_\_\_\_\_

**Project Name:** \_\_\_\_\_

**Project Location/Address:** \_\_\_\_\_

**Amount Requested: \$** \_\_\_\_\_

**Project Summary:** In the space below, provide a brief summary of the project.

**Estimated Date for Commencement of Project:** \_\_\_\_\_

**Estimated Date for Completion of Project:** \_\_\_\_\_

## **APPLICATION INSTRUCTIONS AND REQUIRED ATTACHMENTS**

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Application is Due Monday, November 7, 2011 by 12:00 pm.

Submit 11 complete printed copies (e-mails will not be accepted) of the application, including all attachments, to:

Community Preservation Committee  
c/o Planning & Economic Development Department  
Fairhaven Town Hall  
40 Center Street  
Fairhaven, MA 02719

Attach the following with **all** applications:

- **Narrative:** A complete and detailed description of the project and, when applicable, of the property involved and its proposed use. Describe how the project will benefit the Town and the citizens of Fairhaven and how the project is consistent with the Community Preservation Plan's "Guidelines for Submission" and "Review and Recommendation Criteria." Include a work plan showing the anticipated steps or phases for completion of the project and the timing and estimated cost of each phase.
- **Site Control:** A copy of the deed, purchase and sale agreement, option agreement, or other document to prove that the applicant has site control; or the property owner's written consent to the application and to the proposed project. If site control is not established, please explain in detail.
- **Project Scope:** An itemized project scope, with details describing each item and its estimated cost.
- **Cost Estimate:** Professionally prepared appraisal; or professionally prepared cost estimate (or detailed cost estimate with full explanation by line item and back-up material).
- **Feasibility:** List and explain all further action or steps that will be required for completion of the project, such as environmental assessments, zoning or other permits and approvals, agreement on terms of any required conservation, affordability, or historic preservation restrictions, subordination agreements, and any known or potential barriers or impediments to project implementation.
- **Maps:** USGS topographical map, assessors map, and/or other map as appropriate, showing the location of the project.
- **Photographs** of the site, building, structure, and/or other subject for which the application is made.

**Include the following, if applicable and available:**

- Record plans of the land.
- Natural resource limitations (wetlands, flood plain, etc.).
- Zoning (district, dimensional and use regulations as applies to the land).
- Inspection reports.
- 21E Reports and other environmental assessment reports.
- Architectural plans and specifications for new construction and rehabilitation.
- Site plans and specifications.
- Maps, renderings, etc.
- Historic inventory sheet.
- Existing conditions report.
- Names and addresses of project architects, contractors, and consultants.
- Other information deemed useful for the Committee in considering the project.

**Notes:**

- Following the initial review of all applications, the Community Preservation Committee may request from applicants additional or more detailed information, and further clarifications to the submitted proposals. The Committee may request from the applicant a legal opinion to help it assess CPA project eligibility and to provide answers to any other questions that the Committee may have before finalizing its recommendation to Town Meeting.
- Once the Committee has made a preliminary selection of projects for funding, the Committee will work with the applicants for those projects to advance them for funding by Town Meeting.
- The Committee reserves the right to attach conditions, and to require deed restrictions and additional agreements, before its favorable funding recommendation to Town Meeting.



# APPENDIX

CPA-2

FAIRHAVEN	SCHEDULE A-4*	Fiscal Year 2011
City or Town		
2. Appropriations, Reservations and Other		
a. Appropriations		
Administrative expenses	\$12,600.00	
Debt service	\$0.00	
Acquisitions and projects	\$442,000.00	
Other	\$0.00	
Reserves appropriated for PY costs (Must equal Part 1b)	\$3,658.01	
Total Appropriations		\$458,258.01 <span style="border: 1px solid black; border-radius: 50%; padding: 2px;">2 CPA</span>
b. Reservations		
Open Space	\$0.00	
Historic Resources	\$0.00	
Community Housing	\$0.00	
Budgeted reserve to be appropriated	\$0.00	
Total Reservations (To Recap, page4, Col e)		\$0.00
c. Other (unappropriated, unreserved) (To Recap, part IIB, Line 10)		\$0.00
<b>TOTAL Appropriations, Reservations and Other</b>		<b>\$458,258.01</b>
3. Prior Year Deficit (To Recap, part IIB, Line 6)		
		\$0.00
4. Community Preservation Fund Recap		
Total Appropriations, Reservations and Other		\$458,258.01
Add : Prior year deficit		\$0.00
Total Revenues and Available Funds		\$458,258.01

**NOTE : The information has not been Approved and is subject to change.**