

FAIRHAVEN BOARD OF SELECTMEN

Meeting Agenda

Monday, February 8, 2021

6:30 p.m.

Town Hall – 40 Center Street – Fairhaven

RECEIVED
TOWN CLERK

2021 FEB -4 P 3:44

FAIRHAVEN,
MASS.

Due to the recent changes by Governor Baker to the Open Meeting Law, G.L. c. 30A. § 20, we are providing public access via the phone number and meeting ID below:

Log on to: <https://zoom.us/j/93891179305?pwd=anNCRWxKZm13bHlxbG1NMWN3emdudz09>

or call: 1-929-205-6099

Meeting ID: 938 9117 9305

Passcode: 295701

The meeting can also be viewed live on Channel 18 or on FairhavenTV.com

A. MINUTES

1. Approve minutes of January 25, 2021– Open Session
2. Approve minutes of January 25, 2021 – Executive Session

B. TOWN ADMINISTRATOR'S REPORT

C. COMMITTEE LIAISON REPORTS

D. ACTION

1. Sustainability requests: changing membership
2. Larry Fowler Aquaculture license final approval
3. Richard N. Dussault, 99 Spring Street —Business Name change only

E. APPOINTMENTS

1. 7:00 pm Report from Community Paradigm Associates regarding Town Administrator Screening Committee Finalists.
2. 7:05 pm Stratford Group—changes to Oxford School
3. 7:15 pm Arch Communities/Lanagan Co. LLC—preliminary proposal: Rogers School
4. 7:20 pm A-1 Crane: Cease and Desist Order
5. 7:30 pm Entry Point, LLC (Consultant for Broadband Study): RFP: update and discussion

F. POSSIBLE ACTION/DISCUSSION

1. Introduction to Complete Streets Policy
2. FY22 General Fund Operating and Capital Budget Town Administrator Recommendations
3. Preliminary review of Town Meeting Articles

G. NOTES AND ANNOUNCEMENTS

1. The next regularly scheduled meeting of the Board of Selectmen is **Monday, February 22, 2021** at 6:30 p.m. in the Town Hall Banquet Room.

H. EXECUTIVE SESSION

1. Real Estate Matters: MGL Chapter 30A, Section 21(a) 6: Union Wharf
2. Strategy with Respect to Litigation: MGL Chapter 30A, Section 21(a)3:
 - a. West Island Realty
 - b. Casey Boat Realty, LLC
3. To conduct contract negotiations with non-union personnel pursuant to M.G.L, Ch. 30a, Sec. 21 (a) (2)

ADJOURNMENT

Subject matter listed in the agenda consists of those items that are reasonable anticipated (by the Chair) to be discussed. Not all items listed may be discussed and other items not listed (such as urgent business not available at the time of posting) may also be brought up for discussion in accordance with applicable law.

MGL, Ch. 30a, § 20(f) requires anyone that intends to record any portions of a public meeting, either by audio or video, or both, to notify the Chair at the beginning of the meeting.



Fairhaven Board of Selectmen Meeting Minutes January 25, 2021

Present: Chairman Daniel Freitas Vice-Chairman Robert Espindola, Selectman Keith Silvia, interim Town Administrator Wendy Graves and Cable Access Director Derek Frates.

Present via Zoom: Administrative Assistant Vicki Oliveira and Cable Production Coordinator Eric Sa.

The meeting was videotaped on Cable Access and Zoom meeting application.

Chairman Freitas opened the meeting at 6:30 pm in the Town Hall Banquet Room and read the following statement:

"This Open Meeting of the Fairhaven Board of Selectmen is being conducted remotely consistent with Governor Baker's Executive Order of March 12, 2020, due to the current State of Emergency in the Commonwealth due to the outbreak of the "COVID-19 Virus."

In order to mitigate the transmission of the COVID-19 Virus, we have been advised and directed by the Commonwealth to suspend public gatherings, and as such, the Governor's Order suspends the requirement of the Open Meeting Law to have all meetings in a publicly accessible physical location. Further, all members of public bodies are allowed and encouraged to participate remotely.

The Order, which you can find posted with agenda materials for this meeting allows public bodies to meet entirely remotely so long as reasonable public access is afforded so that the public can follow along with the deliberations of the meeting.

Ensuring public access does not ensure public participation unless such participation is required by law. This meeting will allow public comment related to the posted agenda items only. For this meeting, Fairhaven Board of Selectmen is convening by telephone conference/video conference via Zoom App as posted on the Town's Website identifying how the public may join.

MINUTES

Mr. Espindola made a motion to approve the minutes of December 21, 2020 – Open Session. Mr. Silvia seconded. Vote was unanimous. (3-0)

Mr. Espindola made a motion to approve the minutes of January 11, 2021 – Open Session. Mr. Silvia seconded. Vote was unanimous. (3-0)

Mr. Espindola made a motion to approve the minutes of January 11, 2021 – Executive Session. Mr. Silvia seconded. Vote was unanimous. (3-0)

TOWN ADMINISTRATOR'S REPORT

Ms. Graves told the Board:

The Rogers School Reuse Committee met recently to discuss the proposed project and are soliciting comments from the public which they will then submit to the Board of Selectmen for recommendations.

Ms. Graves attended the Broadband Study Committee meeting; the Municipal Light project is still ongoing.

COMMITTEE LIAISON REPORTS

Mr. Espindola told the Board the Broadband Committee met recently and will be meeting soon with the Marine Resources and SRPEDD.

Mr. Espindola said the Economic Development Committee met last week and discussed grants and also voted to request that Ms. Graves find a way to help give small businesses a break.

Mr. Silvia met with the Rogers School Reuse Committee regarding the request for proposal. All the information can be found on the town's webpage. Mr. Silvia would like to see some information in the lobby of town hall for those that don't have internet.

Mr. Freitas updated the Board that the Town Administrator Search Committee is getting closer to finalizing.

VETERAN'S OFFICE WREATHS ACROSS FAIRHAVEN GIFT ACCOUNT

Veteran's Agent Brad Fish would like to set up a gift account for the donations for the wreaths across Fairhaven for the 2021.

Mr. Espindola made a motion to approve the gift account for the wreaths across Fairhaven for the year 2021. Mr. Silvia seconded. Vote was unanimous. (3-0)

ABC WASTE DISPOSAL SERVICES AGREEMENT

Ms. Graves explained this is an annual agreement with ABC Disposal, Inc. regarding the Waste Disposal at SEMASS. (Attachment A)

Mr. Espindola made a motion to authorize the interim Town Administrator to sign the Waste Disposal Agreement on behalf of the Board of Selectmen. Mr. Silvia seconded. Vote was unanimous. (3-0)

CDBG: DISCHARGE OF MORTGAGE—36 WEST GROVE STREET REALTY TRUST

Mr. Foley explained this is a routine discharge for the Community Development Block Grant (CDBG) program.

Mr. Espindola made a motion to sign the CDBG discharge of mortgage for 36 West Grove Street Realty Trust. Mr. Silvia seconded. Vote was unanimous. (3-0)

CDBG: SUBORDINATION AGREEMENT

Planning Director Paul Foley explained to the Board the Town needs to be the subordinate to the bank loan for this property on Main Street.

Mr. Espindola made a motion to have Town Counsel look over the CDBG Subordination agreement before the Board signs. Mr. Silvia seconded. Vote was unanimous. (3-0)

2020 TOWN REPORT COVER PHOTOS SUBMISSIONS

The Board reviewed the submissions for photos for the cover of the annual town report. Kin Brittain and Marianne Pallatrone each had one of their photos chosen by the Board.

SWEARING IN CEREMONY: FAIRHAVEN FIRE DEPARTMENT

Town Clerk Carolyn Hurley swore in to oath veteran Firefighters Deputy Chief Joy Nichols and Lieutenant Josh Benoit before a small group of their families. Acting Chief Correia told the Board; Ms. Nichols is the first woman in Fairhaven to be named Deputy Chief.

The Board congratulated Deputy Chief Nichols and Lieutenant Benoit and wished them much success in their careers on the Fairhaven Fire department.

LIBRARY DIRECTOR CAROLYN LONGWORTH

Chairman Freitas read a resolution (Attachment B) for retired library director Carolyn Longworth that stated the “from this day forward the Shallow Pond adjacent to Egypt Lane forever be named “Carolyn’s Pond” in recognition of Carolyn’s many contributions to Fairhaven and her residents.” The Board presented Ms. Longworth with flowers and chocolates and thanked her for her many years of service to the Town and residents.

WATERWAYS RULES AND REGULATIONS UPDATE

Harbormaster Tim Cox and Marine Resources Committee (MRC) Chairman Mike McNamara met with the Board to provide an update on the proposed draft waterways rules and regulations. Mr. McNamara told the Board the MRC will be holding a public hearing in the future to gather feedback from town residents. Mr. Espindola suggested having Town Counsel review the document prior to a public hearing. The Board thanked Mr. Cox and the MRC for their hard work on the draft.

Mr. Espindola made a motion to have Town Counsel review the draft rules and regulations and post the document on the town webpage. Mr. Silvia seconded. Vote was unanimous. (3-0)

TREE WARDEN COMMUNICATION ISSUES

Tree Warden G.B. Knowles met via Zoom with the Board to discuss some recent complaints that Selectman Silvia has received regarding tree pruning issues. Mr. Knowles explained the Board that because of COVID the routine pruning has fallen behind and he is doing the best he can under the current circumstances. When there is a storm, those safety issues take presidents over routine maintenance. If he has staff that are out, it is unsafe to send anyone out on a job by themselves. The Board suggested that the Tree Warden may be able to look into combing with

the new building department software. Ms. Graves will reach out to the Building Commissioner and Selectman Silvia will help be a liaison with Mr. Knowles.

Mr. Espindola made a motion to appoint Mr. Silvia as a representative of the Board to work with Ms. Graves and the Tree Warden regarding payrate for the tree workers. Mr. Silvia seconded. Vote was unanimous. (3-0)

STRATFORD GROUP— OXFORD SCHOOL PROJECT

Building Commissioner Chris Carmichael met via Zoom to update the Board that the Stratford Group has made some design changes to their proposal for the Oxford School. (Attachment C) Mr. Carmichael would like the Board of Selectmen and the Zoning Board of Appeals to be updated prior to his issuing of the any permits to start the project. Mr. Carmichael stated that he was waiting to hear back from the Stratford Group with more information regarding the changes.

Mr. Espindola would like to see an explanation in writing from the Stratford Group before the next Board of Selectmen's meeting.

STREET LIGHT PLACEMENT - RESERVATION ROAD

Reservation Road resident Geoff Sullivan met via Zoom with the Board to explain why he is against the proposed streetlight in front of his property due to the light shining into his window. Mr. Sullivan is worried that the additional light will cause the vehicles to speed on the corner near his property.

Mr. Freitas explained that Public Works Superintendent Vinnie Furtado has contacted Corviello about shields that can be placed on the lights to reposition the light.

Resident Jeff Adesso is in favor the lighting being place for the safety of the neighborhood. Resident JP Lachat told the Board he is not for or against the light but hopes that the light can be positioned away from the homeowner's windows.

The Board feel that placing the shield on the light is a good compromise for both parties.

Mr. Espindola made a motion to proceed with the light placement as approved by Town Meeting and the equipment is installed and not intrusive. Mr. Silvia seconded. Vote was unanimous. (3-0)

NOTES AND ANNOUNCEMENTS

Mr. Espindola requested the Broadband Study Committee be at the next Board of Selectmen's meeting to discuss the municipal light project.

At 7:57 pm Mr. Espindola made a motion to adjourn to executive session, not to reconvene to open session to discuss:

1. To investigate charges of criminal misconduct – GL c. 149 sec 52C and c.66 sec. 15
2. Strategy with respect to litigation— MGL Chapter 30A, Section 21(a) 3: New England Preservation and Development, LLC Law suit

Mr. Silvia seconded. Vote was unanimous. (3-0)

Roll Call vote: Mr. Espindola in favor, Mr. Silvia in favor. Mr. Freitas in favor.

Respectfully submitted,

A handwritten signature in black ink that reads "Vicki L. Oliveira". The signature is written in a cursive, flowing style.

Vicki L. Oliveira
Administrative Assistant

Attachments:

- A. ABC Waste Disposal Agreement
- B. Resolution for Carolyn Longworth
- C. Letter from Stratford Group

DRAFT



TOWN OF FAIRHAVEN, MASSACHUSETTS

D1

SUSTAINABILITY COMMITTEE

Town Hall · 40 Center Street · Fairhaven, MA 02719

Memorandum

Date: January 28, 2021

To: Board of Selectmen

From: Whitney McClees, Sustainability Coordinator

RE: Moving alternate member to voting member

At their January 26, 2021 meeting, the Sustainability Committee unanimously moved to recommend alternate Jim Anderson fill the voting member slot that Anne O'Brien will vacate with her request to move from voting member to alternate member.



Vicki Oliveira <vloliveira@fairhaven-ma.gov>

Sustainability Committee

1 message

Anne OBrien <[REDACTED]@gmail.com>

Sun, Dec 20, 2020 at 9:58 PM

To: Board of Selectmen <selectmen@fairhaven-ma.gov>

Cc: Ann [REDACTED]@gmail.com>, Whitney McClees <wmcclees@fairhaven-ma.gov>

Dear Board:

Please accept this letter as my request to drop from a full member of the Sustainability Committee to an alternate member. I believe there are alternate members who would be better suited to full membership at this time. Thank you.

Anne



Town of Fairhaven
Marine Resources Department
40 Center St., Fairhaven, MA 02719
Tim Cox, Harbormaster / Shellfish Warden

February 3, 2021

Fairhaven Board of Selectmen
40 Center St.
Fairhaven, MA 02719

Subject: Larry Fowler Aquaculture Site

Board of Selectmen,
Larry Fowler has provided the last of the documents needed in order to finalize the approval on his aquaculture site. The checklist has been provided in a separate attachment.

Please be advised that the site was found and approved by Mr. Chris Schillaci at the Division of Marine Fisheries back in 2018. On June 4, 2018 the Fairhaven Board of Selectmen voted to approve this site for 3 years subject to renewal for 10 years, as well as in accordance to the rules and regulations. The vote passed unanimously.

Thank you,

Timothy Cox



Town of Fairhaven
Marine Resources Department
40 Center St., Fairhaven, MA 02719

Timothy Cox
Harbormaster / Shellfish Warden

Aquaculture Checklist

- ✓ *Signed Indemnification Agreement*
- ✓ *Bond*
- ✓ *Certificate of Insurance*

(all documents are on file in the Marine Resources Department)

AQUACULTURE LICENSE

1. PARTIES - This license to grow shellfish by means of racks, rafts, lines, and floats in waters of the Commonwealth below the line of extreme low water is granted by the Town of Fairhaven (herein called LICENSOR) to Larry Fowler, sole proprietor, with a principal place of business at 47 Jerusalem Rd, Fairhaven, Massachusetts, 02719, (herein called LICENSEE) pursuant to General Laws, Chapter 130, section 68A.

2. PREMISES - Subject to the conditions in Paragraph 7 below, LICENSEE may locate rafts, lines, and floats for the purpose of growing shellfish thereon in that certain portion of the water column and the land under coastal waters situated in the coastal waters northwest of West Island and more particularly described within the following bounds marked by navigational buoys:

NE 41.36'22.33"N 70.50'46.66"W

NE 41.36'22.97"N 70.50'50.02"W

NE 41.36'19.22"N 70.50'47.57"W

NE 41.36'19.85"N 70.50'50.80"W

Containing one (2) acre of land more or less. The LICENSEE shall have exclusive use of the land above described and of the land within 100 feet of said racks, rafts, or floats for the purpose of growing shellfish thereon, subject to such public uses of said wat lands as are compatible with the aquacultural enterprise. LICENSEE shall plainly mark the boundaries of the area subject to this License with such markings as the Harbormaster shall deem sufficient. Said land under coastal waters is herein called the Premises.

3. TERM - The term of this license shall be for site 1 for three (3) years commencing on February 8, 2021 and ending on February 7, 2024, unless sooner terminated pursuant to any provision hereof.

4. LICENSING FEES - LICENSEE shall pay to LICENSOR as licensing fees for the premises one-hundred (\$200.00) dollars annually per acre.

5. ESCROW - Prior to the issuance of this License the LICENSEE shall provide to the Town of Fairhaven Treasurer a Corporate Surety Bond in the amount of no less than Nineteen Thousand (\$19,000.00) Dollars and which bond shall continue to be in full

force and effect for the entire term of this License and which Bond shall be in place to cover the cost of the removal of the gear used in the operation of the aquaculture farm upon the early termination or the expiration of this license or LICENSEE'S abandonment of the aquaculture farm if the said gear used in the operation of the aquaculture farm is not completely removed by LICENSEE within thirty (30) days of said early termination, expiration or abandonment of the operation. If the cost of removal of the gear used in the operation of the aquaculture farm exceeds \$19,000.00, or is not otherwise paid for by Bond, then the LICENSEE agrees that it shall fully reimburse the LICENSOR for such additional cost and expense incurred by the LICENSOR to complete the removal of all said gear from the Licensed Premises. "Complete

removal" of the gear used in the operation of the aquaculture farm shall include the removal of all buoys, rope lines, equipment and debris from the bottom of the ocean upon which the farm is located and the Premises described in this License.

5. BOND - Prior to the issuance of this license, LICENSEE shall deposit a bond in the sum of Five Thousand and 00/100 Dollars (\$5000.00) with the Town Clerk. To provide for the cost of removal of the aquaculture farm upon termination or expiration of this license or LICENSEE'S abandonment of the aquaculture farm, if the aquaculture farm is not completely removed by LICENSEE within fifteen (15) days of said termination, expiration, or abandonment. If the cost of removal of the aquaculture farm exceeds \$5000.00, LICENSEE shall fully reimburse LICENSOR for such additional expense. "Complete removal" of the aquaculture farm shall include the removal of all buoys, rope lines, equipment and debris from the bottom of the ocean upon which the farm is located and the premises described in this agreement.

6. RENEWAL - LICENSEE may apply for renewal of this license not more than one (1) year nor less than sixty (60) days prior to the expiration of the then current term. The Board of Selectmen may renew this license for additional terms unless it determines that the LICENSEE has substantially failed to comply with the terms of this license or that continued use of the Premises under such license is contrary to the public interest. The fee for any renewal term shall be set by the Board of Selectmen, or as otherwise required by law.

7. USE OF PREMISES - The use of the premises shall be subject to the following conditions:

(a) LICENSEE shall provide the LICENSOR and Harbormaster with copies of said written notice to the United States Coast Guard. Unless otherwise instructed by the United States Coast Guard, LICENSEE shall mark the aquaculture farm with a minimum of a 18" by 18" by 2.5' buoy with a yellow beacon at the Southeast corner and the remaining three corners with 20" yellow corner buoys made of steel or other material acceptable to the Board of Selectmen. The flashing light on the corner buoy shall be yellow in color and shall be radar reflective quality and visible from two (2) nautical miles (360°) at night. The light shall flash every 2.5 seconds and meet or exceed all United States Coast Guard requirements. The corner buoy with flashing light shall be fully operational from May 21st to November 1st of each year. The corner buoy may be removed and replaced with winter sticks on or after November 1s each year.

These two sites are not required to send a copy to the Coast Guard or require the use of corner lights

(b) Unless otherwise instructed by the United States Coast Guard, LICENSEE shall install sideline buoys located around the perimeter of the aquaculture farm which will consist of buoys every fifty

(50) feet on the North and South sides. The sideline buoys will be painted white, yellow or day-glo orange in color.

(c) All lighted corner buoys and sideline buoys shall be inspected by LICENSEE to ensure that they are in good working order. Any light or buoy not in conformance with the provisions of this license shall be immediately reported to the Harbormaster with a proposed repair date. LICENSEE shall also make all lighted corner buoys and sideline buoys available for inspection by the Harbormaster. All defects and damages to the corner and sideline buoys reported to or discovered by the Harbormaster shall be repaired

Assessment of fines of up to One Hundred and 00//100 Dollars (\$100.00) per citation for noted violations under the established 5(five) day rule. (see definition of 5 five day rule)

An exception to the 5 (five) day rule is a violation of the floating line provision of the contract which states any line found floating more than 100 feet (One Hundred feet) from the perimeter of the farm area is considered a violation and will be a violation if not repaired/corrected within two (2) days of notice. A citation will be issued with a fine assessed in the amount of (One Hundred and 00/110 dollars) \$100.00. Thereafter every 5th day another citation will be issued for (One Hundred and 00/1100 dollars) \$100.00 if the initial violation has not been brought into compliance.

Offenses that may result in an assessment of a fine include: markers found not to in their proper place; markers found to be in any position that compromises the operation of their lights and radar reflective qualities; markers that are found to be of incorrect size or color.

In addition the LICENSEE agrees to when practical notify the LICENSOR (Harbormaster's Office) of any problems with equipment found not to be in compliance, understanding that they have 5 (five) days to bring it into compliance. This period will start upon notification of the problem to the LICENSOR (Office of the Harbormaster).

5 (five) day Rule Definition

5 (five) day rule is a 5 (five) day period that has passed after the initial notification of a violation has been made to the LICENSEE in which time the LICENSEE shall have time to bring into compliance the violation initially reported to the LICENSEE. Initial notification to the LICENSEE shall consist of a reasonable attempt to contact by telephone to the listed business line on the letterhead of LICENSEE (Taylor Seafood)

be deemed complete with a message left on the LICENSEE'S company telephone answering machine. If telephonic communication can't be accomplished a notice sent by U.S. Mail shall be deemed sufficient with the day of notice for the 5 (five) day rule period being the postmark date. Another fine of One Hundred and 00//100 Dollars (\$100.00) will be assessed on the tenth day after the initial notification of a violation has been made to the LICENSEE if the initial violation has not been brought into compliance. Fines will be assessed at that rate of One Hundred and 00/100 (\$100.00) every 5th day thereafter if the initial citation issued to the LICENSEE has not been brought into compliance. The LICENSEE also understands that each citation is considered a new citation and contributes to the yearly total. The

LICENSEE assumes the responsibility to notify the LICENSOR (Office of the Harbormaster) that a violation has been corrected. If they do not do so they risk another citation being issued under the 5 day rule.

If a situation should happen that puts the LICENSEE in a position that causes the LICENSEE not to be compliance with citable violation due to catastrophic values, such as large storms that hit the area, the LICENSEE shall have an opportunity to seek a waiver from the LICENSOR (Office of the Harbormaster) to forego any assessment as fines for a period of time agreed to by the LICENSOR (Office of the Harbormaster). The LICENSOR (Office of the Harbormaster) will be the final determinate as to the validity of the requested waiver.

Definitions:

Office of the Harbormaster

The duly appointed person serving as the Harbormaster he/her Assistant and any other duly appointed agent of the Department of Natural Resources, Town of Fairhaven, MA.

LICENSEE

Larry Fowler
47 Jerusalem Rd.
Fairhaven, MA 02719

LICENSEE Telephone Number for Contact

Larry Fowler
[REDACTED]

LICENSOR

Town of Fairhaven
40 Center St. Fairhaven, MA 02719
or any Agent duly appointed by the Town

Office of the Harbormaster Telephone Contact Numbers

Office 508-979-4023 x124
Cell 508-962-1416

8. COMPLIANCE WITH LAW - The LICENSEE shall, at LICENSEE'S expense, comply with all applicable statutes, ordinances, rules, regulations, orders and requirements in effect during the term of any part of the term hereof regulating the use by LICENSEE of the Premises. LICENSEE shall not use or permit the use of the Premises in any manner that will tend to create waste or a nuisance.

9. CONDITION OF PREMISES - LICENSEE hereby accepts the Premises in their condition existing as of the date of execution hereof, subject to all applicable zoning, municipal, county and state laws, ordinances and regulations governing and regulating the use of the Premises and accepts this License

subject thereto and to all matters disclosed thereby. LICENSEE acknowledges that neither LICENSOR nor any of LICENSOR'S agents has made any representation or warranty as to the suitability of the Premises for the conduct of LICENSEE'S business. LICENSOR agrees not to take any actions that would directly impair the value of the License granted hereunder without actual prior notice to the LICENSEE. LICENSOR shall make available to LICENSEE any building permits, special permits, variances or other zoning applications concerning the coastal property abutting the Premises. Such notification shall be not more than then (10) days after application is filed for the same.

10.1 LIABILITY INSURANCE - LICENSEE shall, at LICENSEE'S expense, obtain and keep in force during the term of this License a policy of comprehensive public liability insurance insuring against any liability arising out of the ownership, use, occupancy, or maintenance of the Premises and all areas appurtenant thereof. Such insurance shall be in an amount of not less than One Hundred Thousand and 00/100 dollars for injury to or death of one person in anyone accident or occurrence and in an amount of not less than Five Hundred Thousand and 00/100 (\$500,000.) dollars for injury to or death of more than one person in any one accident or occurrence. Such insurance shall further insure LICENSOR and LICENSEE against liability for property damage of at least Fifty Thousand and 00/100 (\$50,000.) dollars. The limits of said insurance shall not, however, limit the liability of LICENSEE hereunder. If LICENSEE shall fail to procure and maintain such insurance LICENSOR may, but shall not be required to, procure and maintain the same, but at the expense of LICENSEE.

10.2 INSURANCE POLICIES - Insurance required hereunder shall be in companies rated AAA or better in Best's Insurance Guide. LICENSEE shall deliver to LICENSOR copies of policies of liability insurance required under paragraph 8.1 or certificate evidencing the existence and amounts of such insurance with loss payable clauses satisfactory to LICENSOR. No such policy shall be cancelable or subject to reduction of coverage or other modification except after ten (10) days prior written notice to LICENSOR. LICENSEE shall, within ten (10) days prior to the expiration of such policies, furnish LICENSOR with renewals or "binders" thereof.

10.3 INDEMNITY - LICENSEE shall indemnify and hold harmless LICENSOR from and against any and all claims arising from LICENSEE'S use of the Premises, or from the conduct of LICENSEE'S business or from any activity, work or things done, permitted or suffered by LICENSEE in or about the Premises or elsewhere and shall further indemnify and hold harmless LICENSOR from and against any and all claims arising from any breach or default in the performance of any obligation on LICENSEE'S part to be performed under the terms of this License, or arising from any negligence of the LICENSEE, or any of LICENSEE'S agents, contractors or employees, and from and against all costs, attorney's fees, expenses and liabilities incurred in the defense of any such claim or any action or proceeding brought thereon; and in case any action or proceeding be brought against LICENSOR by reason of any such claim, LICENSEE upon notice from LICENSOR shall defend the same at LICENSEE'S expense by counsel satisfactory to LICENSOR. LICENSEE, as a material part of the consideration to LICENSOR, hereby assumes all risk of damage to property or injury to persons, in, upon or about the Premises arising from any cause, and LICENSEE hereby waives all claims in respect thereof against LICENSOR

10.4 EXEMPTION OF LICENSOR FROM LIABILITY - LICENSEE hereby agrees that LICENSOR shall not be liable for injury to LICENSEE'S business or any loss of income there from or from damage to the goods, wares, equipment or other property of LICENSEE, LICENSEE'S employees, invites, customers, or any other person in or about the Premises, nor shall LICENSOR be liable for injury to the person of LICENSEE'S employees, agents or contractors, whether such damage or injury is caused by or results from storms or rain or from any other cause, whether the said damage or injury results from conditions arising upon the Premises or from other sources or places, and regardless of whether the cause of such damage or injury or the means of repairing the same is inaccessible to LICENSEE.

11. TOTAL DESTRUCTION - If at any time during the time hereof the Premises are totally destroyed or rendered unfit for the ongoing conduct of LICENSEE'S shellfish business from any cause whether or not covered by insurance (including any total destruction required by any authorized public authority), this License shall automatically terminate as of the date of such total destruction unless within one year thereafter LICENSEE opts to continue in full possession thereof.

12. PERSONAL PROPERTY - All personal property placed or moved in the Premises above described shall be at the risk of the LICENSEE or owner thereof, and LICENSOR shall not be liable for any damage to said personal property.

13.1 DEFAULTS - The occurrence of any one or more of the following events shall constitute a material default and breach of this License by LICENSEE.

(a) The vacating, abandonment or lack of substantial use of the Premises by LICENSEE.

(b) The failure by LICENSEE to make any payment of licensing fees or any other payment required to be made by LICENSEE hereunder, as and when due; LICENSEE hereby waives any statutory notice of default for non-payment of rent.

(c) The failure by LICENSEE to observe or perform any of the covenants, conditions or provisions of this License to be observed or performed by LICENSEE, other than described in Paragraph (b) above, where such failure shall continue for a period of thirty (30) days after written notice hereof from LICENSOR to LICENSEE: provided, however, that if the nature of LICENSEE'S default is such that more than thirty (30) days are reasonable required for its cure, then LICENSEE shall not be deemed to be in default if LICENSEE commenced such cure within said thirty (30) day period and thereafter diligently prosecutes such cure to completion.

13.2 REMEDIES - In the event of any such material default or breach by LICENSEE, LICENSOR may at any time thereafter, with notice and hearing revoke thi whereupon LICENSEE shall immediately surrender possession of the Premises to LICENSOR. In such event LICENSOR shall be entitled to recover from LICENSEE all damages incurred by LICENSOR by reason of LICENSEE'S default including, but not limited to, the cost of

recovering possession of the Premises. LICENSOR may pursue any other remedy now or hereafter available to LICENSOR under the laws or judicial, decisions of the Commonwealth of Massachusetts.

13.3 DEFAULT BY LICENSOR - LICENSOR shall not be in default unless LICENSOR fails to perform obligations required of LICENSOR within a reasonable time, but in no event late than thirty (30) days after written notice by LICENSEE TO LICENSOR, specifying wherein LICENSOR has failed to perform provided, however, that if the nature of LICENSOR'S obligation is such that more than thirty (30) days are required for performance then LICENSOR shall not be in default if LICENSOR commences performance within such thirty (30) day period and thereafter diligently prosecutes the same completion.

14. COVENANTS AND CONDITIONS - Each provision of this License performable by LICENSEE shall be deemed both a covenant and a condition.

15. LICENSOR'S ACCESS - LICENSOR'S agents shall have the right to enter the Premises at any time for any lawful purpose but not to remove or otherwise disturb the personal property of the LICENSEE located on the Premises without prior reasonable notice to the LICENSEE.

IT IS MUTUALLY UNDERSTOOD AND AGREED that the covenants and agreements herein contained shall insure to the benefit of and be equally binding upon the respective successors and assigns of the parties hereto.

IN WITNESS WHEREOF, the parties hereto have executed this License the _____ day of _____,

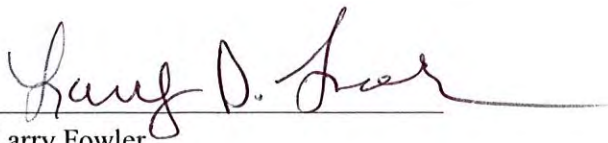
TOWN OF FAIRHAVEN

By its/Selectmen:

Daniel Freitas, Chairman

Robert Espindola

Keith Silvia


Larry Fowler

SELECTMEN'S MEETING

Monday February 8, 2021

Agenda Item Only

Application submitted for Business Name Change Only

From:

Richard N. Dussault

Change of business name to read:

Richard N. Dussault, d/b/a Dussault Auto Sales
99 Spring Street
Fairhaven, MA 02719

Note: Current License reads Dussault Auto Sales (Only)

(To be amended to; Richard N. Dussault, d/b/a Dussault Auto Sales)

*This is a routine transaction. Applicant not required to attend.

January 24, 2021

To: Board of Selectmen
From: Richard N. Dussault
(508) [REDACTED]

RECEIVED

2020 JAN 28 P 3:51

As you may recall, last year my license (Class II Dealer) was changed from an LLC to a sole-proprietorship. Although the license was correctly amended and issued by you as Dussault Auto Sales, the Registry of Motor Vehicles, Section 5 Dealer Plate Division has requested that the license be issued to reflect the name of the proprietor. This would also be consistent with the Business Certificate on record. Both documents are attached. Therefore, in order to satisfy the requirements of the Dealer Plate Division, I am requesting that my 2021 Class II Dealer License be issued as follows:

Richard N. Dussault d/h/a
Dussault Auto Sales

Thank you so much.
Richard



REGISTRY OF MOTOR VEHICLES

Section 5 Registration Renewal Denial

Date: 11/27/2020

DUSSAULT AUTO SALES
99 SPRING ST
FAIRHAVEN MA 02719-4113

Customer ID: [REDACTED]

Letter ID: L0218974912

Dear RICHARD N DUSSAULT:



Why did you receive this correspondence?

We are unable to process your registration renewal application due to missing or incorrect information as listed below:

Forms

- Submit a copy of current year's Dealers License.



Other: Please go back to the Town of Fairhaven and have them add your individual name to the dealer's license so the license reads as follows: Richard Dussault d/b/a Dussault Auto Sales then, submit a copy of that corrected license along with your renewal registration and payment in the return envelope provided for your convenience.



What do you need to do?

Submit the required information listed above to:

Registry of Motor Vehicles
Section 5
PO Box 55897
Boston, MA 02205-55897



Are you responsible for any fees?

Not at this time.

What if you have questions?

THE COMMONWEALTH OF MASSACHUSETTS

OF

RECEIVED

APPLICATION FOR A LICENSE TO BUY, SELL, EXCHANGE OR ASSEMBLE SECOND HAND MOTOR
VEHICLES OR PARTS THEREOF

2021 JAN 28 P 3:56

I, the undersigned, duly authorized by the concern herein mentioned, hereby apply for a PLATE OF SELECTMAN class license, to Buy, Sell, Exchange or Assemble second hand motor vehicles or parts thereof, in accordance with the provisions of Chapter 140 of the General Laws.

1. What is the name of the concern? Richard N. Dussault d/b/a
Dussault Auto Sales Business address of
concern. No. 99 Spring Street St.,
Fairhaven, MA 02719 City - Town.

2. Is the above concern an individual, co-partnership, an association or a corporation? individual

3. If an individual, state full name and residential address.

Richard N. Dussault, 3 Evergreen Street
Fairhaven, MA 02719 4. If a co-partnership, state full names and
residential addresses of the persons composing it.

N/A

5. If an association or a corporation, state full names and residential addresses of the principal officers.

President... N/A

Secretary... N/A

Treasurer... N/A

6. Are you engaged principally in the business of buying, selling or exchanging motor vehicles?

If so, is your principal business the sale of new motor vehicles? No

Is your principal business the buying and selling of second hand motor vehicles? Yes

Is your principal business that of a motor vehicle junk dealer? No

7. Give a complete description of all the premises to be used for the purpose of carrying on the business.

See license

8. Are you a recognized agent of a motor vehicle manufacturer? No

(Yes or No)

If so, state name of manufacturer.

9. Have you a signed contract as required by Section 58, Class 1? No

(Yes or No)

10. Have you ever applied for a license to deal in second hand motor vehicles or parts thereof? Yes

(Yes or No)

If so, in what city - town Fairhaven

Did you receive a license? Yes

For what year? 2020

11. Has any license issued to you in Massachusetts or any other state to deal in motor vehicles or parts thereof ever been suspended or revoked? No

(Yes or No)

Sign your name in full

Richard A. Quinlan
(Duly authorized to represent the concern herein mentioned)

Residence

3 Empire St. Fairhaven, Mass.

IMPORTANT

EVERY QUESTION MUST BE ANSWERED WITH
FULL INFORMATION, AND FALSE STATEMENTS
HEREIN MAY RESULT IN THE REJECTION OF
YOUR APPLICATION OR THE SUBSEQUENT
REVOCATION OF YOUR LICENSE IF ISSUED.

NOTE: If the applicant has not held a license in the year prior to this application, he must file a duplicate of the application with the registrar. (See Sec. 59)

APPLICANT WILL NOT FILL THE FOLLOWING BLANKS

Application after investigation.....
(Approved or Disapproved)

License No.granted.....20..... Fee \$.....

Signed.....
.....
.....
.....
.....

CHAPTER 140 OF THE GENERAL LAWS, TER. ED., WITH AMENDMENTS THERETO (EXTRACT)

Section 57. No person, except one whose principal business is the manufacture and sale of new motor vehicles but who incidentally acquires and sells second hand vehicles, or a person whose principal business is financing the purchase of or insuring motor vehicles but who incidentally acquires and sells second hand vehicles, shall engage in the business of buying, selling, exchanging or assembling second hand motor vehicles or parts thereof without securing a license as providing in section fifty-nine. This section shall apply to any person engaged in the business of conducting auctions for the sale of motor vehicles,

Section 58. Licenses granted under the following sections shall be classified as follows:

Class 1. Any person who is a recognized agent of a motor vehicle manufacturer or a seller of motor vehicles made by such manufacturer whose authority to sell the same is created by a written contract with such manufacturer or with some person authorized in writing by such manufacturer to enter into such contract, and whose principal business is the sale of new motor vehicles, the purchase and sale of second hand motor vehicles being incidental or secondary thereto, may be granted an agent's or a seller's license; provided, that with respect to second hand motor vehicles purchased for the purpose of sale or exchange and not taken in trade for new motor vehicles, such dealer shall be subject to all provisions of this chapter and of rules and regulations made in accordance therewith applicable to holders of licenses of Class 2

Class 2. A person whose principal business is the buying or selling of second hand motor vehicles may be granted a used dealer's license.

Class 3. A person whose principal business is the buying of second hand motor vehicles for the purpose of remodeling, taking apart or rebuilding and selling the same, or the buying or selling of parts of second hand motor vehicles or tires, or the assembling of second hand motor vehicle parts may be granted a motor vehicle junk license.

Section 59. The police commissioner in Boston and the licensing authorities in other cities and towns may grant licenses under this section which shall expire on January first following the date of issue unless sooner revoked. The fees for the licenses shall be fixed by the licensing board or officer, but in no event shall any such fee be greater than \$200. Application for license shall be made in such form as shall be approved by the registrar of motor vehicles, in sections fifty-nine to sixty-six, inclusive, called the registrar, and if the applicant has not held a license in the year prior to such application, such application shall be made in duplicate, which duplicate shall be filed with the registrar. No such license shall be granted unless the licensing board or officer is satisfied from an investigation of the facts stated in the application and any other information which they may require of the applicant, that he is a proper person to engage in the business specified in section fifty-eight in the classifications for which he has applied, that said business is or will be his principal business, and that he has available a place of business suitable for the purpose. The license shall specify all the premises to be occupied by the licensee for the purpose of carrying on the licensed business. Permits for a change of situation of the licensed premises or for additions thereto may be granted at any time by the licensing board or officer in writing, a copy of which shall be attached to the license. Cities and towns by ordinance or by-law may regulate the situation of the premises of licensees within class 3 as defined in section fifty-eight, and all licenses and permits issued hereunder to persons within said class 3 shall be subject to the provisions of ordinances and by-laws which are hereby authorized to be made. No original license or permit shall be issued hereunder to a person within said class 3 until after a hearing, of which seven days' notice shall have been given to the owners of the property abutting on the premises where such license or permit is proposed to be exercised. All licenses granted under this section shall be revoked by the licensing board or officer if it appears, after hearing, that the licensee is not complying with sections fifty-seven to sixty-nine, inclusive, or the rules and regulations made thereunder; and no new license shall be granted to such person thereafter, nor to any person for use on the same premises, without the approval of the registrar. The hearing may be dispensed with if the registrar notifies the licensing board or officer that a licensee is not so complying. Any person aggrieved by any action of the licensing board or officer refusing to grant, or revoking a license for any cause may, within ten days after such action, appeal therefrom to any justice of the superior court in the county in which the premises sought to be occupied under the license or permit applied for are located. The justice shall, after such notice to the parties as he deems reasonable, give a summary hearing on such appeal, and shall have jurisdiction in equity to review all questions of fact or law and may affirm or reverse the decision of the board or officer and may make any appropriate decree. The decision of the justice shall be final.



Business Certificate

Commonwealth of Massachusetts

Town of Fairhaven

Date: June 30, 2020

Number: N-2020-32

In conformity with the provisions of Chapter 110, Section 5 of the General Laws, as amended, the undersigned hereby declare(s) that a business under the title of:

Richard N. Dussault
CBA Dussault AutoSales

Is conducted at (address):

99 Spring Street

Business Telephone #: [REDACTED]

By the following named person(s):

Full Name

Residence

Richard N. Dussault

3 Evergreen Street

Carol Dussault

Fairhaven, MA 02719

Matthew R. Dussault

SIGNED (owner/manager's signature):

Carol Dussault

Commonwealth of Massachusetts

BRISTOL ss.

June 30, 2020
(Date)

Personally appeared before me the above named:

Carol Dussault

and made oath that the foregoing statement is true.

A certificate issued in accordance with this section shall be enforced and in effect for four years from the date of issue and shall be renewed each four years thereafter so long as such business shall be conducted and shall be void unless so renewed.

EXPIRATION DATE: 6/30/24

Wanda Fredette

Asst. Town Clerk

Fee: \$30.00



E1

Vicki Oliveira <vloliveira@fairhaven-ma.gov>

Town Administrator Finalists

Bernard Lynch <blynch@communityparadigm.com>

Wed, Feb 3, 2021 at 11:43 AM

To: Daniel Freitas <dfreitas@fairhaven-ma.gov>, Bob Espindola <respindola@fairhaven-ma.gov>, "ksilvia@fairhaven-ma.gov" <ksilvia@fairhaven-ma.gov>

Cc: Bernard Roderick <Bernard_Roderick@msn.com>, John Farrell <farrellj921@me.com>, "Farrell, John" <jfarrell@cjmanagement.com>, Eric Dawicki <edawicki@northeastmaritime.com>, Colin Veitch <cveitch@fairhavenps.net>, Brian Bowcock <brian.bowcock@gmail.com>, Cathy Melanson <cathymelanson@yahoo.com>, Cathy Melanson <totalconfections@gmail.com>, Vicki Oliveira <vloliveira@fairhaven-ma.gov>, Sharon Flaherty <sflaherty@communityparadigm.com>

Good morning,

We have completed our background work on the three candidates chosen by the Screening Committee for presentation to the Board of Selectmen pending no notable issues requiring additional consideration. I would like to attend the Board meeting on February 8th to publicly announce the names and discuss the next steps in the process.

Please advise the time in which I should plan to attend via Zoom, and the Zoom link information. Thanks

Bernie

Bernard Lynch, Principal

Community Paradigm Associates, LLC

One Saddleback, Plymouth, MA 02360

(978) 621-6733

www.communityparadigm.com



Town of Fairhaven
Commonwealth of Massachusetts

E2

Fairhaven, MA 02719
Building Commissioner
ccarmichael@fairhaven-ma.gov

Building Department
Town Hall
40 Centre Street

Phone 508 979 4019

January 14, 2021

Board of Selectmen
Members of the Zoning Board of Appeals
40 Center Street
Fairhaven, MA 02719

RECEIVED
2021 JAN 14 A 2:42
BOARD OF SELECTMEN
FAIRHAVEN MA

Dear Sirs and Madam:

The Stratford Group has submitted building plans for their renovation of Oxford School; however, I feel there has been a substantial change in the number of units proposed as well as the change in roof line on one of the buildings.

The number of units proposed and included in the Zoning Special Permit was sixty-three (63) and the number proposed in the building plans is fifty-three (53).

The roof line on one of the buildings is now a flat roof proposed versus a Hip Roof with Dormers when preliminary plans were submitted.

If you do not feel this is a substantial change in need of a return to either of your boards, please advise so we can move forward on issuing the permit.

Thank you.

Sincerely,

Chris Carmichael
Building Commissioner



Vicki Oliveira <vloliveira@fairhaven-ma.gov>

Oxford Roof. Timeline and Back Up - Town support since early 2018.

Thomas P. Crotty <tomcrotty@tcrottylaw.com>

Fri, Feb 5, 2021 at 12:16 PM

Reply-To: tomcrotty@tcrottylaw.com

To: Wendy Graves <wgraves@fairhaven-ma.gov>, Vicki Oliveira <vloliveira@fairhaven-ma.gov>

Cc: Chris Carmichael <ccarmichael@fairhaven-ma.gov>, Paul Foley <pfoley@fairhaven-ma.gov>

Wendy

This will follow up on our telephone call this morning, as well as my call with Chris Charmichael.

The Oxford School project has been put on the selectmen's agenda for September 8 because of the building department's report to the board of selectmen about changes in the project design. The original design was approved by the zoning board of appeals under Ch. 40B some five years ago. The changes to that original design are a lowering of the roof of the addition, and a reduction in the total number of residential units in the project.

The attached documents which were provided by the project developers show that those changes were required by the Massachusetts Historical Commission. In 2019 the Fairhaven zoning board of appeals reviewed those changes under the provisions of the state regulations for 40B projects, and determined that the changes were not substantial.

When the project was recently submitted to the building department, the building commissioner made note of those changes, and reported them to the board of selectmen as provided in the special permit. That report is for informational purposes, as the changes have already been approved by the zoning board. There is no action that the board of selectmen is required to take with respect to those changes.

Please let me know if you have any questions in this regard.

Tom

Thomas P. Crotty

Thomas P. Crotty & Associates, PLLC

5 Dover Street, Suite 102

New Bedford, MA 02740-4992

TomCrotty@tcrottylaw.com

Tel: 508-990-9101 Fax: 508-990-9108

Cell/SMS: 508-916-7862

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Vicki Oliveira <vloliveira@fairhaven-ma.gov>

Fwd: Oxford. Historic Approval Timeline

Bob Espindola <selectmanbobespindola@gmail.com>

Fri, Feb 5, 2021 at 12:58 PM

To: Chris Carmichael <ccarmichael@fairhaven-ma.gov>, Keith McDonald <KJM@scgdevelopment.com>, Paul Foley <pfoley@fairhaven-ma.gov>, Vicki Paquette <vloliveira@fairhaven-ma.gov>, Wendy Graves <wgraves@fairhaven-ma.gov>

Part 4 for Monday nights meeting.

----- Forwarded message -----

From: Keith McDonald <KJM@scgdevelopment.com>

Date: Fri, Feb 5, 2021 at 8:17 AM

Subject: Oxford. Historic Approval Timeline

To: Bob Espindola <selectmanbobespindola@gmail.com>, Chris Carmichael <ccarmichael@fairhaven-ma.gov>

Hi Bob,

I think it would be fair to share the below to the CPC Committee— captures a time line of the continuous work SCG had done to secure approval of the current design with MHC and NPS (along with DHCD).

Historic Process. (both Mass Historical Commission and National Park Service)

August 2016: Part I Mass Historic Commission (“MHC”) approval.

September 2016: Part I Mass Historic Commission (“MHC”) approval.

January 2017: Applicant submitted the 1st Part II MHC Submission (1st submission – no award). The Applicant received MHC denial of allocation April 2017 on the grounds the proposed interior treatments and windows did not meet the Secretary of the Interior (SOI) Standards and demolition of the 1951 addition based on structural deficiency.

April 2017: Applicant submitted the 2nd Part II MHC Submission (2nd submission – no award). The Applicant addressed comments by revising proposed treatments and reiterated the new structure needed to be razed; the applicant received MHC denial of allocation August 2017 on the grounds the proposed treatment of the interior trim and doors and windows did not meet the SOI Standards and demolition of the 1951 addition.

August 2017: Applicant submitted the 3rd Part II MHC Submission (3rd submission – no award). The Applicant submitted a 2017 structural engineers report with August 2017 submission and revised proposed treatment to the interior and windows; the applicant received MHC denial of allocation November 2017 on the grounds the proposed windows were not historically appropriate and the materials and form of the new addition did not meet the SOI Standards; however the demolition of the 1951 addition was finally approved.

January 2018: Applicant submitted the 4th Part II MHC Submission (4th submission – award). The Applicant addressed comments regarding proposed window configuration and design for new addition; Received approval letter April 19, 2018.

April 2018: The Property received an MHC award of \$200,000 dated April 19, 2018.

April 2018: Applicant submitted the 5th Part II MHC Submission (5th submission – award).

May 2018: The Applicant received a letter from NPS stating that the MHC award was not sufficient to cover the cost of the demolition of the 1951 addition.

May 2018: The Applicant submitted the Part II to NPS. Submitted to MHC for preliminary review to be forwarded to NPS.

June 2018: The Applicant submitted an amendment (Amendment 1) to MHC and NPS which included the reduction in the size of the proposed new addition; approved July 30, 2017.

July 2018: The Property received an MHC award of \$200,000 (accumulated total to date \$400,000) dated July 26, 2018.

August 2018: NPS Approval of Amendment 1.

August 2018: Applicant submitted the 6th Part II MHC Submission (6th submission – award).

December 2018: The Property received an MHC award of \$100,000 (accumulated total to date \$500,000) dated December 21, 2018.

January 2019: Applicant submitted the 7th Part II MHC Submission (7th submission – award)

February 2019: The Applicant submitted an amendment (Amendment 2) to MHC and NPS which included the reduction in the size of the proposed new addition.

April 2019: The Property received an MHC award of \$100,000 (accumulated total to date \$600,000) dated April 26, 2019.

April 2019: Applicant submitted the 8th Part II MHC Submission (8th submission – award).

June 2019: NPS Approval of Amendment 2

August 2019: The Property received an MHC award of \$100,000 (accumulated total to date \$700,000) dated August 12, 2019.

August 2019: Applicant submitted the 9th Part II MHC Submission (9th submission – award).

September 2019: NPS Approval of Amendment 4

December 2019: MHC Approval of Amendment 3, 4 and 5

December 2019: The Property received an MHC award of \$100,000 (accumulated total to date \$800,000) dated December 12, 2019.

December 2019: Applicant submitted the 10th Part II MHC Submission (10th submission – award).

January 2020: The NPS approval of Amendment 5 (community room changes)

April 2020: The Property received an MHC award of \$100,000 (accumulated total to date \$900,000).

April 2019: Applicant submitted the 11th Part II MHC Submission (11th submission – award).

June 2019: NPS Approval of Amendment 2

August 2019: The Property received an MHC award of \$50,000 (accumulated total to date \$950,000).

August 2019: Applicant submitted the 12th Part II MHC Submission (12th submission – award).

September 2020: Applicant submitted Amendment 6 (add a second elevator per DHCD)

December 2020: NPS and MHC Approval of Amendment 6

January 2021: The Property received an MHC award of \$50,000 (accumulated total to date \$1,000,000)

January 2021: Applicant submitted the 13th Part II MHC Submission (13th submission – award).



Vicki Oliveira <vloliveira@fairhaven-ma.gov>

Oxford Roof. Timeline and Back Up - Town support since early 2018.

Keith McDonald <KJM@scgdevelopment.com>

Thu, Feb 4, 2021 at 9:37 PM

To: "Bob Espindola (selectmanbobespindola@gmail.com)" <selectmanbobespindola@gmail.com>, Daniel Freitas <dfreitas@fairhaven-ma.gov>, Keith Silvia <ksilvia@fairhaven-ma.gov>, Paul Foley <pfoley@fairhaven-ma.gov>, Chris Carmichael <ccarmichael@fairhaven-ma.gov>, Wendy Graves <wgraves@fairhaven-ma.gov>, Vicki Oliveira <vloliveira@fairhaven-ma.gov>, "mripley@fairhaven-ma.gov" <mripley@fairhaven-ma.gov>
Cc: "Kurt A James, Esq. (kjames@kjppartners.com)" <kjames@kjppartners.com>, "tomcrotty@tcrottylaw.com" <tomcrotty@tcrottylaw.com>, Janis Mamayek <jmamayek@iconarch.com>

Hi Paul (all),

SCG, the development team, the Town, Mass Historic Commission, the National Park Service, the State Agency/ DHCD has worked tirelessly for 5+ years to bring the vision of the proposed Oxford School Residences into reality - the adaptive re-use of a historic school and new construction into 52 senior housing affordable units will be a bright spot for the Town of Fairhaven for many years. SCG and its development team has been open and honest with the Town from day one-communicating every step along the way. I have sent every update to Mark (and others), and I have considered the Town a partner from Day 1.

Prior to getting to the specifics of the Oxford Roof, I thought it would good to remember some positive success stories and benefits/highlights:

I. Highlights. Just a few success stories and benefits.....

1. Well needed Affordable Housing (\$200k CPC Funds). Personally, I am beyond thrilled that the Fairhaven's CPC Committee is involved in creating 45 affordable BRAND new affordable housing units. It's a huge success story for the CPC program. !

-

The proposed property will house 52 well needed senior housing units with supportive services for the residents of Fairhaven. Of the 52 units, 45 units will be rented to residents with rent restrictions at or below 60% AMI and the remaining will be rented to market rate tenants. And even better, of the 45 units, 11 units will be rented to extremely low income residents; of which 4 Community Based housing units.

Again, I am excited for the Town of Fairhaven. I am excited to be part of a team that helped design, secure financing, and soon to construct well needed affordable housing. And to boot, to do all of this and complete an adaptive use/ historic rehab too. I am so glad aesthetics don't come into play with affordable housing committees.

2. Senior Housing (Relief). SCG requested relief from the State Agency (DHCD) to construct senior housing rather than family to the State Agency (DHCD). Initially, the State Agency preferred family housing;

3. Total Development Cost - \$19.800.000. In addition to the well needed \$200.000 of CPC

7. Development Cost. The owner has secured approximately **\$19,600,000** of private equity and subsidy loans to construct the proposed development;

4. Town Parking Lot. SCG agreed to and will be constructing 30 parking spaces for the Town;

5. Land Swap/Article 97. The development had been delayed as the Article 97 was stuck in a COVID related delay. The Town and SCG worked together patiently to overcome a huge feat in tough times;

6. Unknown -Tribe Monitoring. The owner will incur significant costs for third parties to monitor the excavation of deep excavation construction activities. SCG and team members took on the responsibility to secure a beneficial Monitoring Agreement to the Tribe. That said it is only SCG that will be paying for such costs;

7. Easement Agreement. SCG and the Fire Department have agreed to a beneficial easement agreement. The Fire Chief was beyond responsive, respectful, and helpful;

8. Part I, Part II Historic Approval. Per the RFP, SCG will restore the historic Oxford School per national park service standards. SCG will deliver. SCG has worked with Mass Historic Consultant and the National Park Service since 2017 – three applications a year with multiple amendments. In the end, the grinding work was a success; with the help of the Town, SCG has **secured \$1MM** in Mass Historic Funds for the proposed development – note this does not include the federal historic tax credits (another \$1MM);

9. Purchase Price. The Town will be receiving \$325,000 at closing. This is well deserved for the Town as it has been a long time coming.

II. Oxford Roof. Again, SCG has worked with the town openly and honestly on EVERYTHING, including the design of the flat roof. MHC strongly proposed a design change. SCG either had to redesign not move forward with the development. SCG and the Town worked together on redesign, then secured approval through a minor modification.. Hopefully the below assists in the steps taken by both SCG and the Town as partners.

a. **MHC Letter (November 2017)**. MHC suggested design changes in the attached letter. MHC actually stated to “eliminate” the cross gables. If we don’t have MHC’s approval, we will not be able to move forward;

b. **New Corporate Tax Rates (2017/2018)**. Due to new corporate tax rates (down from 35% to 25%), the tax credit pricing had reduced approximately \$.10 for every tax credit; for Oxford, that resulted in a decrease in funding of approximately \$1,000,000.

c. **New Design (December 2017/January 2018)**. SCG and development team to reduce the foot print and design due to MHC’s letter and the financial impact of the tax cuts.

d. **Email to Town Reps (March 2018)**. Attached please find an email to Town Reps (Mark Rees, Bob Espindola, and Wayne Fostin) requesting a call to discuss the redesign. Within the

email there are revised plans depicting the reduced unit count and FLAT roof. At this date, we

reduced the unit count to 54 units rather than 52 units...which clearly shows there was progression steps and the brainstorming/communication with the Town.

-

e. **March 2018. Design Change Call** The development team, Mark Rees (Town Manager), Bob Espindola, and Wayne Fostin had a call in March to discuss the design changes. SCG sought the Town's preliminary approval before moving forward with spending significant money on redesign to submit to MHC for approval.

-

f. **Letter with Plans (flat roof) to the ZBA April 13 2018 (including transmittal evidence).** SCG sent a letter to the Town (suggested by Mark Rees) April 2018.

g. **BOS Meeting (April 23rd, 2018).** Mark R. and Wayne F. presented the revised design (flat roof – April 13. PDF attached) during the April 23rd, 2018 public meeting. Although not detailed, there is reference of design change in the attached minutes.

h. **MHC Design Approval (flat roof) (April 2018).** Attached please find the April design approval (52 units) letter from MHC.

-

i. **Other emails/documentation.** More than likely the team can find additional emails and correspondences with the Town during the time frame of April 2018 and January 2019 (minor modification request approval).

-

j. **Modification Request (January 2019).** Modification letter sent for Town approval (which includes write up of flat roof).

-

k. **Modification Approval Granted (January 2019).** Approval attached. Meeting minutes with the Minor Modification Request attached (which included flat roof verbiage).

-

Please let me know if the below and attached (evidence) is satisfactory for all. I would like to focus on the development and work towards a closing. As such, when can we get closure on the building permits?

Regards,

Ketih

----- Forwarded message -----

From: Keith McDonald <KJM@scgdevelopment.com>

To: Janis Mamayek <jmamayek@iconarch.com>, "Mark Rees (mrees@fairhaven-ma.gov)" <mrees@fairhaven-ma.gov>, "Bob Espindola (selectmanbobespindola@gmail.com)" <selectmanbobespindola@gmail.com>, "wayne@fairhaven-ma.gov" <wayne@fairhaven-ma.gov>

Cc: "Stuart, Quinn" <qstuart@vhb.com>, "Kelly Killeen (kkilleen@chacompanies.com)" <kkilleen@chacompanies.com>, Donald Rose <DRose@chacompanies.com>, Danielle Camporini <dcamporini@iconarch.com>

Bcc:

Date: Tue, 27 Mar 2018 12:33:35 +0000

Subject: Oxford School Residence - proposed 54 Units (unit mix/floor plate reduction)

Hi Mark,

In order to keep it clean, I have attached all revised documents reflecting 54 units rather than 53 units. And I have corrected the write up and table(s) below:

We hope the reduced the (i) footprint, (ii) units, and (iii) parking area would complement the Town's vision and concerns of the property:

(i) Footprint. A reduction in the footprint will be a benefit to the neighbors. The massing will be reduced closer to the abutting neighbors and will increase the overall green space.

(ii) Units. We reduced the unit count from 63 units to 54 units (9 less units). In addition to few units, there are fewer two bedroom units – which was a concern for the Town.

(iii) Parking Area. Due to the decrease in units, we will need less parking for the property – hence more green space. Please note the parking for the NIFA building and the Town parking lot will remain unchanged.

Below is a highlight of the revised plans:

	HISTORIC	NEW CONST	TOTAL
1BR	2 9	51 39	53 48
2BR	8 4	2 2	10 6
Total Units	10 13	53 41	63 54

	PROPOSED	PRIOR	DIFF
Units	54	63	(9)
1 BD	48	53	(5)
2 BD	6	10	(4)
Total Parking	96	103	(7)
Parking (residents & visitors)	62	69	(7)
NIFA Parking	4	4	-
Town Parking	30	30	-

Let me know if you have free time over the next couple days to discuss. We need to chat about the next step(s):

1. Approval from the Town; and
2. The step(s) to document the approval (we can brainstorm as a team).

Thanks,

Keith

Keith McDonald

Vice President

100 Corporate Place, Suite 404

Peabody, MA 01960

(978) 535 - 5600 x119

(617) 512 - 6163 cell

kjm@scgdevelopment.com

<http://scgdevelopment.com/>



Please consider the environment before printing this e-mail.

----- Forwarded message -----

From: Keith McDonald <KJM@scgdevelopment.com>

To: Janis Mamayek <jmamayek@iconarch.com>, Donald Rose <DRose@chacompanies.com>, Bethany Moody <BMoody@iconarch.com>, Kelly Killeen <kkilleen@chacompanies.com>

Cc:

Bcc:

Date: Wed, 28 Feb 2018 21:20:27 +0000

Subject: Fwd: Oxford (reducing footpring?) 2.21.18

See below. Let's try and get a letter to the BOS for the 12th of March, assuming new numbers work.

Sent from my iPhone

Begin forwarded message:

From: Mark Rees <mrees@fairhaven-ma.gov>

Date: February 28, 2018 at 3:56:24 PM EST

To: 'Keith McDonald' <KJM@scgdevelopment.com>

Subject: RE: Oxford (reducing footpring?) 2.21.18

Hi Keith, thanks for reaching out to me on this. I wouldn't anticipate any problems with your proposed revisions just as long as we are transparent in what changes you want to make. I am free tomorrow, 3/1 in the afternoon or Friday 3/2 from 10:30 to 12 if you want to discuss further. I think a letter to the Board of Selectmen that can be read at their 3/12 meeting explaining the changes would be helpful. Also, will these changes impact the approved 40B project?

Thanks

Mark

From: Keith McDonald [<mailto:KJM@scgdevelopment.com>]

Sent: Wednesday, February 21, 2018 9:31 AM

To: Mark Rees <mrees@fairhaven-ma.gov>

Subject: Oxford (reducing footpring?) 2.21.18

Hi Mark,

I was wondering if you had some free time over the next couple days or next week. I am moving the ball forward with Oxford and would like to brainstorm with you regarding unit mix/reducing the footprint as construction costs are still too high. We have had small conversations about reducing the footprint in the past. That said I would like to move forward with this thought process as I hope to have a solid design prior to any LIHTC application. This week I am having my architects, historical consultants, and general contractor assist in proposing a possible redesign that would be a positive effect on total costs. The only items that may change would be (i) taking the 2 bedrooms in the historic building and making some of them 1 bedrooms and/or (ii) eliminating a stack(s) of one bedrooms at the end of the new construction building.

1 bedroom and or (ii) eliminating a stack(s) of one bedrooms at the end of the new construction building – reducing the footprint. I think the two changes would be a plus for the Town; hence less units and less two

bedrooms (fewer kids). Prior to spending a lot of \$, I wouldn't mind brainstorming with you to get a preliminary thumbs up/blessing from the Town.

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From: Keith McDonald <KJM@scgdevelopment.com>

To: Janis Mamayek <jmamayek@iconarch.com>, "Mark Rees (mrees@fairhaven-ma.gov)" <mrees@fairhaven-ma.gov>, "Bob Espindola (selectmanbobespindola@gmail.com)" <selectmanbobespindola@gmail.com>, "wayne@fairhaven-ma.gov" <wayne@fairhaven-ma.gov>

Cc: "Stuart, Quinn" <qstuart@vhb.com>, "Kelly Killeen (kkilleen@chacompanies.com)" <kkilleen@chacompanies.com>, Donald Rose <DRose@chacompanies.com>, Danielle Camporini <dcamporini@iconarch.com>

Bcc:

Date: Tue, 27 Mar 2018 12:33:35 +0000

Subject: Oxford School Residence - proposed 54 Units (unit mix/floor plate reduction)

Hi Mark,

In order to keep it clean, I have attached all revised documents reflecting 54 units rather than 53 units. And I have corrected the write up and table(s) below:

We hope the reduced the (i) footprint, (ii) units, and (iii) parking area would complement the Town's vision and concerns of the property:

(i) Footprint. A reduction in the footprint will be a benefit to the neighbors. The massing will be reduced closer to the abutting neighbors and will increase the overall green space.

(ii) Units. We reduced the unit count from 63 units to 54 units (9 less units). In addition to few units, there are fewer two bedroom units – which was a concern for the Town.

(iii) Parking Area. Due to the decrease in units, we will need less parking for the property – hence more green space. Please note the parking for the NIFA building and the Town parking lot will remain unchanged.

Below is a highlight of the revised plans:

	HISTORIC	NEW CONST	TOTAL
1BR	29	54-29	52-48

	2-0	51-00	53-70
2BR	8-4	2-2	10-6
Total Units	10-13	53-41	63-54

	PROPOSED	PRIOR	DIFF
Units	54	63	(9)
1 BD	48	53	(5)
2 BD	6	10	(4)
Total Parking	96	103	(7)
Parking (residents & visitors)	62	69	(7)
NIFA Parking	4	4	-
Town Parking	30	30	-

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14 attachments



Oxford School. 40B Revised Changes 4.13.18.pdf
4392K

-  **2018-03-26 Oxford Units SQFT MATRIX.PDF**
69K
-  **Oxford Fairhaven_C-201_Layout Plan 03-23-18.pdf**
1247K
-  **2018-03-21_Oxford-Update.pdf**
1687K
-  **Oxford School Residence - proposed 54 Units (unit mix/floor plate reduction).eml**
4156K
-  **2017.12 MHC response.pdf**
1301K
-  **04-23-2018_bos_min.pdf**
1307K
-  **Transmittal - 00004.pdf**
62K
-  **Modification Approval. 1.8.19.pdf**
1436K
-  **Fwd: Oxford (reducing footpring?) 2.21.18.eml**
21K
-  **2018-03-26 Oxford Units SQFT MATRIX.PDF**
69K
-  **Oxford Fairhaven_C-201_Layout Plan 03-23-18.pdf**
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-  **Oxford School Residence - proposed 54 Units (unit mix/floor plate reduction).eml**
4156K

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Thanks

Keith



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Fairhaven Board of Selectmen

April 23, 2018 Meeting Minutes

Present: Chairman Daniel Freitas, Vice Chairman Charles Murphy, Clerk Robert Espindola, Town Administrator Mark Rees, and Administrative Assistant Vicki Paquette.

Mr. Freitas called the meeting to order in the Town Hall Banquet Room at 6:37 p.m. The meeting was recorded by Cable Access. An audio recording was made for the purpose of minutes.

TOWN ADMINISTRATORS REPORT

Mr. Rees updated the Board on several matters:

- Mr. Rees reported that he will be presenting the wage and classification budget
- Mr. Rees has received word from ABC Disposal that they will discontinue their contract with the Town for the recyclables due to the increased costs. This may be an attempt to pressure the Town to pay more money. We are in negotiations with ABC to resolve the issue
- The Zoning Board of Appeals has met with the potential buyers of Oxford School. They are changing their 40B application from 63 units to 54
- Last week Mr. Rees attended the Mass Municipal Association environmental policy luncheon
- Mr. Rees attended the Fairhaven Improvement Association annual dinner on April 10, 2018 at the Wamsutta Club
- The Master Plan was approved by the Planning Board last Tuesday, April 10, 2018
- The Wellness Committee held the 3rd annual Wellness Fair on April 12, 2018
- Mr. Rees met with Mr. David Jones, who has offered his services to help fill the vacant Veteran's agent position

Board of Appeals
Minutes
Tuesday, January 8, 2019 at 6:00 p.m.
Town Hall ,Banquet Room
40 Center Street, Fairhaven, MA 02719

I. ADMINISTRATIVE BUSINESS

1. Mr. DeTerra opened the meeting at 6:30 p.m. and advised the public that the meeting was being televised.

2. **Quorum/Attendance:** Chairman, Peter DeTerra, Vice-Chair Francis Cox, Darryl Manchester, Peg Cook, Rui DaSilva and Jaimie DaSousa. The Building Commissioner was also in attendance.

3. **Acceptance of Minutes** – December 4, 2018.

Francis Cox made a motion to accept the minutes of December 4, 2018. Seconded by Rui DaSilva. This motion passed unanimously.

Francis Cox made a motion to approve the amended minutes of June 5, 2018. Seconded by Rui DaSilva. This motion passed unanimously

Mr. DeTerra explained that Mark Rees was present for the Oxford School comprehensive plan. The Developer, pursuant of 7-60 CMR 5-60-1 is requesting to reduce the number of units in the project, from 63 units to 52 units.

Mr. Rees, Town Administrator was present to review the Stratford Group housing project which has been ongoing. It is a 40(B) project that was previously approved by the ZBA. Mr. Rees further explained in greater detail the modifications that were allowed in June and since then requested for a second modification and asks the ZBA to approve the recent modifications and if the board can determine whether the change is not substantial consistent with 7-60 CMR and 56.05 paragraph 11.

Mr. Rees explained the reasoning behind the modifications.

Discussion regarding the changes in bedrooms in the units.

Mr. DeSousa asked about the changes decreasing the population.

Mr. DeTerra made a motion to 1) Make a determination that the request modification was not substantial and 2) approve reducing the number of units from 63 to 52 units and the corresponding changes with affordability matrix, construction footprint and parking (see attached letter dated January 4, 2019 from Keith McDonald, Vice President of SGC Development Partner, LLC). The motion was seconded by Mr. Francis Cox. The motion passed unanimously.

II. PUBLIC HEARINGS:

1. **62R Weeden Road** – 198-18: Variance request for 2' Short of 140' frontage in a RR District.(continuance)

Armand Pimentel was present and explained that the variance request is a reissuance from a few years back. He spoke about needing the approval for the Variance to sell the property.

Mr. Cox made a motion to grant the Variance. Seconded by Jaimie Desousa. The motion passed unanimously.

2. **294 Huttleston Avenue** – 198-18: Variance short 70' frontage and variance for an undersized lot, lot is currently 27,767 sq feet in a RC District.

Judith Tubbs was present and explained that she appeared about a year ago and due to Zoning changes (RR) to (RC) she needed to apply for a Variance. Mrs. Tubbs continued to explain that due to concerns regarding the reason for the zoning change she consulted the Town Planner, in which came to the conclusion someone else had applied for the zoning change and forged her signature to do so, as did in various other documents relating to the parcel.

Mrs. Tubbs spoke about what the board concluded the year prior which was making it non-conforming, in which the parcel still is today. She also reflected on what the abutters concerns were during that's time.

Mr. Deterra asked the public if anyone would like to see the plans that showed the proposed units and explained that after the ZBA makes a determination on the presented matter is then must be heard in front of the Planning Board.

The developer, Brian Dupras was present and explained the concept of the proposed plans regarding the number of units, interior layout and landscape of the condominiums to the board as well as the public.

Abutter, Joe Sween expressed his concerns with the plans and the reasons why he voted against this project.

Discussion regarding whether the plan is suitable for that lot.

Mr. Cox made a motion to Grant the Variance. Seconded by Mr. DeSousa. This motion was granted with a vote of four members in favor and one in opposition.

In Favor: Mr. Cox, Mrs. Cook, Mr. Manchester and Mr. DeSousa.

Opposed: Mr. DaSilva

3. 21 Morton Street – 198-16: Special Permit request to have 5 chickens in a RA District.

Lisa Richard was present and expressed that she already purchased the chickens prior to the hearing and that she was unaware of the necessity to obtain a Special Permit for the chickens.

Mr. Deterra explained to the applicant that she not only needed to apply for a Special Permit from the ZBA but the Board of Health as well.

The applicant provided the board with pictures showing the structure that house the chickens.

Mrs. Richard explained that she raised the chickens and would like to be able to keep them if possible.

Abutter, John Silvia expressed why he was in favor of the Special Permit.

Mr. Richard expressed why he was in favor of the Special Permit.

Mr. Desousa made a motion to approve the Special Permit with special condition of the number of chickens not to exceed five chickens, no roosters and applicant must be heard by the Board of Health. Seconded by Mr. Cox. The motion passed unanimously.

4. 148 Dogwood Street - 198-21 (d): Special Permit to demolish existing house and rebuild, enlarging existing footprint on non-conforming lot within two years.

Nancy Santoro was present and explained that the building was built in 1953 in which they wanted to remodel and rebuild to provide more space and making a cape style two-bedroom home with new foundation and extending the home back 8' and 12' out on side.



January 4, 2019

Zoning Board of Appeals/ Planning and Economic Development
Town of Fairhaven
Town Hall
40 Center Street
Fairhaven, MA 02719

RE: Oxford School Residences – Minor Modification Request/ Proposed Design Changes.

To Whom It May Concern:

Due to unforeseen negative market conditions (tax reform and high construction costs), SCG Development Partner's, LLC ("Stratford") has been working diligently with Mass Historic Commission, the development team, investors, and the Town to propose a revised Oxford School Residences design. The revised design is highlighted by the following changes: (i) a reduced unit count (from 63 units to 52 units), (ii) a new construction footprint reduction, (iii) a reduced Property parking spots, and (iv) Massachusetts Historic Commission ("MHC") revisions. A more detailed description of each revision is below:

(i) Reduced Unit Count. Due to market conditions (tax reform and high construction costs), we are proposing to reduce the unit count from 63 units to 52 units. Despite redesign of unit layouts within the existing building that added three units, a net reduction of the overall unit count to 52 units resulted from eliminating 3 stacks of units on the end of new construction building.

Prior / Proposed	Historic	New Construction	Total
1 BR	2 9	51 37	53 46
2 BR	8 4	2 2	10 6
Total	10 13	53 39	63 52

Unit Count	Proposed	Prior	Difference
Units	52	63	(11)
1 BR	46	53	(7)
2 BR	6	10	(4)

(ii) New Construction Footprint Reduction. Based on the proposed new unit count, the new construction building would be approximate 9k gross square feet ("GSF") less than what was approved within the Zoning Board decision. A condensed footprint will be a benefit to the neighbors- as the distance from their property to the Property will be increased.

GSF	Proposed	Prior	Difference
Historic Building	16,856	16,856	-
New Construction	37,389	49,443	(12,054)
Total	54,245	66,299	(12,054)

(iii) Reduced Property Parking Spots. Due to the decrease in units, we are proposing to reduce the Properties parking spots from 69 spots to approximately 62 spots—hence more green space. Please note the parking spaces for the NIFA building and the Town parking lot will remain unchanged.

	Proposed	Prior	Difference
Parking Spots	96	103	(7)
Property Parking Spots	62	69	(7) – may be 60 spaces
NIFA Parking Spots	4	4	-
Town Parking Spots	30	30	-

(iv) Affordability Matrix. The following will be the new proposed affordability Matrix:

AMI	Units	% of Units	1 BD	2 BD
30%	11	21%	9	2
60%	34	65%	32	2
100%	7	13%	5	2
Total	52	100%	46	6

(v) MHC revisions. MHC recommended (essentially mandates) that the new construction building has to be simplified to align more closely with the existing gymnasium structure in massing, height, and materials and thereby more sensitive to the historic c.1896 Oxford School structure. In lieu of the cross gabled 3 & 4-story addition that was presented in our application, a simpler massing is presently defined with a lower flat roof that brings the height of the new roofline below that of the historic structure. Masonry is introduced at the base recalling the historic masonry building with richer more sympathetic colors than those previously submitted. Window fenestration is regularized to simple punched masonry openings. Other massing revisions were made at the connector that bridges new |old to narrow the width, revealing more of the historic rear façade and utilizing a more transparent curtainwall skin to clearly delineate this as new. We feel these adjustments have resulted in a more cohesive building that sensitively joins new to old.

We look forward to working together on this exciting development opportunity.

Regards,



Keith McDonald
Vice President
SCG Development Partners, LLC



April 13, 2018

Zoning Board of Appeals/ Planning and Economic Development
Town of Fairhaven
Town Hall
40 Center Street
Fairhaven, MA 02719

RE: Oxford School Residences – Proposed Design Changes.

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(i) Reduced Unit Count. Due to market conditions (tax reform and high construction costs), we are proposing to reduce the unit count from 63 units to 54 units. Despite redesign of unit layouts within the existing building that added three units, a net reduction of the overall unit count to 54 units resulted from eliminating 3 stacks of units on the end of new construction building.

Prior / Proposed	Historic	New Construction	Total
1 BR	2 9	51 39	53 48
2 BR	8 4	2 2	10 6
Total	10 13	53 41	63 54

Unit Count	Proposed	Prior	Difference
Units	54	63	(9)
1 BR	48	53	(5)
2 BR	6	10	(4)

(ii) New Construction Footprint Reduction. Based on the proposed new unit count, the new construction building would be approximate 9k gross square feet ("GSF") less than what was approved within the Zoning Board decision. The southern end of the addition was shortened by 26 to 47 feet. A condensed footprint will be a benefit to the neighbors- as the distance from their property to the Property will be increased.

GSF	Proposed	Prior	Difference
Historic Building	16,856	16,856	-
New Construction	40,129	49,443	(9,314)
Total	56,985	66,299	(9,314)

(iii) Reduced Property Parking Spots. Due to the decrease in units, we are proposing to reduce the Properties parking spots from 69 spots to 62 spots– hence more green space. Please note the parking spaces for the NIFA building and the Town parking lot will remain unchanged.

	Proposed	Prior	Difference
Parking Spots	96	103	(7)
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Enclosed please find the following revised plans complimenting the changes within this memo:

1. Revised Layout Plan; and
2. Revised Floor Plans.

We look forward to working together on this exciting development opportunity.

Regards,



Keith McDonald
Vice President
SCG Development Partners, LLC

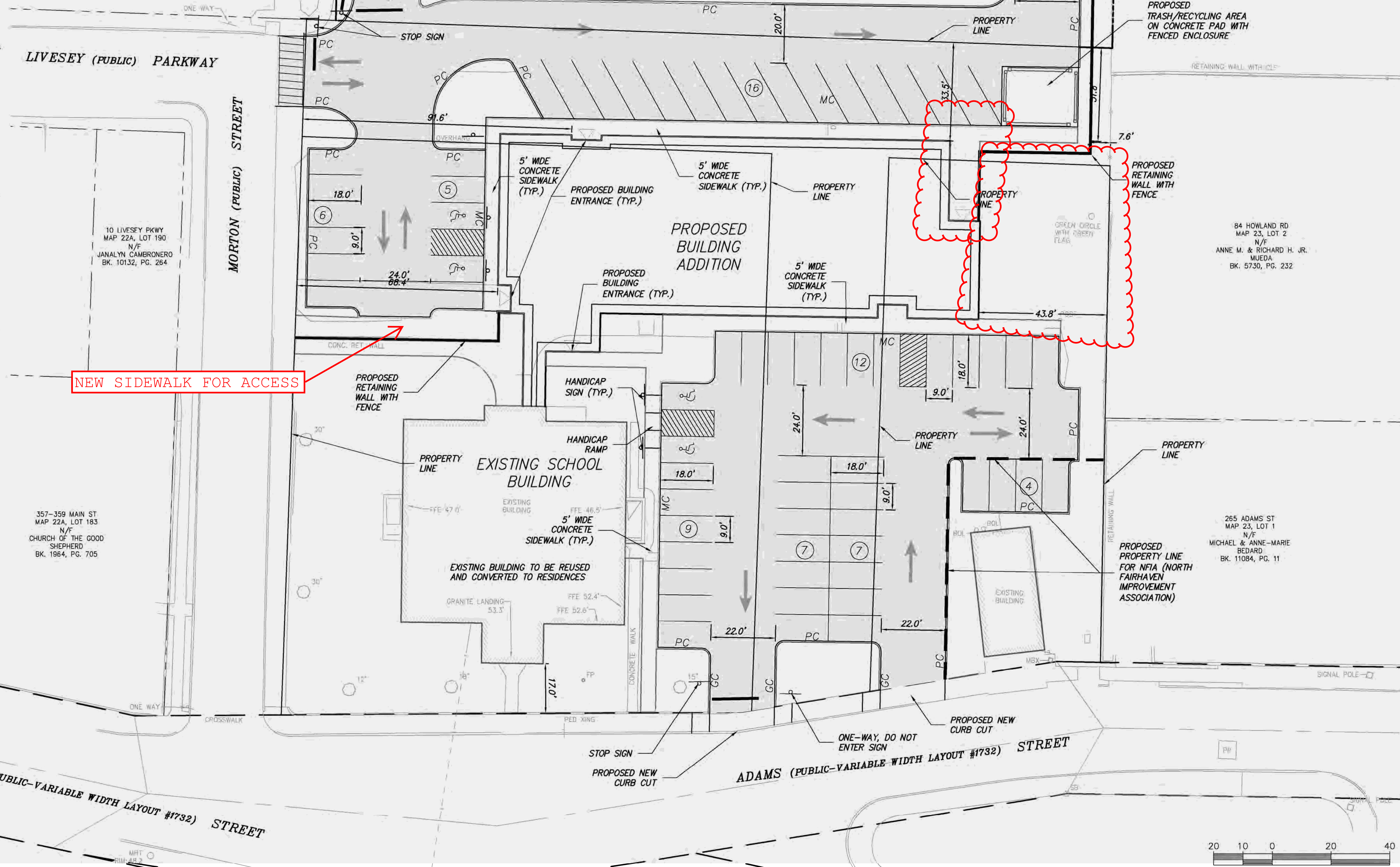
ZONING SUMMARY AND TABLE		
ZONING DISTRICT: SINGLE RESIDENCE DISTRICT - RA		PROPOSED USE: MULTI-FAMILY RESIDENTIAL (63 UNITS) PROJECT IS BEING PERMITTED UNDER A COMPREHENSIVE PERMIT CHAPTER 40B
BULK & DIMENSIONAL REQUIREMENTS	REQUIRED - DISTRICT RA	PROPOSED
MINIMUM LOT AREA (SQUARE FEET)	15,000 SQUARE FEET	59,424 SF (1,384 AC) *LOT TO BE COMBINED DURING THE 40B PROCESS
MINIMUM FRONTAGE	100 FEET	273± FEET (NEW PROPOSED LOT)
LOT WIDTH	125	271± FEET (NEW PROPOSED LOT)
MAXIMUM BUILDING HEIGHT (FEET)	35 FEET	3 STORIES (35 FEET)
MINIMUM FRONT YARD SETBACK (FEET)	20 FEET	12.7± FEET (EXISTING)
MINIMUM SIDE YARD (FEET)	10 FEET	5 FEET
MINIMUM REAR YARD (FEET)	30 FEET	27± FEET (10 FEET EXISTING NON-CONFORMING)
MAX. BUILDING COVERAGE	30%	34.3% (20,358± SQ. FT.) [39.8%; 23,671± SQ. FT. EXISTING NON CONFORMING]
MAX. LOT COVERAGE	50%	79.1% (47,000± SQ. FT.) [74%; 43,990± SQ. FT. EXISTING NON CONFORMING]
PARKING	1 SPACE - ONE BEDROOM, 2 SPACES - MULTI-BEDROOM	62 SPACES (INCLUDING 4 H.C. (2 VAN))

LAYOUT NOTES:

- SEE OTHER SHEETS FOR APPLICABLE NOTES.
- THE PURPOSE OF THIS PLAN IS FOR PERMITTING ONLY. CONSTRUCTION DRAWINGS AND SPECIFICATIONS TO BE PROVIDED PRIOR TO BUILDING PERMIT APPLICATION.
- SEE ARCHITECTURAL DRAWINGS FOR ADDITIONAL BUILDING INFORMATION.
- DESIGN OF RAMPS AT HANDICAP PARKING AND WALKWAYS ALONG ACCESSIBLE ROUTE TO CONFORM TO ADA REQUIREMENTS. CONTRACTOR IS RESPONSIBLE TO ENSURE COMPLIANCE WITH ALL ADA REQUIREMENTS, AS SET FORTH BY THE ADAAG AND THE MASS ARCHITECTURAL ACCESS BOARD. CONTRACTOR IS REQUIRED TO KEEP A COPY OF BOTH THE ADAAG AND THE MASS ARCHITECTURAL ACCESS BOARD REGULATIONS ON SITE AT ALL TIMES, FOR REFERENCE.
- ALL LINES OR POINTS ARE PERPENDICULAR OR PARALLEL TO LINES FROM WHICH THEY ARE MEASURED UNLESS OTHERWISE NOTED; WRITTEN DIMENSIONS SHALL PREVAIL.
- THE CONTRACTOR SHALL VERIFY ALL LAYOUT, DIMENSIONS, GRADES, AND INVERTS PRIOR TO CONSTRUCTION, REPORT ANY AND ALL DISCREPANCIES TO THE ENGINEER. ALL DISCREPANCIES SHALL BE RESOLVED IN WRITING PRIOR TO BEGINNING WORK.
- ALL AREAS DISTURBED BY CONSTRUCTION ACTIVITY NOT DESIGNATED TO RECEIVE OTHER TREATMENT, SHALL BE RAKED, SMOOTHED, FERTILIZED AND SEEDED IN ACCORDANCE WITH PROJECT SPECIFICATIONS, UNLESS OTHERWISE NOTED.
- ALL NEW WALKS AND SURFACES TO MEET EXISTING WALKS AND SURFACES WITH SMOOTH, CONTINUOUS LINE AND GRADE.
- THE CONTRACTOR SHALL NOT INSTALL CONCRETE DURING ADVERSE WEATHER CONDITIONS (RAIN, SLEET, ETC.) UNLESS OTHERWISE DIRECTED BY THE ENGINEER.
- ALL MATERIALS REMOVED FROM THE SITE SHALL BE DISPOSED OF IN ACCORDANCE WITH ALL APPLICABLE LOCAL, STATE & FEDERAL STANDARDS.
- CONTRACTOR IS RESPONSIBLE FOR CONTRACTING WITH A LICENSED LAND SURVEYOR TO OBTAIN AS-BUILT INFORMATION DURING CONSTRUCTION INCLUDING BUT NOT LIMITED TO SUBSURFACE UTILITIES, DETENTION STONE BASE, TOP OF DETENTION STONE, TOP OF CHAMBER, TOP OF SYSTEM, OTHER SUBSURFACE AND SURFACE IMPROVEMENTS NECESSARY TO FURNISH OWNERS ENGINEER WITH A COMPLETE AS-BUILT UPON COMPLETION OF CONSTRUCTION.
- CONTRACTOR SHALL NOTIFY ENGINEER 72 HOURS PRIOR TO INSPECTIONS OF SUB BASE, PAVEMENT, UNDERGROUND SYSTEM BASE STONE, INSTALLATION AND OTHER ITEMS WHICH MAY BE REQUESTED BY ENGINEER.
- CONTRACTOR IS RESPONSIBLE FOR SUPPLY OF ALL NECESSARY ITEMS REQUIRED TO FULFILL THE INTENT OF THE DESIGN, WHETHER EXPLICITLY INDICATED HEREIN OR IMPLIED BY THE CONTRACT DOCUMENTS.
- CONTRACTOR SHALL COMPLY WITH APPLICABLE CONDITIONS OF APPROVALS, INCLUDING BUT NOT LIMITED TO 40B COMPREHENSIVE PERMIT AND BOH APPROVALS.

LEGEND

CCB	CAPE COD BERM
PC	PRECAST CONCRETE CURB
GC	GRANITE CONCRETE
MC	MONOLITHIC CURB
	HANDICAP PARKING SYMBOL
	SIGN (HANDICAP OR TRAFFIC)
	DIRECTIONAL TRAFFIC ARROWS
	BITUMINOUS PAVEMENT
	CONCRETE SIDEWALK



The Oxford School Residences

347 Main Street
Fairhaven, Massachusetts



ARCHITECT

E-ICON
ARCHITECTURE

101 SUMMER ST BOSTON MA 02110

CONSULTANT



101 Accord Park Drive
Norwell, MA 02061
Main: (781) 982-5400 • www.chacompanies.com

Drawing Copyright © 2016

STAMP

KEY PLAN

1/24/2017 ZBA PERMITTING
10/19/2016

MARK DATE DESCRIPTION

PROJECT NO.: 21101.00
DRAWN BY: DAR
CHECKED BY: KK

SHEET TITLE

LAYOUT PLAN

C-201

347 Main Street
Fairhaven, MA 02719

ARCHITECT

01 SUMMER ST BOSTON MA 02110

CONSULTANT

STAMP

KEY PLAN

	2018-01-16	MHC
	2017-08-30	MHC
	2017-04-27	MHC
	2016-10-18	
MARK	DATE	DESCRIPTION

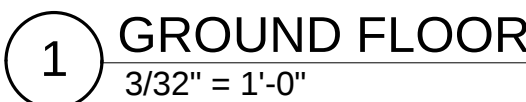
PROJECT NUMBER: 216030
DRAWN BY: DC
CHECKED BY: MG

SHEET TITLE

A-101

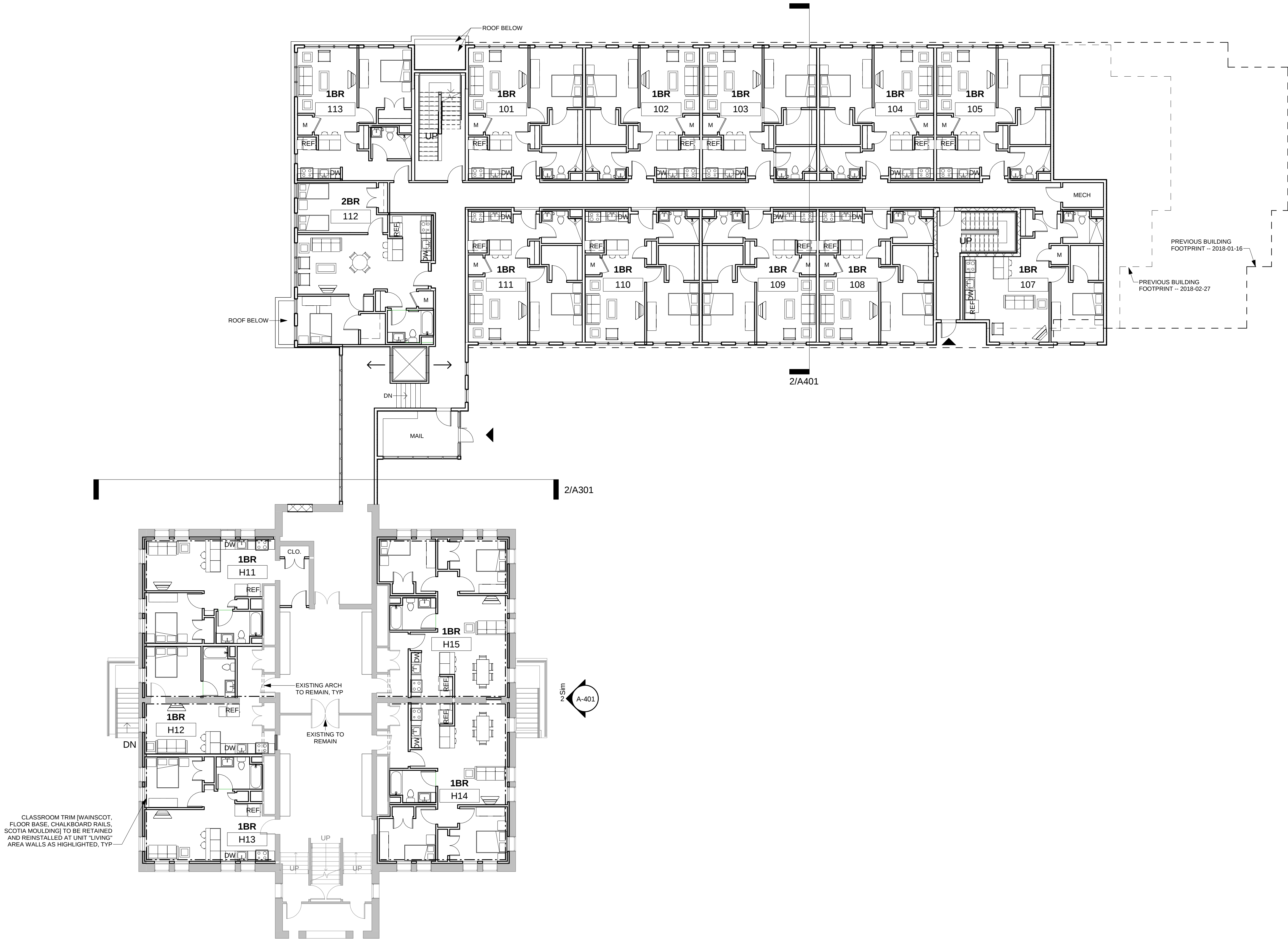
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GENERAL NOTES:

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1 FIRST FLOOR
3/32" = 1'-0"

Oxford School
Residences

347 Main Street
Fairhaven, MA 02719

SCG Developments

ARCHITECT
E-ICON
ARCHITECTURE
101 SUMMER ST BOSTON MA 02110

CONSULTANT

STAMP

KEY PLAN

MARK	DATE	DESCRIPTION
	2018-01-16	MHC
	2017-08-30	MHC
	2017-04-27	MHC
	2016-10-18	

PROJECT NUMBER: 216030
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CHECKED BY: MG

SHEET TITLE

FIRST FLOOR

A-102

347 Main Street
Fairhaven, MA 02719

ARCHITECT

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ARCHITECTURE

101 SUMMER ST BOSTON MA 02110

CONSULTANT

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	2018-01-16	MHC
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	2016-10-18	
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SHEET TITLE

A-103

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1 SECOND FLOOR
3/32" = 1'-0"

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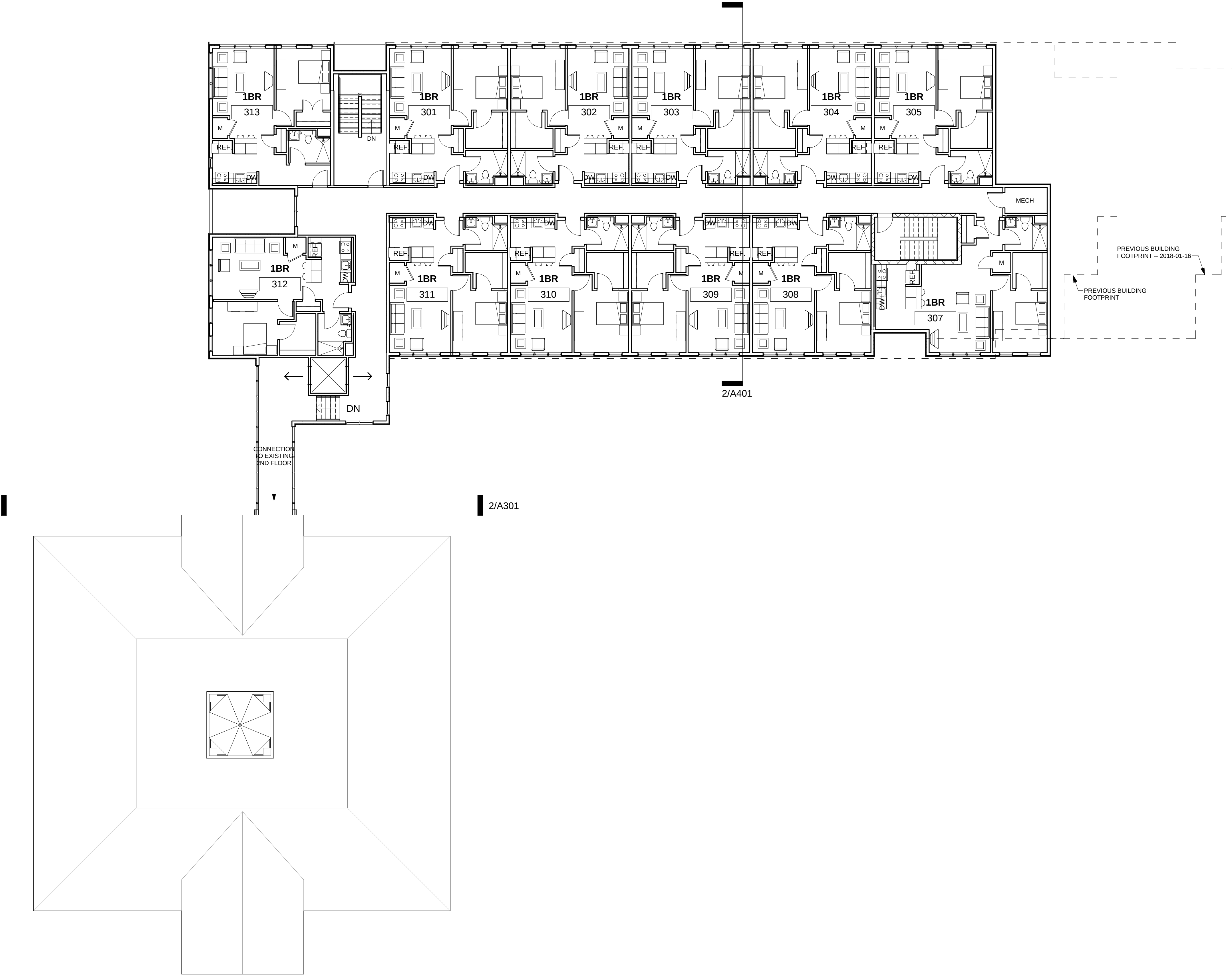
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1 THIRD FLOOR
3/32" = 1'-0"

Oxford School
Residences

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Fairhaven, MA 02719

SCG Developments

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SHEET TITLE

THIRD FLOOR

A-104

347 Main Street
Fairhaven, MA 02719

ARCHITECT

101 SUMMER ST BOSTON MA 02110

CONSULTANT

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KEY PLAN

PROJECT NUMBER: 216030

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SHEET TITLE

A-201



ENTRY DOOR
3/4" = 1'-0"

Oxford School
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347 Main Street
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DRAWN BY: Author

CHECKED BY: Checker

SHEET TITLE

BUILDING
ELEVATIONS

A-202



2 EAST ELEVATION
3/32" = 1'-0"



1 NORTH ELEVATION
3/32" = 1'-0"





View from Front Parking Area



View from Rear Parking Area



Transmittal

101 Summer St, BOSTON, MA 02110

PROJECT: Oxford School Resid 216030 DATE: 4/12/2018
SUBJECT: Oxford School TRANSMITTAL ID: 00004
PURPOSE: For your review and comment VIA: Info Exchange

FROM

NAME	COMPANY	EMAIL	PHONE
Danielle Camporini 101 Summer St BOSTON MA 02110 United States	ICON architecture, inc.	dcamporini@iconarch.com	617-451-3333

TO

NAME	COMPANY	EMAIL	PHONE
Wayne Fostin United States		wayne@fairhaven-ma.gov	
mrees@fairhaven-ma.gov		mrees@fairhaven-ma.gov	
selectmanbobespindola@gmail.com		selectmanbobespindola@gmail.com	

REMARKS: Hello,

Please refer to the attached file for the summary of proposed design changes at the Oxford School. Please let me know if you have any issues with the link.

Thank you,
Danielle Camporini

DESCRIPTION OF CONTENTS

QTY	DATED	TITLE	NOTES
1	4/12/2018	Oxford School. 40B Revised Changes 4.13.18.pdf	

COPIES:

Keith McDonald (SCG Development)
Janis Mamayek (ICON architecture, inc.)



The Commonwealth of Massachusetts
William Francis Galvin, Secretary of the Commonwealth
Massachusetts Historical Commission

November 28, 2017

Keith McDonald
SCG Development Partners LLC
100 Corporate Place, Suite 404
Peabody, MA 01960

RE: Massachusetts Rehabilitation Tax Credit Application; The Oxford School, 347 Main Street,
Fairhaven, MA; MHC# HRC.754

Dear Mr. McDonald:

The Massachusetts Historical Commission (MHC) has reviewed your application for the Massachusetts Rehabilitation Tax Credit.

Regrettably, the MHC is unable to assign second certification (830 CMR 68.38R.1(4)(b)) and allocate credit to your project (830 CMR 63.38R.1(3)(c)) at this time because **the application is incomplete** and the proposed project **does not meet the Secretary of the Interior's Standards for the Rehabilitation of Historic Properties** (830 CMR 63.38R.1(5)(b) and (f)) as presented. Specifically, the proposal violates Standards 5, 6, and 9.

Standard 5 states the following:

"Distinctive features, finishes, and construction techniques or examples of craftsmanship that characterize **a historic property shall be preserved.**"

Standard 6 states the following:

"Deteriorated historic features shall be repaired rather than replaced. Where the severity of deterioration requires replacement of a distinctive feature, the **new feature shall match the old in design, color, texture, and other visual qualities, and, where possible, materials.** Replacement of missing features shall be substantiated by documentary, physical, or pictorial evidence."

Standard 9 states the following:

"New additions, exterior alterations, or related new construction will not destroy historic materials, features, and spatial relationships that characterize the property. The new work shall be differentiated from the old and will be compatible with the historic materials, features, size, scale and proportion, and massing to protect the integrity of the property and its environment."

The project proposes removal of the 1951 addition and construction of a new addition on largely the same footprint as the historic. The MHC acknowledges receipt of the recent structural engineers report, completed by Souza, True and Partners, Inc. Structural Engineers dated August 25, 2017. The MHC finds that, **as currently designed**, the new addition does not meet the Standards (Standards 5 and 9) as it is not appropriately sympathetic to the **Classical Revival-style Oxford School** in its massing and architectural

features. The MHC recommends that the proponent pursue revisions to ensure the integrity of the historic Oxford School and its environment is retained following the construction of the new addition.

Specifically, the MHC advises that the connector between the Oxford School and the new addition be reduced in height to allow for more of the school's rear elevation, including the prominent second story Palladian window, to remain visible. Glazed curtain walls at a shorter connector may be an appropriate solution, given the visibility of the rear of the addition from the public way. The MHC advises that exterior materials should be attentively selected to ensure visual harmony with the Oxford School, and notes that an appropriate design will likely include masonry. The MHC also suggests that the roofline be reconsidered to lower the overall height of the structure, and that cross gables be eliminated. The incorporation of windows of a simpler configuration may also improve the addition's cohesion with the 1896/1914 structure. The applicant may consider drawing visual cues from the original 1951 building, which was largely sympathetic to the historic in its massing, height, roofline, and materials.

Finally, all materials to be used on the new building must be specified and cut sheets should be provided for exterior cladding materials. While the application states cementitious siding will be used, it does not specify a sheathing type or design. If cementitious paneling is proposed, all seams should be illustrated. Color renderings as well as architectural plan and elevation drawings must be provided. For further guidance on additions to historic buildings and meeting the Secretary of the Interior's Standards for Rehabilitation, see National Park Service *Preservation Brief 14: New Additions to Historic Buildings*.

The project continues to propose replacement windows at the upper floors of the 1896/1914 portion of the building with windows which do not meet the Secretary of the Interior's Standards (Standard 6). While the application states that the non-historic sash will be replaced with units to match configurations illustrated in historic drawings of the property, the windows illustrated do not replicate the appearance of traditional sash. The replacement windows must have more traditionally shaped rails with beveled edges. Brick mold must more closely approximate that of a typical building of this period and style. The brick mold shown in the window drawings provided in the Round 40 application appeared to meet the Standards.

The MHC also requests the following information with respect to the Part 2 you submitted:

- Updated plan drawings for the first and second floors of the 1896/1914 portion of the school. The MHC appreciates the applicant's attention to retaining historic classroom doors as well as arched entryways per the revised written description of work. Please provide updated proposed floor plans which support the revised approach.
- Clarification regarding basement windows. The written description states that aluminum units will be used at these openings, however, drawings provided illustrate fiberglass units. Further, a muntin detail for this window must be provided.
- Clarification regarding trim retention in bedrooms. It remains unclear why existing trim cannot be reinstalled in these areas as is proposed in other areas of the new residential units. In order to meet the Standards, trim should be retained to the greatest extent possible.

We encourage you to reapply in the next application cycle. Please note that the MHC will require the following updated information to supplement your application: newly completed application form cover pages for Part 1 and Part 2, updated letters of support, an updated estimated project budget which includes a new pro forma detailing overall project costs and qualified rehabilitation expenditures, and any additional information with which the existing application may be supplemented. Please be as detailed as

possible in your application about the above referenced items. The next application deadline is January 16, 2018.

Sincerely,

A handwritten signature in blue ink that reads "Brona Simon". The signature is fluid and cursive, with the first name "Brona" and last name "Simon" clearly distinguishable.

Brona Simon
Executive Director
State Historic Preservation Officer
Massachusetts Historical Commission

xc: Quinn Stuart, VHB

347 Main Street
Fairhaven, MA 02719

ARCHITECT

ICON
ARCHITECTURE

01 SUMMER ST BOSTON MA 02110

STAMP

KEY PLAN

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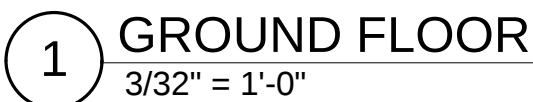
PROJECT NUMBER: 216030
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SHEET TITLE

A-101

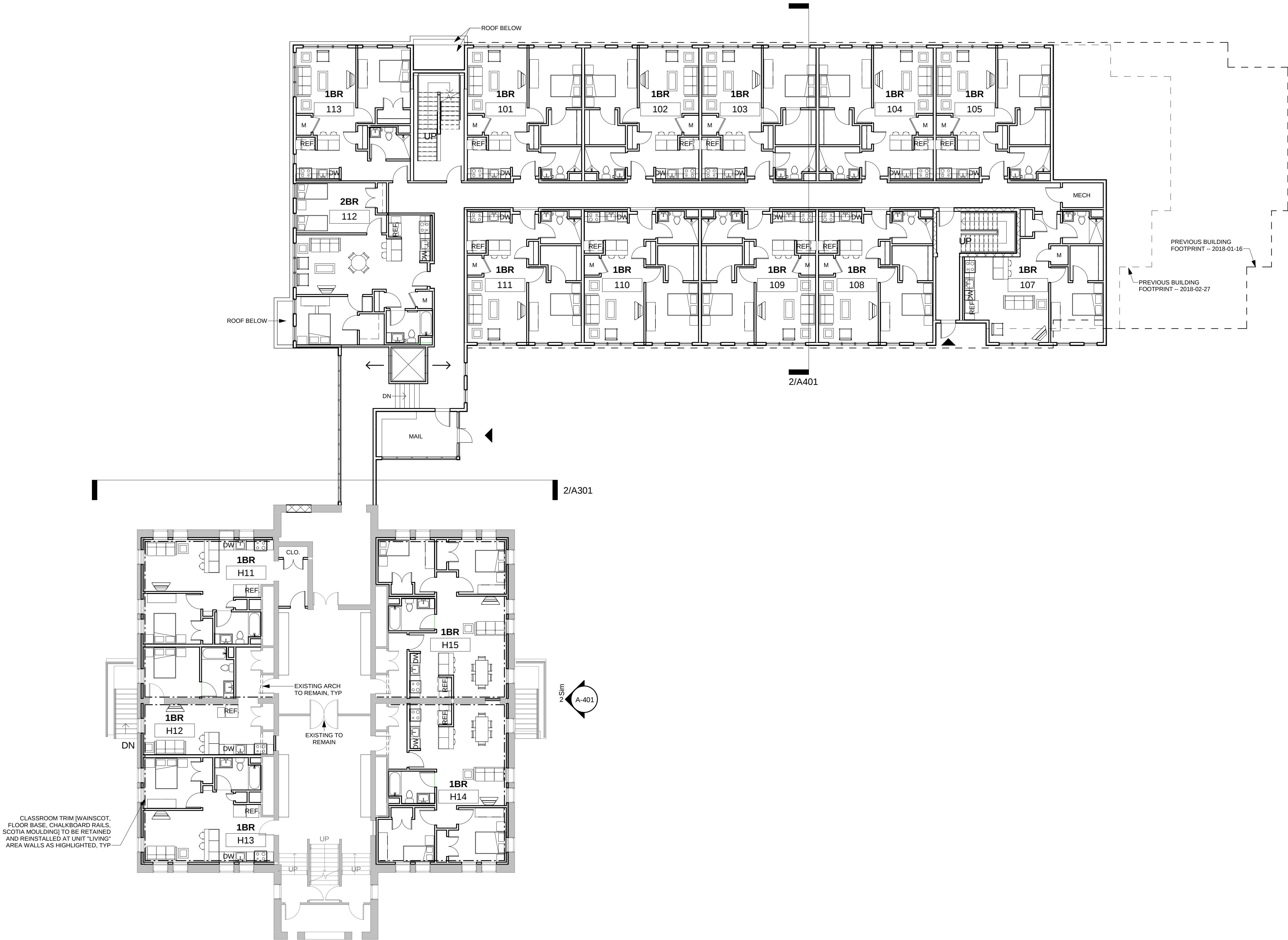
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FIRST FLOOR

A-102

347 Main Street
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ARCHITECTURE

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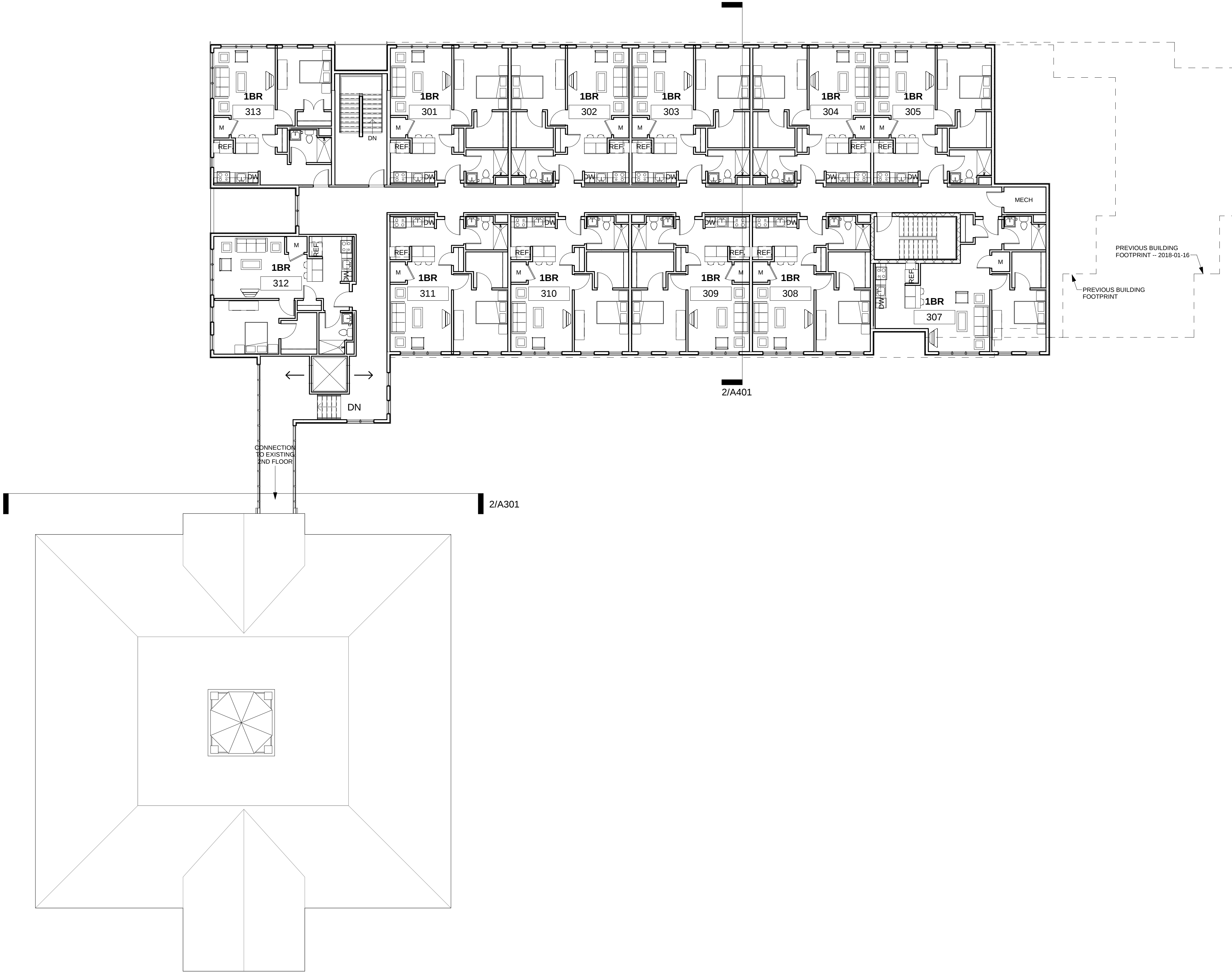
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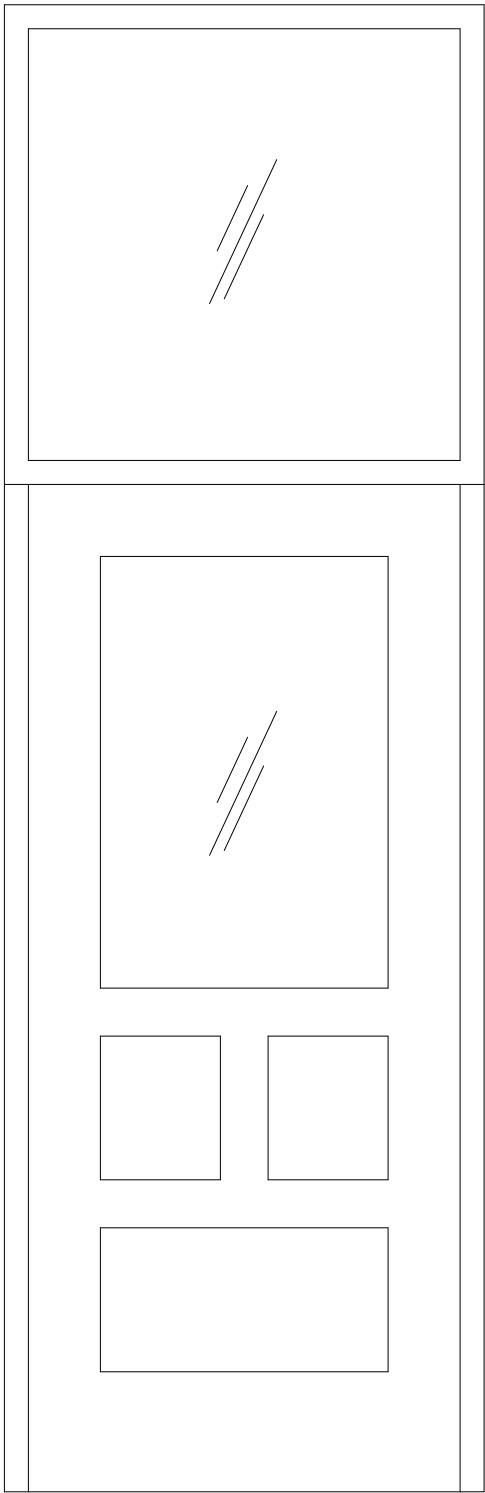
SHEET TITLE

BUILDING
ELEVATIONS

A-201



1 WEST ELEVATION
3/32" = 1'-0"



3 NEW HISTORIC BUILDING
ENTRY DOOR
3/4" = 1'-0"



2 SOUTH ELEVATION
3/32" = 1'-0"

Oxford School
Residences

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SHEET TITLE

BUILDING
ELEVATIONS

A-202



2 EAST ELEVATION
3/32" = 1'-0"

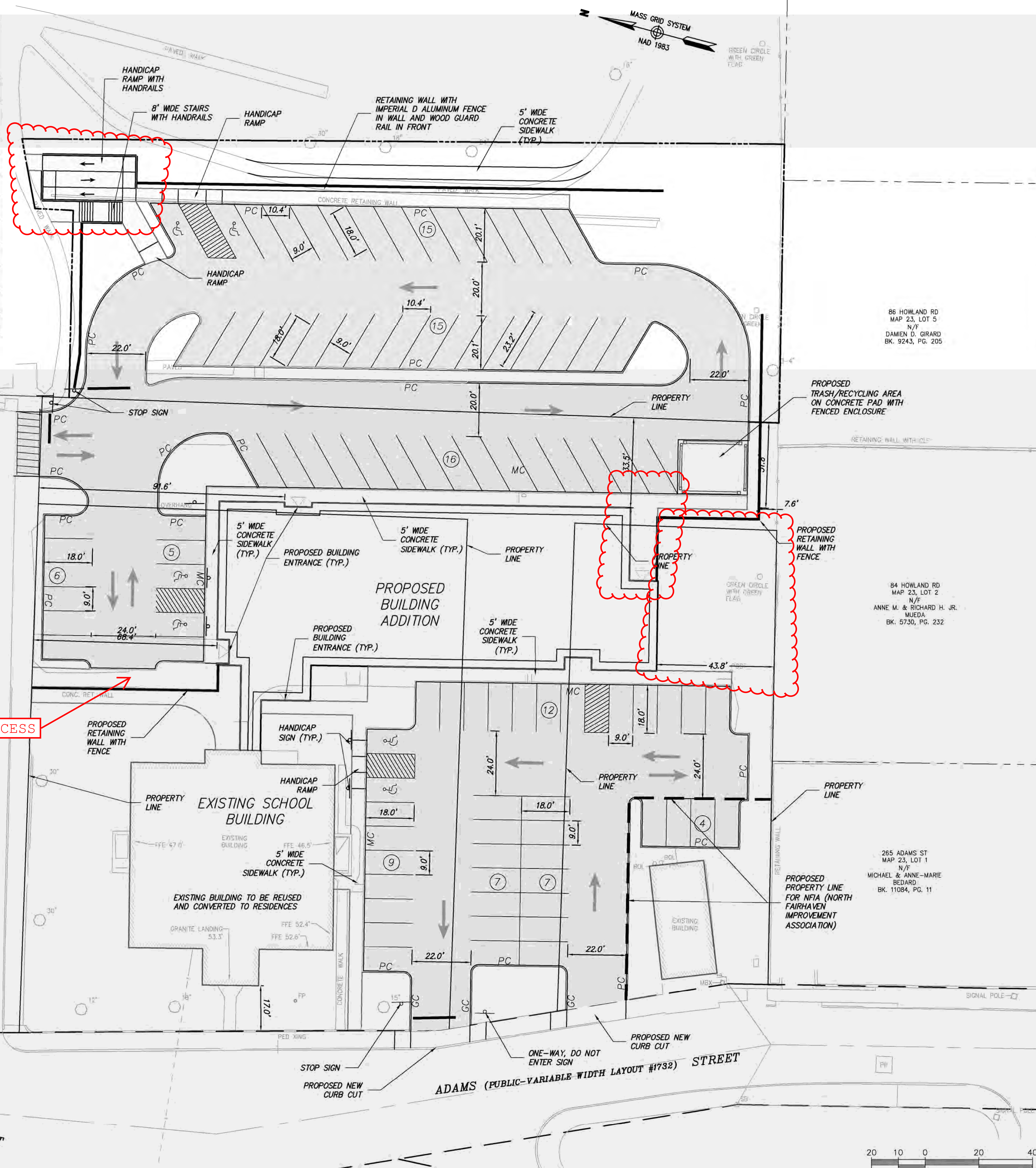


1 NORTH ELEVATION
3/32" = 1'-0"

ZONING SUMMARY AND TABLE		
ZONING DISTRICT: SINGLE RESIDENCE DISTRICT - RA		· PROPOSED USE: MULTI-FAMILY RESIDENTIAL (63 UNITS) · PROJECT IS BEING PERMITTED UNDER A COMPREHENSIVE PERMIT CHAPTER 40B
BULK & DIMENSIONAL REQUIREMENTS	REQUIRED - DISTRICT RA	PROPOSED
MINIMUM LOT AREA (SQUARE FEET)	15,000 SQUARE FEET	59,424 SF (1.364 AC) *LOT TO BE COMBINED DURING THE 40B PROCESS
MINIMUM FRONTAGE	100 FEET	273± FEET (NEW PROPOSED LOT)
LOT WIDTH	125	271± FEET (NEW PROPOSED LOT)
MAXIMUM BUILDING HEIGHT (FEET)	35 FEET	3 STORIES (35 FEET)
MINIMUM FRONT YARD SETBACK (FEET)	20 FEET	12.7± FEET (EXISTING)
MINIMUM SIDE YARD (FEET)	10 FEET	5 FEET
MINIMUM REAR YARD (FEET)	30 FEET	27± FEET [10 FEET EXISTING NON-CONFORMING]
MAX. BUILDING COVERAGE	30%	34.3% (20,358± SQ. FT.) [39.6%, 23, 671± SQ. FT. EXISTING NON CONFORMING]
MAX. LOT COVERAGE	50%	79.1% (47,000± SQ. FT.) [74%, 43,990± SQ. FT. EXISTING NON CONFORMING]
PARKING	1 SPACE - ONE BEDROOM, 2 SPACES - MULTI-BEDROOM	62 SPACES (INCLUDING 4 H.C. [2 VAN])

1. SEE OTHER SHEETS IF APPLICABLE NOTES.
2. THE PURPOSE OF THIS PLAN IS FOR PERMITTING ONLY. CONSTRUCTION DRAWINGS AND SPECIFICATIONS TO BE PROVIDED PRIOR TO BUILDING PERMIT APPLICATION.
3. SEE ARCHITECTURAL DRAWINGS FOR ADDITIONAL BUILDING INFORMATION.
4. DESIGN OF RAMPS AT HANDICAP PARKING AND WALKWAYS ALONG ACCESSIBLE ROUTE TO COMPLY WITH ADA REQUIREMENTS. CONTRACTOR IS RESPONSIBLE TO ENSURE COMPLIANCE WITH ALL ADA REQUIREMENTS AS SET FORTH BY THE ADAG AND THE MASS ARCHITECTURAL ACCESS BOARD. CONTRACTOR IS REQUIRED TO KEEP A COPY OF BOTH THE ADAG AND THE MASS ARCHITECTURAL ACCESS BOARD REGULATIONS ON SITE AT ALL TIMES, FOR REFERENCE.
5. ALL LINES OR POINTS ARE PERPENDICULAR OR PARALLEL TO LINES FROM WHICH THEY ARE MEASURED UNLESS OTHERWISE NOTED. WRITTEN DIMENSIONS SHALL PREVAIL.
6. THE CONTRACTOR SHALL VERIFY ALL LAYOUT, DIMENSIONS, GRADES, AND INVERTS PRIOR TO CONSTRUCTION; REPORT ANY AND ALL DISCREPANCIES TO THE ENGINEER. ALL DISCREPANCIES SHALL BE RESOLVED IN WRITING PRIOR TO BEGINNING WORK.
ALL AREAS DISTURBED BY CONSTRUCTION ACTIVITY NOT DESIGNATED TO RECEIVE OTHER TREATMENT SHALL BE SMOOTHED, FERTILIZED AND SEEDED IN ACCORDANCE WITH PROJECT SPECIFICATIONS, UNLESS OTHERWISE NOTED.
8. ALL NEW WALKS AND SURFACES TO MEET EXISTING WALKS AND SURFACES WITH SMOOTH, CONTINUOUS LINE AND GRADE.
9. THE CONTRACTOR SHALL NOT INSTALL CONCRETE DURING ADVERSE WEATHER CONDITIONS (RAIN, SLEET, ETC.) UNLESS OTHERWISE DIRECTED BY THE ENGINEER.
10. ALL MATERIALS REMOVED FROM THE SITE SHALL BE DISPOSED OF IN ACCORDANCE WITH ALL APPLICABLE LOCAL, STATE & FEDERAL STANDARDS.
11. CONTRACTOR IS RESPONSIBLE FOR CONTRACTING WITH A LICENSED LAND SURVEYOR TO OBTAIN AS-BUILT INFORMATION DURING CONSTRUCTION INCLUDING BUT NOT LIMITED TO SUBSURFACE UTILITIES, DETENTION STONE BASE, TOP OF DETENTION STONE, TOP OF CHAMBER, TOP OF SYSTEM, DETENTION SURFACE AND SURFACE ELEVATIONS NECESSARY TO FURNISH OWNERS ENGINEER WITH A COMPLETE AS-BUILT UPON COMPLETION OF CONSTRUCTION.
12. CONTRACTOR SHALL NOTIFY ENGINEER 72 HOURS PRIOR TO INSPECTIONS OF SUB BASE, PAVEMENT, UNDERGROUND SYSTEM BASE STONE INSTALLATION AND OTHER ITEMS WHICH MAY BE REQUESTED BY ENGINEER.
13. CONTRACTOR IS RESPONSIBLE FOR SUPPLY OF ALL NECESSARY ITEMS REQUIRED TO FULFILL THE INTENT OF THE DESIGN, WHEN EXPLICITLY INDICATED HEREIN OR IMPLIED BY THE CONTRACT DOCUMENTS.
14. CONTRACTOR SHALL COMPLY WITH APPLICABLE CONDITIONS OF APPROVALS, INCLUDING BUT NOT LIMITED TO 40B COMPREHENSIVE PERMIT AND BOH APPROVALS.

CCB	CAPE COD BERM
PC	PRECAST CONCRETE CURB
GC	GRANITE CONCRETE
MC	MONOLITHIC CURB
	HANDICAP PARKING SYMBOL
	SIGN (HANDICAP OR TRAFFIC)
	DIRECTIONAL TRAFFIC ARROWS
	BITUMINOUS PAVEMENT
	CONCRETE SIDEWALK



E-ICON

ARCHITECTURE

CHIA

Drawing Copyright © 2011

KEY PLAN

MARK	DATE	DESCRIPTION
------	------	-------------

SHEET TITLE

C-201

Oxford School Residences

Unit Type and Count by Building

	Existing				New			
	1-BR	1-BR (BF)	2-BR	2-BR (BF)	1-BR	1-BR (BF)	2-BR	2-BR (BF)
	1 Bath	1 Bath	1 Bath	1 Bath	1 Bath	1 Bath	1 Bath	1 Bath
Ground Floor	3	0	0	0	5	0	0	0
First Floor	3	0	2	0	10	1	1	0
Second Floor	3	0	2	0	10	1	1	0
Third Floor	0	0	0	0	11	1	0	0
Project Totals	9	0	4	0	36	3	2	0
Subtotal	13				41			
Total Units New and Existing	54							

Unit Square Footage by Type and Location

Ground Level	Unit #	Existing				New			
		1-BR	1-BR (BF)	2-BR	2-BR (BF)	1-BR	1-BR (BF)	2-BR	2-BR (BF)
		1 Bath	1 Bath	1 Bath	1 Bath	1 Bath	1 Bath	1 Bath	1 Bath
	H01	756							
	H02	688							
	H03	686							
	001					613			
	002					613			
	003					613			
	004					613			
	005					613			
	006					688			
	007					695			
	First Floor	H11	636						
H12		585							
H13		562							
H14				890					
H15				890					
101						613			
102						613			
103						613			
104						613			
105						613			
106						688			
107						618			
108						613			
109						613			
110						613			
111					613				
112							829		
113						626			
Second Floor	H21	636							
	H22	585							
	H23	562							
	H24			890					
	H25			890					
	201					616			
	202					616			
	203					616			
	204					616			
	205					616			
	206					688			
	207					685			
	208					616			
	209					616			
	210					616			
	211					616			
	212							829	
	213						626		
Third Floor	301					616			
	302					616			
	303					616			
	304					616			
	305					616			
	306					688			
	307					685			
	308					616			
	309					616			
	310					616			
	311					616			
	312					628			
	313						626		

Unit Square Foot Average by Type and Location

Averages	1-BR	1-BR BF		2-BR	2-BR BF	
Existing	633	-		890	-	
New	628	626	-	829	-	
Combined (New & Existing)	630	626		860	-	

Gross Square Footage by Floor

	Existing	New
Ground Floor	5,432	10,023
First Floor	5,712	10,196
Second Floor	5,712	10,032
Attic/Third Floor		9,878
Total Per Building SQFT	16,856	40,129
Project Total	56,985	



E3

Vicki Oliveira <vloliveira@fairhaven-ma.gov>

Form submission from: Selectmen's Meeting Agenda Request Form

1 message

Fairhaven MA via Fairhaven MA <cmsmailer@civicplus.com>

Mon, Jan 25, 2021 at 3:30 PM

Reply-To: Fairhaven MA <cmsmailer@civicplus.com>

To: Board of Selectmen <selectmen@fairhaven-ma.gov>

Submitted on Monday, January 25, 2021 - 3:30pm

Submitted by anonymous user: 2601:192:8400:9aa:1d78:5bc4:cd19:f2b3

Submitted values are:

==Please provide the following information:==

Name: Sue Loo

Email: su13lu@yahoo.com

Address: 91 Farmfield St

Phone: 774 510 0246

Do you wish this request to be confidential? Yes

How do you prefer to be contacted? Email

Is this item time sensitive? Yes

Topic you wish to discuss with the Board: Arch Communités / Lanagan would like to present to the board the preliminary proposal for Rogers School development.

The results of this submission may be viewed at:

<https://www.fairhaven-ma.gov/node/318/submission/7081>

**QUESTIONS FROM RESIDENTS IN REGARD TO ROGERS SCHOOL SUBMITTED
PROPOSAL FROM ARCH COMMUNITIES/LANAGAN**

The following are questions the Rogers Re Use Committee were given at both the Zoom meeting held on Tuesday January 19th, 2021 as well as via emails directly to committee. This does not include any questions sent directly to the selectmen.

1. Which proposal will the developer be seeking when they meet with the selectmen?
The original design or the modified one?
2. What is the rough time frame to receive all the grants?
3. How long before the developer feels he could begin the construction? 1, 2, 3 years?
4. What total and different areas of financial relief is the developer asking from the town?
5. How many units will **NOT** be designated 55+ affordable housing?
6. If the developer does not have enough 55+ seeking the units then what is the next step to fill the vacant units? Will they seek below 55+?
7. How many units are mandated to be 55+ by government grants? For example, do they say we will provide grants if 50% are designated to be 55+?
8. Is it a requirement for the grants that is 55+ or just as affordable housing and is it the developer's option / choice to do 55+?
9. Can the project be reduced in size down to something more fitting to the space?
10. Parking – where do visitors park? You show 10 extra spaces but of those 10 how many must be public handicapped parking?
11. You must keep the building for 15 years due to tax credits. What happens after 15 years, Can the 55+ requirement be changed with a new buyer?
12. Do you keep your buildings after 15 years or sell them off? How many of your projects have you kept?
13. The exterior **DOES NOT** match the historic nature of the town or the neighborhood as stated as requirement in RFP. What changes can be made?
14. What are the occupancy limits for a 1-bedroom unit? 1,2,3 people? 2-bedroom unit? 1,2,3,4 people?
15. Is there a limit imposed on how many cars are allowed per unit? Where do additional cars park?

15. Is there a limit imposed on how many cars are allowed per unit? Where do additional cars park?
16. Has there been any type of traffic study done to see what the impact would be on the neighborhood?
17. Are there any plans to develop the front grounds for additional parking and could this be done?
18. What is the name of the management company that would be overseeing the residence? What is their history and background in overseeing a residence?
19. Where it would be 55+ affordable housing are all occupants of the unit required to be 55+?
20. Where are the trash and dumpster located?
21. Is the playground (Big Toy area) reduced?
22. Is the baseball field and basketball court eliminated?
23. Who pays heat and electric? Is that part of rent?
24. Who are the other investors in the project?
25. Is the back lawn as well as the front green space public or private space for residence only?
26. Do the windows open or stay closed? The design of the windows has no historic look.
27. What is the turnover of occupants in your other projects?
28. What is the average length of time people stay in your properties?
29. What type of issues have you had with past residences at your other properties?
30. What is the construction method and material for the structure? Interested in the subfloors, wall studs, and attic framing members.
31. What kind of infrastructure updates will need to be made to accommodate the proposed structure and who will bear the cost of those improvements?
32. What kind of tax revenue will be provided to the town on an annual basis from the property owners?
33. Is there any possibility that this structure will get any taller or shorter height wise?
34. Will the look of the main building regarding windows and doors be changed in any way?
35. Are you willing to agree to deed restrictions regarding the main building?
36. How did you arrive at the number of units you plan to build?
37. Would you be willing to put main school building on the Historical Register?
38. What type of material will you be using for the exterior of the addition? Would it be bricked to match the main building? Same as for the roof.

39. How did you arrive at the overall size of the units in the main building compared to the ones in the addition?
40. Can you match the roof on the addition to the main school building?
41. What would construction process be? School and addition at same time?
42. Will priority be given to Fairhaven residents upon rent up?
43. Of the total project of 21 million how much money is coming directly from the company's pockets and how much from free grants and other federal and state assistance?
44. What exterior modifications will you make to the Rogers building and grounds?
45. Is smoking of any type of products be permitted in the proposed project or only outside?
46. The proposed area is zoned residential only. How do you plan to get the location rezoned for housing?
47. Will pets be allowed and if so, how many per unit?
48. What are the amenities for the residents?
49. Does your company have any current or ongoing legal cases currently pending?
50. If the revised or original proposal is not approved by the selectmen, do you have any additional revised or different plans to submit or will you no longer be interested in pursuing the housing at Rogers School?
51. What other current proposals are you currently working on at any stage of the process and where?
52. Have you had any projects there were not able to be completed and you had to walk away?
53. How many and what percentage of your other housing projects are 55+ residents and of those 55+ residences how many are section 8 occupants?
54. With a project this size of units, cars, parking, how do you plan to address the neighborhood concerns and ensure they do not come to fruition?
55. How will you choose who lives in the units?
56. Are there any other land areas in town that you could foresee this project proposal being a better fit?
57. Would you be using the same contractors that you used for your Cottage Street project that had serious workplace safety violations?
58. What type of lighting would be used in the parking areas?
59. Can you develop the building with small addition for owner occupied condo units rather than the monstrosity you are proposing?
60. How are you planning to work around the easement that runs through the property?

RESIDENTS CONCERNS SUBMITTED IN REGARD TO ROGERS SCHOOL PROPOSAL

(These are the concerns that were submitted in a non-question form by many residents)

1. Many residents submitted concerns over the overall size of the addition in the center of town as well as the number of units.
2. Major concerns were for the parking issues. Chestnut Street, when Our Ladies Haven is open for visitors (currently closed to visitors due to Covid -19) is very congested. Along a section of Pleasant St and Chestnut St several homes do not have adequate parking and park on the street. Also, there is a parking snow ban that runs from December to March where parking is only permitted on one side. It would be impossible to park near our homes.
3. Added traffic is a concern with many children in the neighborhood as well as those using the bike path. Added traffic brings more accidents.
4. Residents are concerned how this proposal will affect their future home values.
5. Concerned about digging near Atlas Tack and the PCPs that could have filtered in.
6. In the proposal the basketball court as well as the baseball field is eliminated. The park should not be touched. It is a separate lot and is utilized by so many neighborhood and non-neighborhood children and their families.
7. Folks are concerned about the design of the addition not matching the original building in architecture. One resident responded, "it looks like cookie cutter thrown up tacky tack".
8. Height of the addition is too high for neighborhood.

We heard from three residents that are in favor of the proposal.

A few also are in favor if it is scaled back in the total number of units.

Date: Mon, Jan 25, 2021 at 4:34 PM
Subject: Rogers school proposal
To: <rogerscommittee@gmail.com>

Hello. I want to voice my concern over the large scale of the proposed project for housing at Rogers School. I do not believe that in its present design form that this housing project will maintain the quality of living for present neighbors adjacent to the property nor would it be well for Fairhaven as a whole should it go through on this scale.

We must first and foremost examine what was lost with the removal of a community school that anchored our children to their neighborhoods and outdoors. It also anchored parents to other parents. That is a measurable standard of living that rates high for quality. That was lost. This property must always transition to an equal trade off. If not, we cheat ourselves and sell out to a lower standard of living that can not be recovered. We must not.

I support senior housing whole heartedly but not at the expense of congested streets. Increased light. Loss of skyline. Loss of free green space and loss face to face interaction in open space. Rather than see those negative trade-offs I would gladly pay increased property taxes in order to fund a tear-down and park erected.

I support this project if the number of units is halved and the park area remains at its present size with its basketball court, baseball diamond and playground area. I can only see this possible if land south of the Union St. through-way is not developed. I hope with a reduced number of units and underground parking, this can be accomplished.

Respectfully submitted,

Jeremy Tyler

52 William St

3 generation Rogers School family.

Sent from my iPhone

Date: Mon, Jan 25, 2021 at 5:01 PM
Subject: Lanagan Proposal
To: <RogersCommittee@gmail.com>

Dear Committee Members,

Thank you for taking the time to read my thoughts on the latest proposal for the Rogers School property. I own and live at 93 Pleasant St, directly across the street from the project. To my knowledge none of the abutters that live on that street were approached to provide input on the current proposal before the committee by Lanagan Developers. Although we are a very small fraction of the community, the impacts of any development on that property will uniquely impact us and I feel we should have had some input.

When I bought my house in 2019 I was told four high end houses were being built across the street that would match the look and feel of the neighborhood and that the park would remain. As it currently stands, this project is far too large for a block and neighborhood of our size. The traffic on Pleasant St is already challenging and it doesn't appear this proposal has accounted for parking for all the units. They also took over a part of the property that from my understanding is being maintained by the town for open space and the park - something I see used daily throughout the year by everyone in town. I have a lot of concern for the value of my home if this is built across the street.

I have no problem living across from affordable housing or housing for 55+, but the current proposal is a huge disappointment to myself and my family. I do hope you will consider the impact this will have on our home's value and our quality of life.

Thank you for your consideration and time,
Caroline Hawthorne

Date: Mon, Jan 25, 2021 at 1:36 PM
Subject: 2021 proposition:
To: <RogersCommittee@gmail.com>

To whom it may concern:

As an abutter to the Roger's School property, I cannot endorse the last proposal by the Lanagan firm, nor the proposed (per the meeting) modification to turning the addition 90deg.

It is not my intention to disavow any and all proposals to develop that property. The sheer scale of that number of units, and the vehicles associated with that many occupants will not work in the neighborhood, specifically without paving more of the (current) park itself. Also, when the town's automatic parking ban goes into seasonal effect, the Pleasant, Center and Chestnut streets surrounding will not support the overflow.

Additionally, with the center style neighborhood being what it is, I'd be wholly supportive of a condo style project (scaled appropriately to fit) where the occupants have a vested ownership interest in taking care of both the property and the neighborhood, versus any apartment style occupancy at all where people don't have that kind of long term bond with the community.

I look forward to seeing what becomes of the property, and hope it will bring with it the lasting mark the town deserves.

Sincerely

Chip Hawthorne
93 Pleasant st

Date: Sat, Jan 23, 2021 at 9:23 PM
Subject: Rogers School proposal
To: <Rogerscommittee@gmail.com>

Hello,

I am writing in regards to my concern with the proposal of Rogers School. We have lived in Fairhaven for over 10 years and love the history and quaintness of the town and would-be heartbroken if this actually goes through. I understand the importance of the issue, but there has to be something that investors and the town of Fairhaven can come to with a resolution. I hope the right decision is made for the sake of the residents and character of this beautiful town.

Thank you,
Amy Jorge

Date: Sat, Jan 23, 2021 at 8:03 PM
Subject: Roger's School
To: <rogerscommittee@gmail.com>

I submit this email in support of the current proposal for Roger's School.

The school has been vacant for a long time and is at risk for ongoing vandalism and perhaps even a serious fire. Fairhaven needs housing and tax revenue. It does not make sense for the town to retain ownership and to continue to spend tax payer dollars for upkeep.

The proposal for over 55 housing is a viable solution. The town should do its best to mitigate abutter concerns but move forward with approval of the project.

Thank you.

Angela Pickup

JEN WARD

Hello,

We have many concerns with this proposed plan as we live directly across from Roger's school on Pleasant Street. My family and I bought this house just over 9 months ago, we knew that Rogers was vacant but were under the impression that something in the future was going to be done with the building. I am concerned with the size of the building that will go on the plot if the proposal goes through. I know there will be landscape placed around the building but it does not negate the fact that a four-story building will be staring at us every day when we open our door. I am concerned with the residents that will be placed in the building and how they will choose who lives in the dwellings? I am a visiting nurse and go into many elderly housing units, many of these places do not have adequate parking for their residents never mind all the visitors: family, PCAS, nursing staff, etc...We are concerned that the off street parking will be a nightmare on Pleasant street and surrounding streets. With the parking also comes the traffic that the building will cause, not just cars but foot traffic as well. We are concerned about gaining 60+ new neighbors and the dynamic that comes with that, the noise that comes with that too. I'm concerned that creating this building will decrease the value of our house and deter the sale of our home in the future. We are in support of gaining some housing for those in need, I just feel the scale of this building is too large for the center of Fairhaven. I'm curious to see what the next proposal looks like.

Thank you,
The Nuneses
95 Pleasant Street

To whom it may concern,

I have lived at 99 Pleasant St. for over 30 years. My husband (who has lived in Fairhaven his whole life) has lived at 99 Pleasant St. for over 50 years. I worked at Rogers for about 12 years. I know the neighborhood very well, and have been an active part of it.

We saw this plan for Rogers school and are against it.

We believe our neighborhood is not a good fit at all.

The amount of additional cars / traffic on our streets would be unacceptable! This affects our daily life. I have seen responses to it on social media... Are these folks going to be dealing with this on a daily basis? I will, as well as my neighbors.

I hope this Board takes into consideration the lived realities of those most affected by this proposed plan. Our lives will be altered greatly - leading to an increase in more traffic, thus more accidents. This proposed change would completely alter our neighborhood and our lives. Thus, I implore you to not approve the current proposal.

Thank you for your time.

Theresa Fletcher

Mark Fletcher

How could an abomination such as this even be considered? We're going to take one of the most beautiful small town centers in all of New England, jam packed with more historic architecture, and history than almost any place in all of New England, Shame on us for even allowing the project to get this far.

Tom Marshall

P.S. I will be happy to get involved in addressing the town, or do whatever is needed to do with Rogers School that would make us all proud, especially it's benefactor

Hello. Jim and Renee Hannan's opinion regarding the Rogers School Re-use proposal:

Main major concern: 62 units seems excessive for the existing foot print. The size of the new buildings housing the apartments would not "fit-in" with the neighborhood. Also, even with the allotted 78 parking spaces, residents and visitors would likely cause a lot more cars to be parked along all four surrounding Streets.

Traffic will increase significantly along these roads as well.

The proposal does a nice job describing the primary "win" (repurposes a historically significant building that has emotional value to the community). However, we feel we don't want to be held hostage: 62 units or a tear down.

Other Fairhaven Resident's concern: Lanagan has limited experience in large scale developments and his reputation needs to be investigated more closely.

We would be more than happy to talk with anyone that is willing to talk to us !

Thanks for the opportunity for us to voice our opinion and concerns.

Evening,

I've already reached out to a couple Selectmen and neighbors to voice my concerns about the proposed development of the Roger's elementary School. I have not found a single neighbor who is for this proposal. It's atrocious! As a resident who directly abuts the Roger's School we have closely followed the plans over the years. We bought our home next to a school and a park, our oldest daughter was able to attend Rogers before it closed down. If you do not live in this neighborhood or even directly next to the park, you probably don't actually know how much use the park and the streets get on a daily basis. It actually upsets me that so many who do not know the reality of the street and park use are making assumptions about what would work for us because you don't even know what it's really like.

What I see when I look out my window is a beautiful old school, I see a park, I see residents walking, playing, socializing. I see the wind turbines in the distance. I don't see a huge parking lot or the front of a large housing unit. Rogers is a pick up spot for football, a pit stop for families on the bike path, a swing before or after the school bus, a place to have a pick up kick ball game, a place to run and play with your dogs or kids, a place for kids to play and explore under the big beautiful tree. The basketball court and pavement a safe place for local kids to learn how to ride without training wheels or to ride around in a fenced in area while siblings play on the playground. The park is used all the time. In the winter we watched a young man shovel the snow off the court so he could play basketball. The park is an important part of this neighborhood. Not used by schools for sports, it offers a true neighborhood environment for residents.

Pleasant street is busier each year and the speed limit is nonexistent to some. Chestnut Street is busier, the neighborhood is like no other. You can walk down any street and feel at home. The single family and multi family homes in the area are natural and inviting. They are not huge brick eyesores that belong in a city or an industrial setting. In this quiet neighborhood parking is already an issue in the warm months with families coming to the park for playdates or parties and navigating cars parked on both sides is concerning. Someone said in an online board 55+ plus housing won't bring more traffic. This is absurd, most 55 year olds do drive, most 65 year olds drive, my 100 year old great aunt only stopped driving at 93 because when she traveled they refused to rent her a car...people don't stop driving or having guests visit when they hit 55. Please end that talk, it's embarrassing that is part of the discussion that 55+ community would not add to the traffic or parking issues in the area. Plan for the units to all have 2+ parking spaces.

At night time we don't have big lights shining in our windows illuminating a parking lot, we have a single light on the back of the school that flickers all night, probably to deter the vandalism we've seen over the years. I'm not saying something doesn't need to be done but I am saying you made a huge mistake when you let the school deal fall through. If you want housing for elderly, despite already putting it in at the Oxford school, why not put it in one of the many other VACANT locations around town that is not right in the middle of a neighborhood. I'm appealed that the developers actually proposed something of this scale and design. Whatever is done should stay in the footprint of the existing school. It should not overshadow homes, it should not ruin the historic skyline, it should not take up two blocks! This is a neighborhood full of families who already struggle to navigate the parking when it snows or Our Lady's haven has a shift change. If anyone gets a delivery or the trash is being picked up the street is impassable. This is a neighborhood of front porches, sidewalks, and beautiful old homes. Have some vision, get in touch with the neighborhood, don't allow your name to be attached to this proposal other than shutting it down.

Sincerely,

Lisa Breese

(92 Chestnut Street)

Hi, Sue,

I just wanted to reach out and see if I have all this right...

The current predicament with Roger's School is that there isn't enough money in the town budget to fix the building. It seems that ship has sailed.

There also isn't enough money to tear it down (not that this is an ideal solution, but for clarity) because the cost is upwards of 2 million dollars with clearing and repurposing the land.

The town is currently asking for people to submit proposals.

The current proposal (Arch&Lanagan) is recouping its cost (though much money comes from grants and tax credits according to the plans - north of \$21 million with \$550,000 from the town itself) through the large number of units (62). In other words, this makes it worth their while...

Do these numbers really balance out? Meaning, with everything they expect to come in (\$21,370,000), is it really necessary to have that many units in the plan (62)? I'm sure projections to build such a massive project are high, and the cost of restoration is a rather large number too, but isn't there a way to balance the cost of restoration with a more manageable property size and still make a profit? Maybe not as large as some would hope, but still? Do you have these figures or is this for each proposal to take into account?

Are there case studies on how many units of affordable 55+ units the town needs? Has the Oxford project been taken into account in those numbers?

This seems like a large number of units to push into the center. It also seems like some support comes from the community for the affordable housing idea.

What happens if Arch and Lanagan can't fill these units? Do these parameters change? Who moves in? I ask because in the case of the New Bedford Mills, I believe it switched to subsidized housing and section 8 units. I also ask because people are argue there will be no commuter traffic down here because these are units for the 55+ community. I find this naive, but I'm also concerned that it won't remain true to whatever degree it might make sense.

Without the proposal:

As it stands, it seems the town is in a rush to unload the property before it's condemned and has to be torn down (some people are figuring another two to three years before that happens). We need someone to take it on, preferably as a restoration project, but with some altruistic goals in mind instead of the bottom line. Where do we find that guy? That seems to be the next question.

Any clarity on the matter is helpful, whenever you have a moment to spare.

Thank you,
Alyssa Marshall

This project is really threatening the Center. The traffic alone will be nightmare! Construction is going to take forever. Digging up next to Atlas Tack is not smart. PCPs must be settled and spread out underground. I get needing to do something with the building, even using some of the lot for some smaller housing units, but this proposal is grotesquely large, unlikely to be filled with seniors, and will cause nothing but problems for those of us who live here. Honestly, if this goes through, I'd likely have to leave the area for the issues with the PCPs alone. I'm sure you don't much care about that, but you should!

Shame on you for considering this. This town is really losing its soul. As if Benny's to another Family Dollar wasn't enough...it's really disappointing.

This should not be allowed to go through.

Best,
Alyssa Marshall

Hello,

I saw a post from Susan Loo on Facebook encouraging comments from residents about the proposal for the Rogers School.

As a parent, I often bring my children to the Rogers playground and have witnessed the gradual deterioration of the building. I think this proposal would be a wonderful solution to both a housing shortage and the preservation of a historic and beautiful building. It's also nice to see that the playground would stay and there would be a good amount of green space as well.

I hope to see this proposal work it's way through to fruition.

Thank you,
Julie Sullivan
6 William St.
Fairhaven, MA

To Whom It May Concern,

I have noticed that the links on your website for "Rogers School Project Proposals and Related documents" are dead. The corresponding documents should be re-uploaded and the links fixed.

Additionally, there are several existing documents that would be beneficial to host on your website in an effort to educate the citizens of the actual conditions of Rogers School. The documents would include:

1999 Strekalovsky & Hoit Existing Conditions Report
2006 Pretzer Report
2009 Fuss & O'Neill Asbestos Inspection

In my opinion, this committee needs to share these documents with the general public. There's much misinformation and outright denial of the structural condition, the financials, proposed uses, and other issues with the school. Citizens will be faced with reviewing proposals from the recent RFP, and these documents are crucial to those making decisions for their neighborhood and Town as a whole..

Finally, there are no minutes of previous meetings posted on the Town Website.

Thank you,

Andrew Jones

Good afternoon,

I am emailing my support for the reuse of the school for senior housing, but not in its current configuration.

I like the idea of orienting it East/west rather than north/south. Union Street could be reactivated through the the site and the housing addition could be built between Union St and the original school building. The reactivation of Union could provide additional parking as well as serve as a physical barrier to the playground. In addition, this would minimize the frontage on Pleasant and Chestnut Streets, and maximize it on the rebuilt Union St.

Also, the current planned height seems concerning. Reorienting the building East/west could give the building about 240' in length, perhaps possibly reducing the size from 4 to 3 floors, inline with the Our Ladies Haven addition.

I am in favor of creating senior housing, but also in favor of preserving the town and neighborhood feel in that area.

Greg Cormier
Fairhaven, MA

Hello,

I'm writing with my concerns over the housing proposal at the Rogers School lot

First and foremost, this type of building has no reason to be plopped in the center of town. The center is the iconic feel of Fairhaven. It only hurts it and devalues the feel, house values will go down and the neighborhood as a whole will be affected in a negative way.

Secondly, the town voted to allow Oxford to become a housing facility as well. We have not even allowed that building to be completed and we are already saying we need another one because there aren't enough at this time but haven't even seen how quickly that new building fills with **Fairhaven** citizens.

Third, in 2018 the single largest percentage of the population was under 20 years old. 20's being 9.9% and 30's being 12.1%. What is the long term need for another housing building in the next 15-20 years? The town would only require the current buyer to keep the building for 15 years, what happens at 16? Do we know if there is truly a housing crisis in this town for the 55+ residents? Has anyone broken up the amount of units we already have in town? If not, I've broken it down below. Do we even know how many Fairhaven seniors are selling their homes and having to relocate to another town? Has the housing authority stated they need more units for 55+ to meet the future need for Fairhaven residents?

Fourth, I have to agree that rent is high in Fairhaven, I should know, I pay it. Thankfully I pay on the lower end of the scale. A lot of people are saying families would benefit from this proposal with double bedroom units. Who qualifies for this? Would a middle-income family qualify for these units or a family who is considered below the median income? Just because you are above the median income doesn't mean the burden of high rent isn't taking a toll financially on families.

Fifth, does the town have a need for the building and land? My understanding is there are quite a few buildings currently being used by the town that could use the space available at Rogers. The last figure I heard to repair and bring Rogers to code is around 6M. How much would be constructing new buildings cost the town? We know the school admin building is saying they need more space and it seems the town has space in a building originally built for the purpose of educating children or what happens when town hall gets too cramped?

Sixth, has the town considered building a park or green space there? The developer says they will retain the park. How long until residents start complaining about the children and cause an issue and what will be done to correct that? Will residents be told to deal with the children or will the management of the building change up the rules for the park?

I think the town needs to start thinking forward in regards to how we view these projects. We are erecting housing buildings when it seems Fairhaven is becoming a younger town and as such should be thinking of how to draw in and keep younger families as well as protecting the values of homes for the families and individuals who will utilize them.

Current 55+ & subsidized (these numbers do not differentiate between single and two bedrooms, just base units)

McGann Terrace Cottages – 40 units

Oxford Terrace – 108 Units

Dana Court – 55 Units

Building 100 @ McGann – 52 Units

Anthony Haven – 24 Units

Fairhaven Village (private but available) – 196

Proposed New Units - 62

New Oxford School – 63 Units

Total - 538 Current - 600 with new building

Thank you

Lee Baumgartner
97 Pleasant Street

Subject: Rogers School proposal

Dear Fairhaven Selectmen,

The proposal for the Rogers School property is far too massive for that residential area. This is not an urban area and should not be treated as such.

This is a historical area and needs to be on the National Register of Historic Places.

A building that size would be better served at the G. Bourne Knowles site, almost across from the project on the north side, on Route 6 east of Stop & Shop not at the Rogers School property.

Don't be eager to dispose of this historic property, the first gift from the Town benefactor, Henry Huttleston Rogers, which really needs to be retained by the Town of Fairhaven.

Put your Town Planner to work to seek grants for historic property to renovate it and use it for Town offices.

Thank you.

Respectfully,
Karen Vilandry

February 02,2021

Good Morning:

Attached please find the response received from Arch Communities / Lanagan & Co. regarding the questions and concerns submitted by the town residents in reference to the Rogers School proposal.

Please feel free to contact the Rogers Committee at any time via email at:

Rogerscommittee@gmail.com

Thank you

Sue Loo

Chair

Rogers Committee



February 1, 2021

To: Susan Loo, Rogers School Reuse Committee

From: Arch Communities/Lanagan & Co.

Re: Residences at Rogers School Proposal

Please see the following additional information submitted to the Rogers School Reuse Committee pursuant to the Committee's request. As previously indicated, we are available to meet to discuss further at your convenience. Additionally, our development team is available and continues to meet and discuss with members of the community to address questions and solicit feedback from residents.

The initial project design that was submitted with the proposal was designed to set back new construction away from both Chestnut and Pleasant Streets and incorporate the utility easement in a way that would provide a covered drop off area for residents. After speaking with nearby residents and feedback from the community in general, the design was modified to remain consistent with the footprint of the existing school addition and not build over the utility easement and instead end the new construction at that point. Those revised plans have been submitted to the Reuse Committee. While the design modification reduced the overall amenity space within the building, the revised plan preserves the historic Rogers School as initially proposed and maximizes green space. As indicated within the proposal, it is our intention to subdivide the parcel with the Town continuing to own the green space including the playground, essentially everything beyond the location of the proposed parking area. The parking area was designed to comply with local zoning requirements, however, discussions regarding the amount of parking are welcome with the Town. We anticipate working with the neighborhood and the Town to enhance the playground area and the green space to provide a more efficient area for the community to enjoy. This design will not impact the mature trees that are located throughout the area and all of the mature trees will remain. Our intention is for this to be a starting point for the continued review and discussion of the playground and green space area that will ultimately provide what the community wants to see.

As detailed within the proposal, the proposed development will consist of 62 apartments for seniors age 55+ with 90% of the property consisting of one-



bedroom apartments. We anticipate that the typical resident will be able to live independently and will live locally, but may not want or be able to reside in housing that no longer meets their needs. The proposed development will offer residents quality, affordable housing with important amenities such as single-level living, elevator access to all areas, efficient and cost effective utilities including central air conditioning, onsite amenity space including a community room with kitchen, fitness room and recreation space and professional property management services in a community setting that will provide much needed socialization for residents. It was our attention to set the age requirement at 55+ to be able to accommodate potential residents within the 55-62 age range who may also need this housing, however, it is possible to increase the age to 62+ if the Town prefers to increase the age requirement. There is no mandate to maintain the 55+ age requirement if the Town feels strongly about increasing the age requirement. To ensure long-term affordability and age restrictions at the property, a deed restriction will be recorded at the Registry of Deeds that preserves both the affordability and age restrictions and no changes to that restriction are allowed. With 90% of the apartments designed as one-bedroom units, we anticipate that a single individual or two individuals will reside in the one-bedroom units pursuant to state and local occupancy regulations. All residents will undergo a thorough screening process that involves credit, criminal, previous landlord and income certification.

In order to complete a quality development that involves the preservation and adaptive reuse of the historic Rogers School as well as the demolition and hazardous material abatement of the school addition that will be removed and the construction of the new housing, our proposal is based upon a total unit count of 62 apartments. As noted within our proposal, the costs to preserve and redevelop the historic school are significant, particularly since the school can only be repurposed with 8 new apartments (4 apartments on each the first and second floor). The school is an architectural gem and a key piece of the Town's history and we agree that it should be retained and preserved. However, the costs to complete the restoration are high and are required to be offset by the new construction. We extensively reviewed both the basement space and the attic levels for potential living space within the historic school, but determined that they are not appropriate and/or feasible for housing. The basement level features smaller windows and the below ground space is not an area that we feel is appropriate for senior housing and the upper level also has challenges with unusually high window heights and horizontal structural supports that significantly impact the ability to provide sufficient unencumbered access to that space. Additionally, the number of units that has been proposed are required to generate sufficient sources to complete a quality redevelopment including necessary construction proceeds as well as providing sufficient operating revenue to support onsite professional property management personnel, long-term



property maintenance and operating costs such as landscaping, utilities, real estate taxes, insurance and financial expenditures. Reducing the size of the property decreases the sources available to complete a quality development and impacts the operating revenue that is required to maintain a professionally managed property.

In terms of specific design questions including those related to the site plan such as the location of trash receptacles, lighting, as well as construction materials, colors, windows, etc., we anticipate engaging in ongoing discussions and incorporating feedback from the community and the Town throughout the process. As previously noted, our approach to the design of the project involves meeting with Town Departments and members of the community to review design plans and incorporating that feedback into the design. As a whole, our design intention is to preserve the historic appearance of the Rogers School and design the new construction to aesthetically coincide with the school and the architectural historic elements displayed throughout the center including the historic color palate, window design configuration and appropriate lighting fixtures.

For the questions relating to both community funding and timeline, both sections of the proposal narrative have been posted below:

Community Revenue and Participation

It is anticipated that the development team and the Town will negotiate a Tax Incremental Financing Agreement (TIF), or similar, that will set the project's real estate tax liability over a ten-year period. The TIF Agreement will also help facilitate other sources of funding with requirements of TIF Agreements. In addition to the TIF Agreement, the project will request from the Town for a contribution of local funds as required by the state funding agency when tax credits and other funding sources are allocated to projects in that community. While there is no set formula or designation for specific funding sources, typically projects receive funding from local CDBG, CPA or HOME programs depending upon availability. We have included \$550,000 from the Town of Fairhaven's CPA program within our development budget as the redevelopment of the Rogers School will qualify as a historic preservation and redevelopment project and will also be creating affordable housing for the Town. Due to the extensive scope of redevelopment of the historic portion of the Rogers School that will yield only 8 apartments, the demolition of the addition and the anticipated hazardous material abatement necessary within the school and the addition, we are also requesting relief from any Town building fees including the Building Permit fee.



Timeline

Following developer designation by the Town, our development team will complete all necessary due diligence documentation needed to submit a funding application to the Massachusetts Department of Housing and Community Development for tax credits and soft funding sources. Required due diligence will include a market study, appraisal, environmental assessment as well as detailed architect and engineer drawings and site plans. During this time, our development team will also be working with the Town of Fairhaven to secure all required local approvals for the development. In addition to site control, local site approval and zoning approval for the project is a requirement for funding.

The following is a list of key items that will need to be completed as part of the funding applications for the project:

- Phase I/21E environmental report and subsequent studies, if needed.
- Geotechnical analysis.
- Appraisal and market study completed by approved entity.
- Site control in form of Land Disposition Agreement/Purchase and Sales Agreement allowing for sufficient timeframes to secure funding and hold until closing.
- Planning and Zoning approvals for the project.
- Architectural plans for interior and exterior, property survey, site plan, stormwater plan.
- Letters of support from Town of Fairhaven personnel and local agencies, State Representative, State Senator, etc.
- Complete financial pro forma including construction and operations.
- Construction and Permanent Lender term sheets and Letters of Interest from equity investors.

Each agency operates separately and independently of each other and has funding rounds scheduled at different times throughout the year. Application rounds for the competitive 9% tax credit allocated by MA DHCD are typically due annually in February of each year with a Pre-Application round due in December. To be eligible for the Pre-Application round, projects are required to have completed the above including having all local approvals secured prior to the application. Due to the high demand for tax credits allocated by the DHCD throughout the state, we anticipate that it will take two rounds to secure the necessary funding to formalize the purchase of the property and begin the construction phase of the project. That



being said, our development team will immediately begin the design and local approval process after developer designation with the plan on receiving site and zoning approval to be eligible for the next Pre-Application round. During that time period, we envision meeting with Town personnel, Fairhaven community groups and the Rogers School neighborhood to complete a design that incorporates community input and feedback. We estimate that the construction phase will be approximately 14 months followed by a 6-month lease-up period. Pursuant to the requirements of the tax credit program, the ownership entity will maintain ownership of the property for a minimum of fifteen years as evidenced by Arch Communities continued ownership all of its tax credit properties developed to date.

Rogers School – Relich/Lanagan LLC Revised Proposal January 29, 2021



Rogers School –
Relich/Lanagan LLC Revised Proposal January 29, 2021







RESIDENCES
AT THE ROGERS SCHOOL
FAIRHAVEN, M.A.



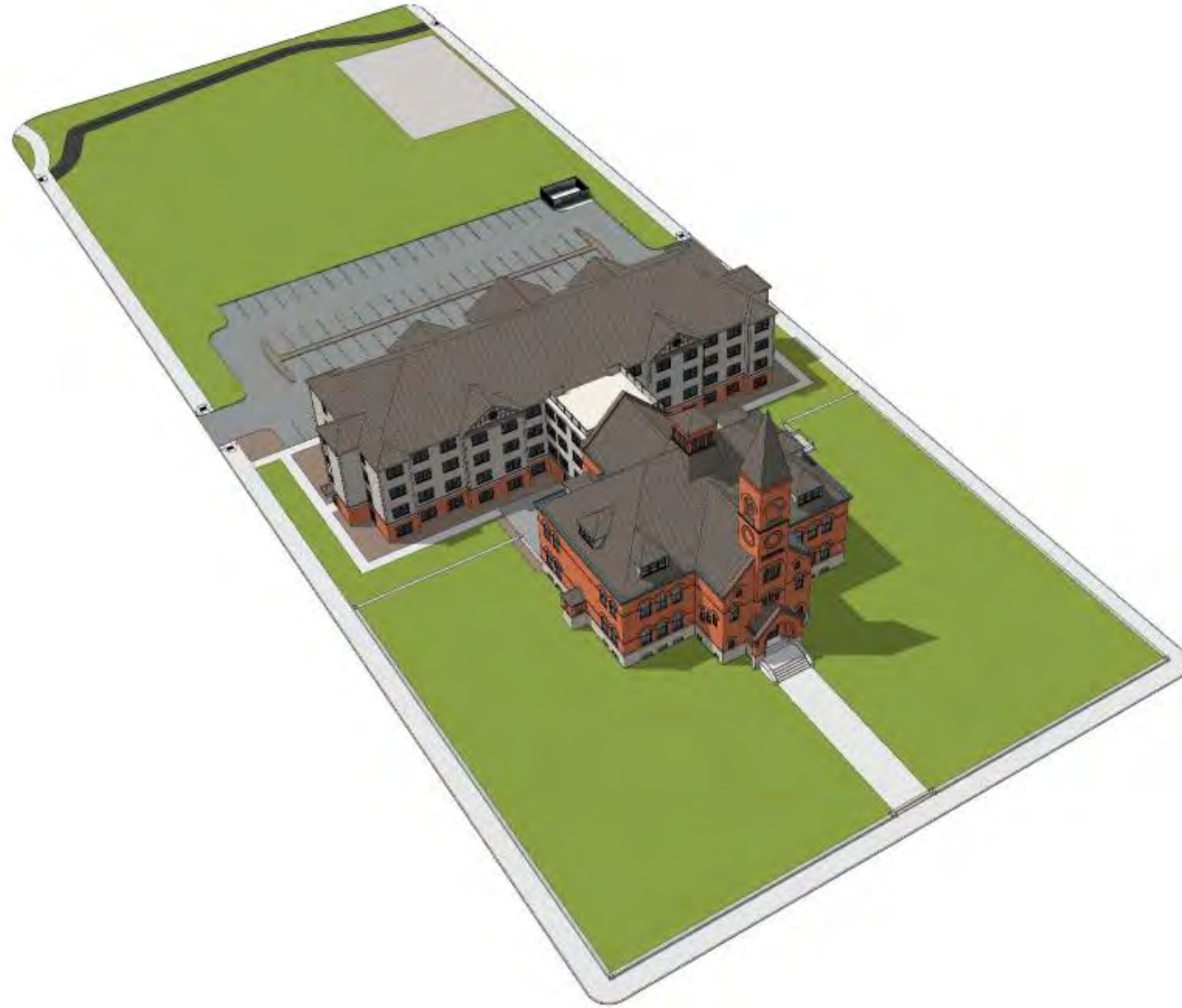
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ARCHITECTS







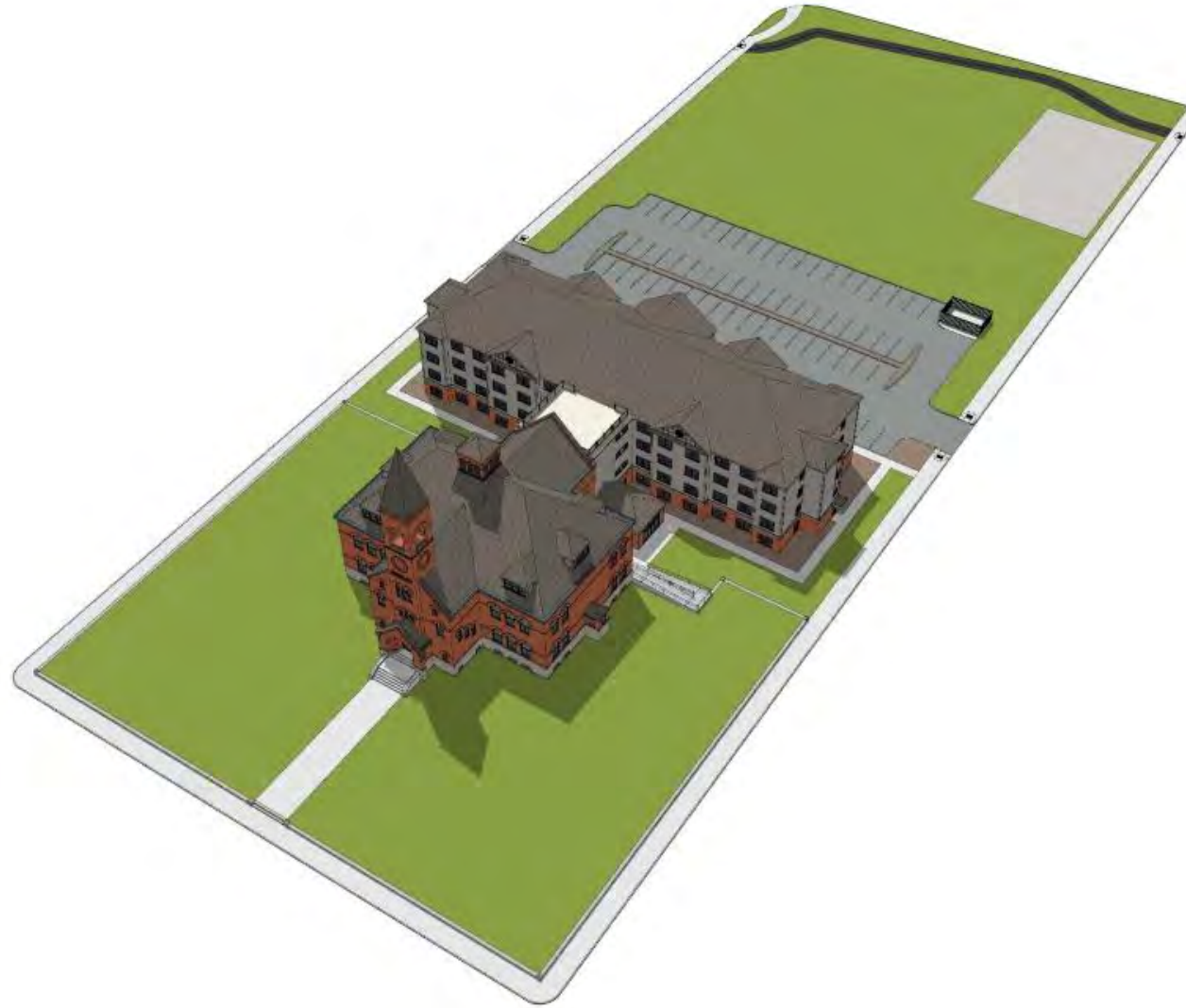




RESIDENCES
AT THE ROGERS SCHOOL
FAIRHAVEN, M.A.



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Select-Board meeting agenda - 02/08/2021

Hello Vicki and Dan,

Below is a request to add agenda items to be heard at the next Select-Board meeting on 02/08/2021. Thank you for your attention to this matter.

I, Patrick J Carr, Owner of A1 Crane Company, Inc. 86-88 Middle Street Fairhaven, MA 02719 and Jerald Bettencourt, Owner of 86-88 Middle Street in Fairhaven, MA 02719, and legal counsel Attorney Greg Koldys would like to be added on the 02/08/2021 Selectman Board Meeting Agenda to discuss the following items:

I would like to address the Select-board about actions and non-actions concerning the direction and position that the Town of Fairhaven has taken in reference to a Cease-and-Desist Orders against A1 Crane Company served by the previous Building Commissioner/Zoning Agent on 04/07/2021

Due to the immensity and complexity of this situation surrounding these issues, I am requesting that Patrick J Carr, Jerald Bettencourt, and my legal counsel, Attorney Greg Koldys attend this meeting in person and will adhere to any and all Covid19 restrictions or recommendations to safely attend this meeting.

Best Regards,
Patrick Carr

A1 Crane Company, Inc.
86 Middle Street
Fairhaven, MA 02719
O: [508-999-2050](tel:508-999-2050) F: [508-996-8251](tel:508-996-8251) Email: info@a1crane.com



Fairhaven
Massachusetts

Broadband Master Plan

Prepared for the Fairhaven Board of Selectmen

February 2021

– Prepared By –



www.entpnt.com

Contents

- I. Executive Summary
- II. Strategy
- III. SWOT Analysis
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- V. Assessment of Existing Broadband Infrastructure
- VI. Market Analysis
- VII. Community Engagement Plan
- VIII. Broadband Survey Results
- IX. Municipal Broadband Models Comparison
- X. Network Design
- XI. Project Partners
- XII. Cost Analysis & Phasing
- XIII. Financing Considerations
- XIV. Risk Analysis
- XV. Next Steps

Broadband Master Plan

Executive Summary

In addition to lowering costs and delivering significant improvements in network speeds, additional objectives for the network include positively impacting economic development, livability, public safety, education, healthcare, emergency communications, smart grid, efficient government services, universal access, environmental stewardship and smart Town initiatives.

The Fairhaven Broadband Study Committee (BSC) has worked with EntryPoint Networks to develop this Broadband Master Plan to assist with a planning and decision-making process to assist the Fairhaven Select Board in determining whether it is feasible to deploy and operate broadband infrastructure for the residents, businesses and anchor institutions in the Town of Fairhaven. The information in this report will be used to assist in the planning and evaluation of feasibility for implementation of a network that can lower broadband costs and increase network value for all stakeholders in Fairhaven. Additionally, this report is designed to assist Town leaders in understanding the operational implications, important risk factors, and a realistic cost framework for developing and operating Town owned fiber optic infrastructure.

The Broadband Master Plan is a living document that will first be used to analyze feasibility. If the Select Board determines that the project has sufficient merit, the planning process will continue toward a formal RFP process for Engineering, Construction, and Network Management Tools. The specific steps to this process are covered at the end of this document in the Next Steps section.

The primary drivers for this analysis include an interest by the Board of Selectmen in lowering costs and improving network speed and reliability. In addition to lowering costs and delivering significant improvements in network speeds, additional objectives for the network include positively impact economic development, livability, public safety, education, healthcare, emergency communications, smart grid capabilities, efficient government services, universal access, environmental stewardship, and smart city applications.

This report seeks to provide the data needed for Town leaders to thoughtfully plan and implement a communications infrastructure strategy that will benefit residents, businesses, and anchor institutions for years to come. Town leaders will be able to use this document to lay the groundwork to address the challenges of a project of this size and scope. The key focus of the report is on the following primary activities:

- 1) Network Design & Architecture
- 2) Cost Analysis for Construction
- 3) Cost Analysis Network Operations
- 4) Customer Acquisition
- 5) Risk Management

Strategy

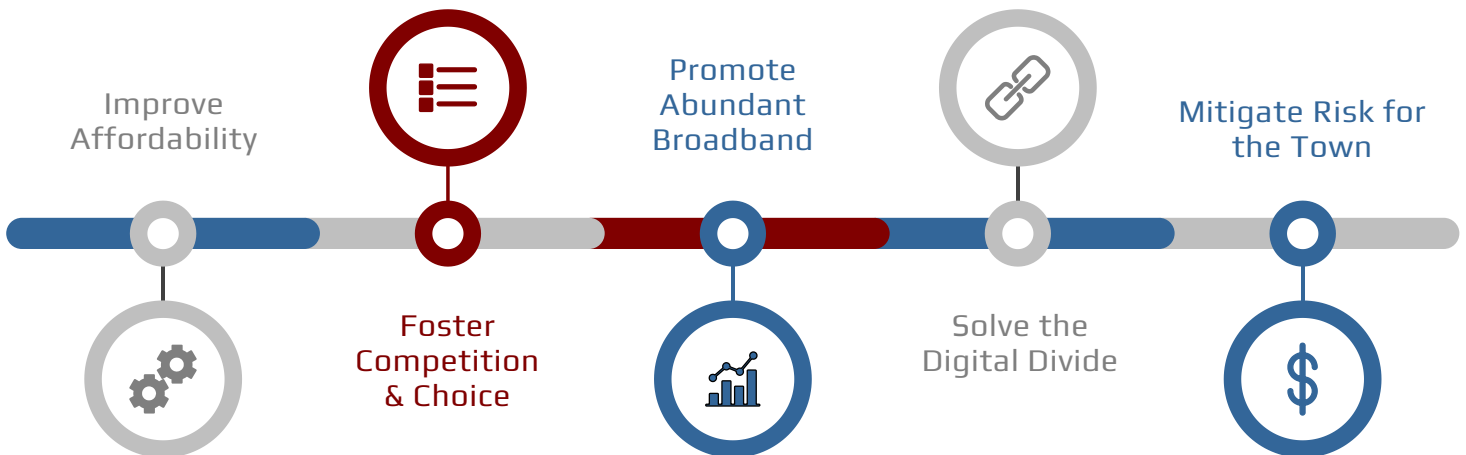
Deploying a large-scale fiber optic network is a significant public works and information technology project.

Key Strategic Ideas guiding this Plan were established by the Broadband Study Committee and include the following:

1. **Improve Affordability** – The Town of Fairhaven seeks to promote policies and initiatives that will make internet access universally available and affordable throughout Town limits.

Broadband Master Plan

2. **Foster Competition & Choice** – The Town seeks to promote initiatives that will increase the number of service providers and types of services that are available to Fairhaven residents.
3. **Promote Abundant Bandwidth** – Town leaders seek for solutions that move from the current practice of treating bandwidth as a scarce commodity toward policies and programs which treat bandwidth as an abundant resource.
4. **Solve the Digital Divide** – Town leaders are interested in promoting access for all residents by making access affordable and by promoting ubiquitous infrastructure.
5. **Mitigate Risk for the Town, Constituents, and Partners** –Town leaders are particularly interested in implementing a business model which mitigates financial and operational risks to the Town and its partners while at the same time helping the Town achieve its other objectives.
6. **Improve Network Reliability** - Town leaders seek to promote network attributes that will increase reliability for residents, businesses, and anchor institutions within Town limits.
7. **Make Participation Voluntary** – A core component of the strategy the Town is advancing is to increase connectivity options for Fairhaven stakeholders but not compel residents or local businesses to subscribe to a particular program or initiative.
8. **Establish Local Control over Essential Infrastructure** - The economy is now an information economy and the importance of digital infrastructure continues to grow in significance. The Town of Fairhaven has an interest in ensuring that the Town has robust digital infrastructure, and it is interested in promoting initiatives which will give the town greater influence over this important infrastructure.



SWOT Analysis

The SWOT Analysis included here is not an analysis of current offerings within Fairhaven. Rather, the analysis considers the Strengths, Weaknesses, Opportunities and Threats related to advancing the projects under consideration in this report.



STRENGTHS	Support from frustrated subscribers. Operational experience with fiber optics (existing backbone). Community interest in increasing the number of choices. Potential regional interest. Consumer demand, timing following the pandemic and awareness of the importance of broadband has increased. Frustration with current systems has increased. Potential for access to stimulus spending focused on broadband.
WEAKNESSES	The Town is managing its own fiber network but has not done this at the scale of a Town-wide project. Some areas in the Town have ledge which may prevent a buried network. If the project is an aerial build, the Town will need to coordinate with the owners of the power utility poles. The Town has limited funds to contribute to the project.
OPPORTUNITIES	Better service, faster speeds, increased reliability, introduce competitive pricing, reduce costs, and increase speeds for local businesses. Impact on employment and economic growth, hotspots in strategic locations around the Town (Parks), low interest rate environment, improved property values.
THREATS	Community fear of government control and intervention. Resistance to change. Misinformation and propaganda. Potential for interest rates to increase. People will hear about failed projects. Undermining existing incumbents, fear of the unknown, fear of increased taxes, concern that new technologies will cause obsolescence of these technologies (5G). Risks outlined in Risk Analysis section.

Broadband Master Plan

Infrastructure

Comparison of Available Media

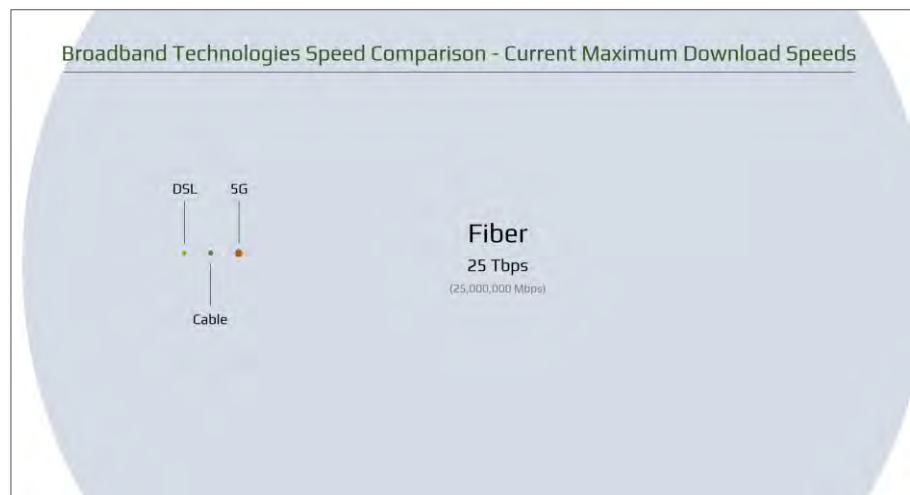
The primary media used for internet access today in the United States includes DSL, Coaxial Cable, Wireless and Fiber Optic cable.

DSL stands for Digital Subscriber Line and it is one of the technologies used to provide Internet connectivity to homes and businesses. DSL uses existing telephone lines and a transceiver to bring a connection into a home or business and allows the household to use the Internet and make telephone calls at the same time. Verizon is the incumbent telephone company in Fairhaven and uses DSL technology. DSL is asymmetrical (the download speed is much faster than the upload speed), is typically shared between 32 or 64 homes, and is capable of download speeds up to 100 Mbps. However, most consumers accessing the internet via DSL experience speeds between 5 – 25 Mbps.

Coaxial Cable uses copper cable designed with one physical channel that carries the signal surrounded by a layer of insulation and then another physical channel, both running along the same axis – hence the coaxial name. Coaxial cable is primarily used by cable TV companies to connect transmission facilities to customer homes and businesses to deliver cable T.V. and internet access. Comcast is the incumbent cable company in the Fairhaven area. Coaxial Cable is asymmetrical, is typically shared between 32 or 64 homes, and is capable of download speeds up to 940 Mbps. A limitation of coaxial cable is that the signal begins to degrade after 360 feet.

Fiber Optic Cable sends information down strands of glass known as optical fibers which are about the size of a human hair. These fiber optic strands are capable of transmitting 25 Tbps today and researchers have successfully demonstrated a transmission experiment over 1045 km with a data-rate of 159 Tbps (<https://phys.org/news/2018-04-fiber-transmission.html>). Fiber-optic cables carry information between two places using optical (light-based) technologies which convert electrical information from the computer into a series of light pulses. Fiber Optic Cable is capable of symmetrical speeds up to 25 Tbps and the signal can travel as far as 60 kilometers without degrading.

Because the difference in capacity between fiber optics and alternative media is so significant, fiber optics should be the foundational media for any new broadband infrastructure project when financially feasible.





Broadband Master Plan

Wireless Internet access is made possible via radio waves communicated to a person's home computer, laptop, smartphone, or similar mobile device. Wireless Internet can be accessed directly through providers like AT&T Wireless, Verizon Wireless, T-Mobile or by a wireless Internet Service provider (WISP).

5G is the 5th generation of technology used in cellular networks and refers to a standard for speed and connection. Because of the extensive marketing around the emergence of 5G, many people wonder whether 5G will replace fiber optic cables. In fact, 5G depends on fiber optic infrastructure. All wireless technologies work better the faster they get back to fiber optics. The graphic above is not to scale (fiber has much greater capacity than the illustration represents) but this illustrates the magnitude of the difference between the different media types. The emergence of 5G is very early but there is a potential revenue opportunity for 5G carriers to operate on Town infrastructure and contribute to the ongoing cost of network operations. Cellular networks can be symmetrical or asymmetrical and are sometimes capable of download speeds up to 2,000 Mbps

Wi-Fi is common in homes and commercial buildings and is a way to deliver a network connection from a network hub over a wired connection to wireless devices via a wireless access point. Most people access the internet over a wireless connection, but it is important to remember that wireless connectivity ultimately depends on a wired connection and wireless access works best the faster it gets back to a wire.

Impact of Bandwidth on Applications

Length & Type of Media	Approx Size	10 Mbps	20 Mbps	100 Mbps	1,000 Mbps
4-Minute Song	4 MB	3 sec	1.5 sec	0.3 sec	0.03 sec
5-Minute Song	30 MB	26 sec	13 sec	2.5 sec	0.2 sec
9-Hour Audio Book	110 MB	1.5 min	46 sec	9.2 sec	0.9 sec
45-Minute TV Show	200 MB	3 min	1.5 min	16 sec	1.7 sec
45-Minute HDTV Show	600 MB	8.5 min	4 min	50 sec	5 sec
2-Hour Movie	1.0-1.5 GB	21.5 min	10.5 min	1.5 min	8 sec
2-Hour HD Movie	3.0-4.5 GB	60 min	32 min	4.5 min	25 sec
Large Archive File	10 GB	Too Long	Slow	Better	80 sec

Upload vs Download Speeds

In addition to the fact that fiber optics offer exponentially greater bandwidth than DSL and coaxial cable, fiber optic cable also offers the ability to deliver symmetrical speeds. In an asymmetrical connection, the download speeds are much faster than upload speeds.

Upload speed is the amount of data a person can **send** in one second and download speed is the amount of data a person can **receive** in one second. Upload speeds can be especially important for businesses, including home-based businesses or people who work from home. Applications that depend on good upload speeds include sending large files, cloud applications like Google Docs and Dropbox, VoIP, FaceTime, Skype, hard drive backups and In-house web hosting.

Transmission Distance

As described above, an additional benefit of fiber optic infrastructure is that a communication signal sent over fiber does not start to degrade for 45 miles while a signal sent over coaxial cable starts to degrade after 360 feet.

Broadband Master Plan

Assessment of Existing Broadband Infrastructure



"The United States requires between \$130 and \$150 billion over the next 5–7 years to adequately support broadband competition, rural coverage and wireless densification."

"The primary finding of the Deloitte report is that legacy infrastructure needs to be replaced with Fiber Optic cable in the near-term to meet bandwidth demands."

A 2017 Deloitte Consulting analysis summarizes the current needs and realities for legacy broadband infrastructure in the United States this way:

"The United States requires between \$130 and \$150 billion over the next 5–7 years to adequately support broadband competition, rural coverage and wireless densification.

Despite the demand and potential economic benefits of fiber deployment, the United States lacks the fiber density in access networks to make the bandwidth advancements necessary to improve the pace of innovation and economic growth.

Some wireline carriers are reluctant or unable to invest in fiber for the consumer segment despite the potential benefits. Expected wireline capital expenditures range between 14–18 percent of revenue. Wireline operating expenditures can be 80 percent of revenue. Fiber deployment in access networks is only justified today if a short payback period can be guaranteed, a new footprint is being built, repairs from rebuilding after a storm or other event justifies replacement, or in subsidized geographies where Universal Service funds can be used. The largest US wireline carriers spend, on average, five to six times more on operating expenses than capital expenditures. Excessive operating expenditures caused, in part, by legacy network technology restrict carriers' ability to leverage digital technology advancements. Worse, as legacy networks continue to descale, the percentage of fixed costs overwhelms the cost structure leading to even greater margin pressure."

Citation: <https://www2.deloitte.com/content/dam/Deloitte/us/Documents/technology-media-telecommunications/us-tmt-5GReady-the-need-for-deep-fiber-pov.pdf>

The Deloitte report is not specific to infrastructure in Fairhaven, Massachusetts, but the conclusions from the Deloitte report are generally applicable. Telco and Cable operators in U.S. cities often have fiber to an aggregation point and then legacy infrastructure from the aggregation point to the premise.

The primary finding of the Deloitte report is that legacy infrastructure needs to be replaced with Fiber Optic cable in the near-term to meet bandwidth demands. There is no indication that incumbents intend to replace legacy infrastructure with Fiber Optic infrastructure in the near term and even if they did, this upgrade would solve the base infrastructure problem but it would not solve for the lack of competition or premium pricing for Gig speeds.

Legacy copper and coaxial infrastructure will need to be replaced with state-of-the-art infrastructure to meet the ever-growing demands for greater bandwidth and faster speeds. An important question is whether unique value can be derived by having the Town and its residents own and control this infrastructure or whether private companies should continue to own and operate all communications infrastructure.

Ideal infrastructure includes more than just the fiber optic cables running throughout the Town. Important infrastructure considerations include the electronics at both ends of the fiber as well as systems that manage and control the network. As the Town deploys its infrastructure, the following are important considerations guiding its decision-making framework:

- **Capacity & Speed:** The demand for bandwidth and speed will continue to grow.
- **Emerging Services and Applications:** 5G, connected vehicles, edge computing, and virtual reality are all examples of emerging applications that have infrastructure dependencies. An

Broadband Master Plan

important consideration is how flexible the business model and technology systems are to enable whatever may come.

- **Local Control:** An advantage of a network that is locally controlled is that the network can be much more responsive to local needs and may enable innovation and adaptation for emerging opportunities.
- **Local Resilience:** Many communities are not locally resilient against attacks on internet infrastructure. It is possible to design networks in a way that provides residents and businesses with a network that is locally resilient if, for some reason, middle mile connections are severed.
- **Privacy & Security:** Subscribers are becoming increasingly sensitive to security, privacy, and confidentiality controls.
- **Risk Analysis:** Consideration of the risks for all potential network stakeholders is an essential part of the planning process.

Market Analysis

In Fairhaven, most residents and businesses subscribe to wireline internet services from the cable operator (Xfinity Comcast) and telephone incumbent (Verizon).

Xfinity Comcast

Xfinity advertises the following residential ISP services in Fairhaven:



Speed (Mbps) [Down / Up]	Introductory Pricing [contract required]	Standard Pricing [not including taxes & fees]	Data Caps
25 / 3	\$50.00	\$55.00	300 GB
100 / 10	---	\$78.00	500 GB
200 / 10	\$40.00	\$93.00	600 GB
600 / 12	\$90.00	\$103.00	1,000 GB
940 / 50	\$90.00	\$108.00	1,200 GB
2,000 / 50	\$300.00	\$300.00	1,200 GB

Taxes and Fees additional (20%-30%) of Standard Pricing

Shared Network – Speeds are “Up To” not guaranteed.

Speeds are not Symmetrical

Additional Data - \$10.00 per 100 GB used

xFi Gateway Modem - \$14.00 per month

Availability depends upon location – not available in all areas.

Verizon

Verizon advertises the following residential services in Fairhaven:



Speed (Mbps) [Down / Up]	Standard Pricing [not including taxes & fees]	Install Fee [not including taxes & fees]
1.1 / .3	\$40.00	Not Disclosed
3.1 / .7	\$40.00	Not Disclosed

Taxes and Fees additional (10%-15%) of Standard Pricing

Broadband Master Plan

Shared Network – Speeds are “Up To” not guaranteed.

Speeds are not Symmetrical

Soft Data Caps apply to all service plans

Availability depends upon location – not available in all areas.

Comcast Business

Comcast advertises the following business ISP services in Fairhaven:



Speed (Mbps) [Down / Up]	Business Pricing [not including taxes & fees]	Contract Term Required	Install Fees and Data Caps
35 / 5	\$70.00	2 Years	Not Disclosed
200 / 20	\$100.00	2 Years	Not Disclosed
300 / 30	\$150.00	2 Years	Not Disclosed
600 / 35	\$220.00	2 Years	Not Disclosed

Taxes and Fees additional (20%-30%) of Standard Pricing

Shared Network – Speeds are “Up To” not guaranteed.

Speeds are not Symmetrical

Availability depends upon location – not available in all areas.

Verizon Business

Verizon advertises the following business services in Fairhaven:



Speed (Mbps) [Down / Up]	Standard Pricing [not including taxes & fees]	Install Fee [not including taxes & fees]
1 / .3	\$50.00	Not Disclosed
1.5 / .3	\$63.00	Not Disclosed

Taxes and Fees additional (10%-15%) of Standard Pricing

Shared Network – Speeds are “Up To” not guaranteed.

Speeds are not Symmetrical

Availability depends upon location – not available in all areas.

Average Monthly Residential Charges in Fairhaven

EntryPoint reviewed 32 Xfinity invoices provided by Fairhaven residents with the following results:

Average monthly costs of residential Xfinity services = **\$157.81** per month.

Average monthly billing with Fees and Taxes added = **\$179.55** per month.

Market Analysis Conclusion

Based upon our research Xfinity/Comcast has close to a monopoly market share in Fairhaven.

Broadband Master Plan

Community Engagement Plan

The sample Community Engagement Plan that follows is built on an assumption that Fairhaven will go forward with a Town sponsored project. If the Town elects to support an alternative approach (Cooperative or public private partnership) the Community Engagement approach will change.

Goals & Objectives

The objective of a *Fairhaven Community Engagement Plan* is to achieve a minimum 40% take-rate for homes and businesses within Fairhaven Town limits. Additionally, a scale of 2,500 subscribers is an important target for the project to be operationally sustainable. In the financial section later in this report, the financial models are built to a target of a 60% take-rate. The modeling can easily be adjusted to match actual take-rates.

Evaluation & Education

Document the current state of broadband and determine the level of interest among residential users and business owners.

Community Survey

A survey for residents and business owners is in place to determine the level of interest in a municipal fiber network. It is important to drive response to the survey. Education and promotion programs should be influenced by survey engagement and response.

Publish Educational Information

Create a website specific to the municipal fiber program. Outline the core message of broadband as a utility that will support an environment of choice and subscriber control. Use customized videos to educate online visitors on the following:

- a. Functionality of the community fiber network
- b. Options for services
- c. Frequently Asked Questions (FAQ's)
- d. Inquiry Form where community members can submit questions to the municipality

Mapping Community Interest

Distribute an "I am interested" sign-up form with associated heat map where residential and business property owners can register as someone interested in municipal fiber.

Evaluation & Education Budget = TBD

Marketing & Promotion

Fairhaven issues a series of Press Releases and sends out inserts in monthly utility bills promoting the municipal fiber program, driving traffic to fiber website with the goal of educating community members and generating interest and encouraging community participation in the survey.

Use all available social media platforms (Facebook, Twitter, etc.) to promote the fiber network.

Broadband Master Plan

Neighborhood Entrance and Yard Signs

As construction (fiber build) begins in a neighborhood, Fairhaven will post signs at neighborhood entrances announcing the construction and letting residents know they can still sign-up to get connected while crews are in the neighborhood.

As homes are connected in the neighborhood, yard signs are placed in the yards of subscribers indicating that the home now enjoys a fiber broadband connection.

Marketing & Promotion Budget = TBD

Grassroots Engagement

Open House Events / Webinar Events

Fairhaven holds a series of Open Houses and/or Webinars where residents and business owners can hear an educational presentation about the fiber project, ask questions about the fiber project, become educated about the Fairhaven fiber plan, business model, etc.

Open Houses are promoted using utility bill inserts, press releases, public service announcements, local news reports, town websites, social media platforms, etc.

Open House events are intended to educate residents, promote the network, and identify Fiber Champions in the various neighborhoods (fiber zones). Fiber Champions are individuals that are committed to promoting the network within their neighborhood. Fiber Champions are also incentivized to be the first neighborhood to get connected (initial fiber zones are connected in order of take-rates – highest to lowest).

Fiber Champions

Fiber Champions assist sales efforts within their designated neighborhood (fiber zone). They organize and lead Cottage Meetings where neighbors come together to discuss the Fairhaven fiber program. Fairhaven leaders and employees provide support to the Fiber Champions in their efforts. Fiber Champions drive conversations and contractual commitments of neighbors via the Door-to-Door Sales and Education campaign.

Grassroots Engagement Budget = TBD

Door-to-Door Campaign

Network sales agents (typically an independent group representing the network) contact residents and business operators within the planned network footprint to answer questions about the network and ascertain the potential subscribers' intentions regarding their participation in the network. [Yes (Opt-in) or No (Opt-out)].

This direct person-to-person contact gives everyone in the community an opportunity to ask questions, clarify their understanding and express their level of interest in participating.

To maximize the effectiveness of this process, prior to canvassing a neighborhood, door hangers are distributed to every home and business informing property owners that a representative will be stopping by to explain the value proposition, answer questions and get their Opt-in / Opt-out decision.

Broadband Master Plan

It is important that Fairhaven support this effort through public notifications, press releases, mass emails, websites, social media sites, mobile applications, and other community outreach venues available to Fairhaven. This may include outside professional marketing and/or PR firms.

Door-to-Door Sales Effort Budget = \$100 per Premise that Subscribes

[Sign-up Fee or Wrapped into the Infrastructure Installation Costs]

Please Note – The work outlined in the various Steps of this Community Engagement Plan, in whole or part, can be managed by internal Fairhaven personnel or can be outsourced to a professional marketing and promotions organization.

Fairhaven Broadband Survey Results



And the Survey Says...

In May 2020, the Town deployed a website to begin the process of educating the public regarding its evaluation of the feasibility of a Town sponsored fiber optic network. The Town distributed an initial survey to Fairhaven residents assessing current sentiment regarding existing services and the level of interest in a municipal network. The survey was not developed by professional survey administrators. To date key findings from the survey, include the following:

Total Responses				643
Support Fiber Network				
	2	No		0.32%
	140	Possibly		22.15%
	490	Yes		77.53%
Internet Speed Importance				
	8	Not Important		1.27%
	165	Somewhat Important		26.15%
	459	Very Important		72.58%
	623	Important/Very Important		98.73%
Average Connection Speeds				
	551	Download		151 Mbps
	551	Upload		13 Mbps
Importance of Choice in ISP & Plans				
	23	Not Important		3.65%
	115	Somewhat Important		18.25%
	492	Very Important		78.10%
	607	Important/Very Important		96.35%
Rate Current ISP				
	146	Poor		23.17%
	236	Fair		37.46%
	190	Good		30.16%
	51	Very Good		8.10%
	7	Excellent		1.11%
	382	Poor/Fair		60.63%

Broadband Master Plan

Municipal Broadband Models Comparison

The Institute for Local Self Reliance has mapped municipal networks throughout the United States using an interactive map that can be found at the following link:

<https://muninetworks.org/communitymap>

To compare the various models that exist in the United States today, a mix of prominent municipal fiber optic projects were selected to illustrate the types of models that have been deployed. The following comparison summarizes different approaches to funding and operating municipal broadband infrastructure and services followed by a description of the advantages and disadvantages of each:

Municipality	Population	Model Type	Electric Utility	Take-Rate	Cost of 1 Gig
Chattanooga, TN	179,139	Electrical Utility ISP	Yes	60%	\$68.00
Lafayette, LA	126,000	Electrical Utility ISP	Yes	40%	\$99.95
Westminster, MD	19,000	City Fiber, Private ISP	No	20%	\$89.99
Huntsville, AL	194,585	Dark Fiber Open Access	Yes	Not Published	\$70.00
Sandy, OR	10,000	Municipal ISP	No	60%	\$59.95
Longmont, CO	86,000	Electrical Utility ISP	Yes	55%	\$69.95
Ammon, ID	17,000	Automated Open Access	No	65%	\$47.50
Monmouth, OR	15,083	Municipal ISP	No	80%	\$129.65
Lexington, KY	321,959	Private Partner Owned	No	Not Published	\$59.95
Santa Monica, CA	110,000	Dark Fiber Business Only	No	N/A	N/A
Fort Collins, CO	165,000	Electrical Utility ISP	Yes	Early Stage	\$59.95
UTOPIA	150,000+	Manual Open Access	No	15%	\$70.00

Municipal Broadband Models Defined – Summary | Pros | Cons

Town Owned & Operated, Single ISP

Summary: The Town owns and operates the network and is also the sole service provider on the network.

Pros: This model can be successful when incumbent operators have some combination of the following: monopoly or near monopoly status, high prices, poor infrastructure, slow speeds, a poor reputation, and widespread customer resentment.

Cons: A single ISP does not significantly expand choice or competition. There have been very few *Town Owned & Operated, Single ISP* deployments that have been successful. The Town is essentially replicating the incumbent model and competing against the incumbent head-to-head. This model leaves the Town vulnerable to the incumbent dropping their price to influence the municipal take-rate and destabilize the municipal network.

Examples of this model include Sandy, OR and Monmouth, OR.

Broadband Master Plan

Municipal Electrical Utility Owned & Operated, Single ISP

Summary: The Municipal Electrical Utility owns and operates the network and is also the sole service provider on the network.

Pros: The most common municipal model that has been successful using a Single ISP approach has been the Electrical Utility model. A measure of this success can be attributed to the fact that the Electrical Utility has the advantage of having an established reputation in the community. Also, electrical Utilities often have financial, customer service, and engineering expertise that may be beneficial to the network and the skill set for Outside Plant personnel for a municipal network is similar in kind to the existing range of skills in an Electrical Utility. The likelihood of success increases in instances where the incumbent operator has monopoly or near monopoly status, higher than average prices, poor infrastructure, slow speeds, a poor reputation and/or widespread customer resentment.

Cons: A single ISP does not significantly expand choice. Expertise in network operations will need to be enhanced or developed. This model is essentially replicating the incumbent model and involves competing against the incumbent head-to-head. This model leaves the City / Electrical Utility vulnerable to the incumbent dropping their price to impact the take-rate and destabilize the network.

Examples of this model include Chattanooga, TN and Longmont, CO. Fort Collins, CO. is in the early stages of deployment and is replicating this model.

Dark Fiber, Open Access

Summary: Dark Fiber Open Access is a model where the town builds infrastructure to the curb and the subscriber then selects an ISP as its provider and the ISP finishes the connection to the home with its own infrastructure and electronics.

Pros: Open Access increases choice for consumers. Operating a dark fiber network is less complicated than operating a lit network. The Dark Fiber model enables Public ownership of infrastructure.

Cons: The Dark Fiber model gives up control over last mile infrastructure, i.e., the drop from the curb to the premise. The Dark Fiber model therefore limits the usability of each strand of fiber. With an isolated dark fiber connection, it is impossible to connect to other services that may not be available through the ISP that controls the drop to the customer premise. The Dark Fiber Model may not scale easily due to difficulty in anticipating the required fiber count to meet the demand. This can create significant complications for the network operator.

An example of this model is Huntsville, AL.

Manual Open Access

Summary: Manual Open Access is a model where the network is lit end to end. This means that the network operator places and controls the electronics at both ends of the network. In this model, switching service providers can be requested from a web portal and may appear to be automated but the network provisioning is not automated.

Pros: A manual Open Access network increases choice for consumers.



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Cons: Operating a Manual Open Access network is more complex than operating a Single ISP network because of the requirement for human management of network tasks. Any increase in the number of service providers operating on the network adds to network complexity.

An example of this model is the UTOPIA Network. UTOPIA is the largest manual open access network in the United States with just over 20,000 premises connected. UTOPIA struggled under heavy debt obligations for 15 years but is now operating on a sustainable trajectory. In addition to UTOPIA, there are several Manual Open Access networks throughout Europe.

Automated Open Access

Summary: Automated Open Access is a model where the network operator places electronics at both ends of the network and subscribers can dynamically select service providers in real-time. Software Defined Networking is used to automate various network management tasks.

Pros: Multiple service providers can deliver services simultaneously and independently across a single wire. When a subscriber selects a new service provider, the provisioning is done using automation and therefore happens on-demand. The automated provisioning creates a marketplace for services which includes ISP's and private networks for other services. The ability to switch service providers on demand increases choice and competition. This network model also includes the ability to provide local network resilience via local communications if connections over the middle mile are down.

Cons: The model was first implemented in late 2016. Ammon, ID is the only city that has a full implementation operating today.

Examples of this model include Ammon, Idaho and early-stage deployments in McCall, Idaho, Mountain Home, Idaho, and Elkhart County in Indiana.

Disclosure: EntryPoint Networks owns and operates a SaaS model Automated Open Access solution and is the technology solution provider in these networks.

Private Sector Owner & Operator, Single ISP

Summary: A private builder designs, builds and operates a network. The private entity is also the sole ISP on the network – replicating the incumbent model.

Pros: A private builder and operator assumes all the risk and does the work of overseeing design, project management, construction, customer acquisition and operations. This model increases the choices available to consumers with minimal obligation or burden for the town.

Cons: The new operator is replicating the incumbent model. There is no local control over infrastructure and ISP choices increase by just one new provider. There is no guarantee that the operator will address the digital divide. The network can be sold to another operator.

There are many examples of over-builders but Lexington, Kentucky is a recent example.

Private Sector Owner & Operator, Open Access

Summary: A private builder designs, builds and operates a network. The private entity uses an Open Access model rather than the incumbent model for service delivery.

Pros: A private builder and operator assumes all the risk and does the work of overseeing design, project management, construction, customer acquisition and operations. This model provides an

Broadband Master Plan

increase in the choices available to consumers at almost no cost to the town. Risk exposure to the town is very low. The private builder/operator builds and stabilizes the network and may give the town the option to acquire the network after an agreed upon number of years for a premium price above the actual cost to develop.

Cons: There is no local control over infrastructure. There is no guarantee that the operator will address digital divide issues. A private owner will be free to sell the network to a new operator that may or may not be aligned with community objectives for the network.

An example of this model is Fullerton, CA (SiFi).

Cooperative Owned & Operated, Open Access ISP

Summary: A fiber-optic infrastructure cooperative owns and operates the network using an Open Access model.

Pros: The subscribers to the network are the owners of the infrastructure. This creates local control over infrastructure. The speed to market can be much faster than municipal ownership because the model is established up front. The model gives subscribers choice and competition among service providers which will likely lead to lower pricing in comparison to incumbent operators. Probability of success increases when incumbent operators have some combination of the following: monopoly or near monopoly status, high prices, poor infrastructure, slow speeds, a poor reputation, and widespread customer resentment.

Cons: It is more difficult to obtain financing because the cooperative has no assets at the beginning of the project. If financing can be obtained, the cost of money will be more expensive than a town sponsored project.

Funding Considerations

As the Town evaluates which model is optimal for Fairhaven, the following funding issues should also be considered:

Tax Non-Participants – If Fairhaven decides to pursue a municipally controlled network, an important funding question is whether the Town should pursue a General Obligation Bond to deploy broadband infrastructure ubiquitously to every premise in the Town? Today, most Cities/Towns do not have the political will or inclination to build broadband infrastructure through a funding mechanism that taxes all residents, essentially mandating participation, regardless of whether the resident chooses to participate as a consumer of network services. A Betterment is an example of this Funding model.

Voluntary Participation – The alternative to taxing all residents is to deploy a business model that allocates network costs to voluntary participants. Allowing subscribers to voluntarily opt-in to network participation honors individual preferences for residents and businesses, eliminates Political Risk and can increase public support for the network. Allowing subscribers to voluntarily opt-in or opt-out of network participation is less efficient and more expensive than a model that mandates universal participation. Fairhaven's Broadband Study Committee is making a recommendation to the Board of Selectmen that the Town pursue a model that allows for voluntary participation. A Municipal Light Plant structure allows for voluntary participation.

Network Design

Switched Ethernet Network

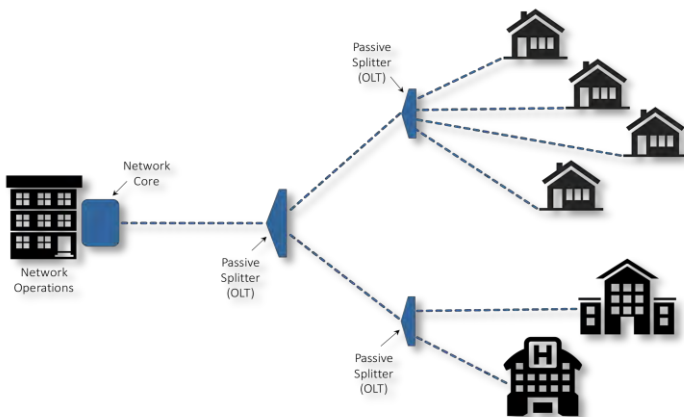
The Switched Ethernet architecture provides a dedicated connection for each customer rather than a shared connection and the customer experience is significantly better than in a shared architecture during periods of network congestion. This is due to the fact that the throughput of switch-based architecture is superior to a bus-based architecture during times of network congestion.

Passive Optical Network (PON)

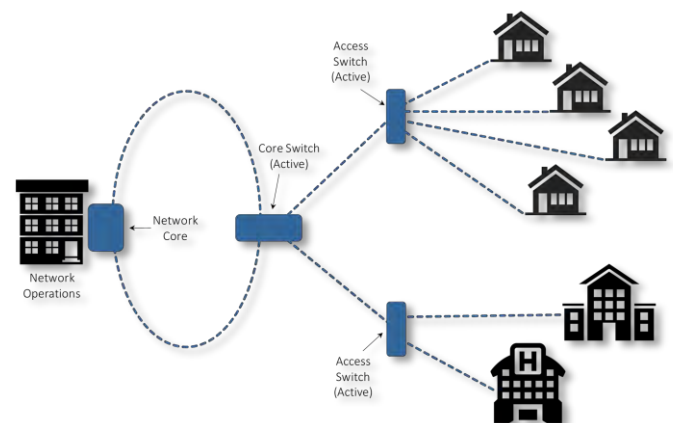
Passive Optical Networks (PON) and Coaxial (Cable) networks follow a Bus architecture.

A Bus architecture is a shared architecture. A splitter is placed in the field and a connection is often shared between 32 or 64 premises. The Bus Architecture leads to more packet collisions on the network which can result in high amounts of packet loss during congestion. Additionally, it is more difficult to isolate and troubleshoot faults in the network with a bus topology.

Passive Optical Network (PON) Design



Switched Ethernet Network Design



Proponents of PON Architecture will argue that PON is less expensive than an ethernet design. That was true historically. The illustration below shows that the variable costs of a switched ethernet deployment is now equal to PON. This change in pricing differences was driven by the fact that all Data Center deployments use Switched Ethernet architectures and the enormous growth of Data Centers over the past 20 years has driven down the cost of Ethernet electronics.



PON - Network Access Equipment

Description	Unit Cost	Qty	Extended Cost
Install Package	\$696.50	1	\$696.50
Splitter Shelf	\$84.00	8	\$672.00
OLT	\$4,196.50	2	\$8,393.00
10GE SFP+	\$837.90	2	\$1,675.80
2x 1GE BIDI CSFP	\$157.50	24	\$3,780.00
Access Line-up			\$15,217.30
Number of Subscribers Served		96	
Average Cost per subscriber			\$158.51

Ethernet - Network Access Equipment

Description	Unit Cost	Qty	Extended Cost
Switch	\$1,300.00	2	\$2,600.00
SFP	\$12.00	96	\$1,152.00
Access Line-up			\$3,752.00
Number of Subscribers Served		96	
Average Cost per subscriber			\$39.08

PON - Premise Equipment

Description	Unit Cost	Qty	Extended Cost
Indoor ONT	\$225.15	1	\$225.15
Power supply for 700GE ONT	\$12.00	1	\$12.00
Premise Line-up			\$237.15
Number of Subscribers Served		1	
Average Cost per subscriber			\$237.15

Ethernet - Premise Equipment

Description	Unit Cost	Qty	Extended Cost
White Box VBG	\$330.00	1	\$330.00
1000Base 1310nm-Tx/1550nm RX 10km	\$9.00	1	\$9.00
Premise Line-up			\$339.00
Number of Subscribers Served		1	
Average Cost per subscriber			\$339.00

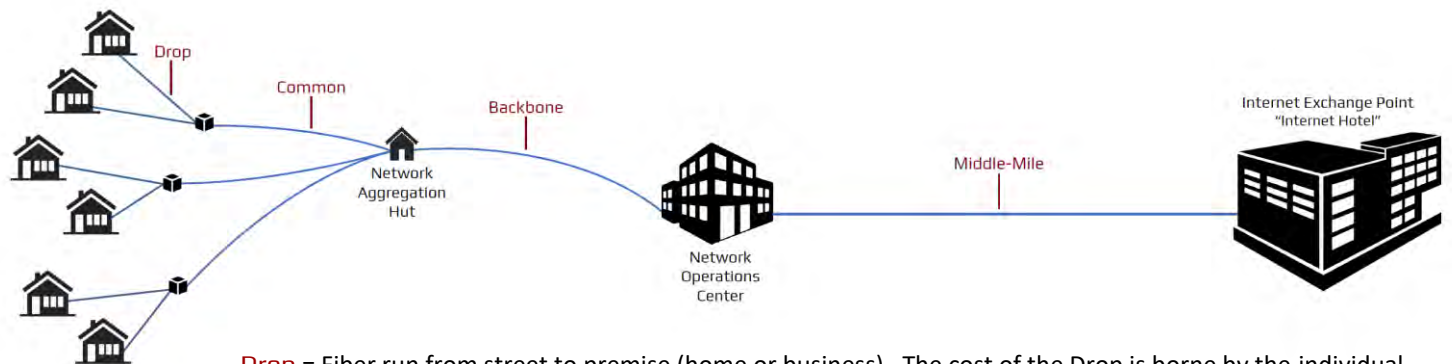
Per Premise PON Equipment Costs

Total cost per Subscriber	\$395.66
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Per Premise Ethernet Equipment Costs

Total cost per Subscriber	\$378.08
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Network Segments – Definitions & Costs Allocations



Drop = Fiber run from street to premise (home or business). The cost of the Drop is borne by the individual subscriber.

Common = Fiber runs from street in front of premise to closest Aggregation Hut. The cost of the Common is borne by all subscribers on the network.

Backbone = Fiber runs from Aggregation Hut back to the Network Operations Center. The cost of the Backbone is borne by all network subscribers, with potential municipal contribution.

Middle-Mile = Third-Party fiber run from the Network Operations Center to the closest Internet Exchange Point. The cost of the Middle-Mile is included in the Monthly M&O Utility Fee and is borne by all network s

Broadband Master Plan

Project Partners

Middle Mile

“Middle-mile” is an industry term that describes the network infrastructure that connects local networks to service providers at an Internet Exchange Point. The “last mile” is the local part of a communication network which connects a service provider to a customer. Current Middle Mile options include Comcast (Current provider), Open Cape (10 Gig) and IDS (10 Gig).

Approximately 2,500 customers can be served by a 10 Gbps circuit. If the Town pursues a Town owned network, it will need to adjust Middle Mile capacity according to take rate and utilization. Peak usage is an important data point for monitoring and is used to inform capacity planning. The cost of the middle mile connection should be allocated on a per subscriber basis.

Internet Service Providers (ISP) Partners

An Internet Service Provider gives subscribers access to the internet. The Town will need to determine what model it will follow or support before it engages one or more Internet Service providers. If the Town selects an Open Access Model, there are a number of ISP's that have expressed a verbal interest in being service providers to Fairhaven subscribers. The participation of these ISP's could be formalized through an MOU process.

Broadband Master Plan

Cost Analysis & Phasing

High Level Network Design

A high-level network design was done for a residential pilot neighborhood to build a cost model for that project. The Biarri Networks Fiber Optic Network Design Tool was used to create the design and calculate materials costs for these designs. The main cost categories for deploying and operating broadband networks are separated to optimize the costs in each of the following categories:

- Infrastructure Capital Costs (*Financed over 20 years*)
- Network Maintenance & Operations
- Services



Network Backbone

The cost modeling that follows assumes that the fiber infrastructure that was deployed to connect Town Assets has sufficient fiber count so that it can be leveraged as part of a Fiber to the Premise backbone.

Monthly Infrastructure Cost Modeled From 855 Premises

The first illustration of Infrastructure Capital Costs per premise assumes a 60% take-rate and a project that is 100% aerial. The data in the line items in this model comes from a combination of the Biarri Network Design tool, actual bids for materials, and network buildout experience.

The second illustration of Infrastructure Capital Costs per premise assumes a 60% take-rate and a project that is 20% aerial and 80% underground. We can adjust these variables on a neighborhood-by-neighborhood basis as needed.

The third illustration of Infrastructure Capital Costs per premise assumes a 60% take-rate and a project that is 100% underground.

Take-rate is a variable that is critical to project success because the operational sustainability of a project depends on crossing a certain take-rate threshold and take-rate has a meaningful impact on the cost per premise.



Broadband Master Plan

Costs at 60% Take Rate			
100% Aerial			
Description	Common	Drop	Total
Labor - Hours	10.42	2.50	12.92
Labor - Dollars	625.00	150.00	\$775.00
Equipment	185.36	28.63	\$213.98
Materials	241.81	79.36	\$321.16
Supplies	\$93.27	\$5.63	\$98.90
Restoration	\$48.10	\$1.76	\$49.86
Hut/Cabinet	\$108.07	\$5.90	\$113.97
Feeder Fiber	\$36.02	\$0.99	\$37.01
Engineering	\$37.10	\$1.03	\$38.13
Professional Services	\$148.42	\$15.16	\$163.58
Electronics	\$166.67	\$350.00	\$516.67
Subscriber Acquisition	\$0.00	\$0.00	\$0.00
Total	\$1,689.80	\$638.45	\$2,328.25
Backbone Cost per Premise			\$266.67
Total w/ Backbone			\$2,594.92
Short Term Interest			\$93.13
Total Capitalized			\$2,688.05

Monthly Infrastructure Per Premise Cost	\$15.06
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Costs at 60% Take Rate			
80% Buried 20% Aerial			
Description	Common	Drop	Total
Labor - Hours	18.75	4.50	23.25
Labor - Dollars	1,125.00	270.00	\$1,395.00
Equipment	333.65	51.53	\$385.17
Materials	435.26	142.84	\$578.09
Supplies	93.27	5.63	\$98.90
Restoration	48.10	1.76	\$49.86
Hut/Cabinet	108.07	5.90	\$113.97
Feeder Fiber	36.02	0.99	\$37.01
Engineering	37.10	1.03	\$38.13
Professional Services	148.42	15.16	\$163.58
Electronics	166.67	350.00	\$516.67
Subscriber Acquisition	0.00	0.00	\$0.00
Total	\$2,531.53	\$844.83	\$3,376.37
Backbone Cost per Premise			\$266.67
Total w/ Backbone			\$3,643.03
Short Term Interest			\$135.05
Total Capitalized			\$3,778.09

Monthly Infrastructure Per Premise Cost	\$21.16
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Broadband Master Plan

Costs at 60% Take Rate			
100% Buried			
Description	Common	Drop	Total
Labor - Hours	\$20.83	\$5.00	\$25.83
Labor - Dollars	\$1,250.00	\$300.00	\$1,550.00
Equipment	\$370.72	\$57.25	\$427.97
Materials	\$483.62	\$158.71	\$642.33
Supplies	\$93.27	\$5.63	\$98.90
Restoration	\$48.10	\$1.76	\$49.86
Hut/Cabinet	\$108.07	\$5.90	\$113.97
Feeder Fiber	\$36.02	\$0.99	\$37.01
Engineering	\$37.10	\$1.03	\$38.13
Professional Services	\$148.42	\$15.16	\$163.58
Electronics	\$166.67	\$350.00	\$516.67
Subscriber Acquisition	\$0.00	\$0.00	\$0.00
Total	\$2,741.97	\$896.43	\$3,638.40
Backbone Cost per Premise			\$266.67
Total w/ Backbone			\$3,905.06
Short Term Interest			\$145.54
Total Capitalized			\$4,050.60

Monthly Infrastructure Per Premise Cost	\$22.69
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Why Take-Rate is Important

The following table illustrates the impact of take-rate on total cost per premise with a rate of 60% as neutral on impact.

Take-Rate	Cost/Sub	Subscribers	Difference	vs. 60% Take-Rate
5.00%	\$31,223.23	375	-	(\$27,846.87)
10.00%	\$16,034.03	750	\$15,189.20	(\$12,657.67)
15.00%	\$10,970.97	1,125	\$5,063.07	(\$7,594.60)
20.00%	\$8,439.43	1,500	\$2,531.53	(\$5,063.07)
25.00%	\$6,920.51	1,875	\$1,518.92	(\$3,544.15)
30.00%	\$5,907.90	2,250	\$1,012.61	(\$2,531.53)
35.00%	\$5,184.61	2,625	\$723.30	(\$1,808.24)
40.00%	\$4,642.13	3,000	\$542.47	(\$1,265.77)
45.00%	\$4,220.21	3,375	\$421.92	(\$843.84)
50.00%	\$3,882.67	3,750	\$337.54	(\$506.31)
55.00%	\$3,606.51	4,125	\$276.17	(\$230.14)
60.00%	\$3,376.37	4,500	\$230.14	\$0.00
65.00%	\$3,181.63	4,875	\$194.73	\$194.73
70.00%	\$3,014.72	5,250	\$166.91	\$361.65
75.00%	\$2,870.06	5,625	\$144.66	\$506.31
80.00%	\$2,743.48	6,000	\$126.58	\$632.88
85.00%	\$2,631.80	6,375	\$111.69	\$744.57
90.00%	\$2,532.52	6,750	\$99.28	\$843.84
95.00%	\$2,443.70	7,125	\$88.83	\$932.67
100.00%	\$2,363.75	7,500	\$79.94	\$1,012.61



Broadband Master Plan

Full Town-Wide Deployment Infrastructure Network Operations

The following Table summarizes the anticipated cost structure for Network Maintenance and Operations. This schedule produces a monthly M&O fee for the Broadband Utility at \$24.65 per month. The Town would need to subsidize network operations until enough scale is established to achieve sustainability.

Residential M&O	Subscriber	Monthly	Annual	Percentage
Costs/Accruals/Reserves	\$24.65	\$110,925	\$1,331,100	100.00%
Power	\$1.41	\$6,345	\$76,140	5.72%
Co-Lo Fees	\$0.35	\$1,575	\$18,900	1.42%
Labor	\$8.00	\$36,000	\$432,000	32.45%
Office	\$0.58	\$2,610	\$31,320	2.35%
Vehicles	\$0.73	\$3,285	\$39,420	2.96%
Tools	\$0.21	\$945	\$11,340	0.85%
Equipment	\$1.18	\$5,310	\$63,720	4.79%
Supplies	\$0.12	\$540	\$6,480	0.49%
Dig-line	\$0.19	\$855	\$10,260	0.77%
Maintenance	\$1.18	\$5,310	\$63,720	4.79%
Call Center	\$0.36	\$1,620	\$19,440	1.46%
Network Operations Monitoring	\$0.36	\$1,620	\$19,440	1.46%
Equipment Refresh (Reserves)	\$4.00	\$18,000	\$216,000	16.23%
Licenses Fees (SaaS, Etc.)	\$2.00	\$9,000	\$108,000	8.11%
Rentals	\$0.50	\$2,250	\$27,000	2.03%
Business Insurance	\$0.00	\$0	\$0	0.00%
Bad Debt	\$0.46	\$2,070	\$24,840	1.87%
Equipment Replacement	\$0.02	\$90	\$1,080	0.08%
Taxes and Fees (Property)	\$0.00	\$0	\$0	0.00%
Middle Mile	\$2.00	\$9,000	\$108,000	8.11%
Reserves	\$1.00	\$4,500	\$54,000	4.06%
Total	\$24.65	\$110,925	\$1,331,100	100.00%

Network Management & Operations Cost Structure

The numbers and categories in this model are derived from many years of experience with actual costs for Broadband projects. Labor costs are modeled to reflect Massachusetts wages.

Staffing Modeling for Internal Network Operations

The following Table models the cost structure for the positions needed for the Town of Fairhaven to operate the network as a Department within the Town structure. The model is conservative in the staffing estimates needed to operate the network in a sustainable manner. The model does not include resources for construction. Assuming the Town builds the entire network over a 12-month period, the Town will need to subsidize this department for less than 6 months. After that, the investment will be paid back by operational surpluses as subscribers grow beyond the target of 3,500 subscribers. The work that will be done by a Fiber Network Department includes network monitoring, network management, outside plant repairs, & new customer installations.

The Town has the option of operating the network with internal staffing resources or an outsource network operations partner. The following staffing model provides anticipated fully



Broadband Master Plan

burdened salary information, years to profitability, and the revenues and expenses from the operation.

Staffing Projections

Position	Fully Compensated Hourly Rate	Fully Compensated Monthly Cost	Fully Compensated Annual Cost
Manager	\$48	\$8,251	\$99,008
Network Admin	\$38	\$6,607	\$79,290
I.T. Technician	\$30	\$5,266	\$63,190
Outside Manager	\$28	\$4,767	\$57,200
Outside Plant Tech	\$22	\$3,779	\$45,344

Subscriptions & Staffing Projections

Subscribers	Year 1	Year 2	Year 3	Year 4
New Subscribers	4,500	-	-	-
# of Subscriber at Year End	4,500	4,500	4,500	4,500
Labor Allocation	\$8.00	\$8.00	\$8.00	\$8.00
Cash Flow from Labor	\$216,000	\$432,000	\$432,000	\$432,000
Staffing Projections	Year 1	Year 2	Year 3	Year 4
Manager	0.3	0.5	0.5	0.5
Network Admin	0.5	1.0	1.0	1.0
IT Technician	1.0	1.0	1.0	1.0
Outside Plant Manager	0.5	1.0	1.0	1.0
Outside Plant Laborer	1.25	4.0	4.0	4.0
Position	Year 1	Year 2	Year 3	Year 4
Manager	\$24,752	\$49,504	\$49,504	\$49,504
Network Admin	\$39,645	\$79,290	\$79,290	\$79,290
IT Technician	\$63,190	\$63,190	\$63,190	\$63,190
Outside Plant Manager	\$28,600	\$57,200	\$57,200	\$57,200
Outside Plant Laborer	\$56,680	\$181,376	\$181,376	\$181,376
Total	\$212,867	\$430,560	\$430,560	\$430,560
Net	\$3,133	\$1,440	\$1,440	\$1,440



Broadband Master Plan

Project Pro-Forma

Financial Pro-Forma of Full Project Costs - 1 Year Build - Ethernet Architecture

Projected Backbone	Included
Projected Cost Per Premise (Common and Drop) ¹	\$3,778.09
Estimated Subscribers	4,500
Total Cost (Common & Drop)	\$17,001,399.12
Professional Services	Included
Total Projected Project Costs	\$17,001,399.12

¹ Assumes 80% Buried / 20% Aerial, 60% take rate & short-term interest rate of 8% and long-term bond rate of 3% for 20 Years.

Projected Subscription Cost

Projected Residential Services Monthly Costs	100% Aerial
Infrastructure	\$15.06
Maintenance and Operations	\$24.65
ISP Services (Dedicated 1 GB Symmetrical)	\$9.99
Monthly Total	\$49.70
Projected Residential Services Monthly Costs	80% / 20% Split
Infrastructure	\$21.16
Maintenance and Operations	\$24.65
ISP Services (Dedicated 1 GB Symmetrical)	\$9.99
Monthly Total	\$55.80
Projected Residential Services Monthly Costs	100% Buried
Infrastructure	\$22.69
Maintenance and Operations	\$24.65
ISP Services (Dedicated 1 GB Symmetrical)	\$9.99
Monthly Total	\$57.33

Note: The Residential \$9.99 monthly ISP fee listed above is based upon current pricing from the list of ISPs interested in providing services.



Broadband Master Plan

Projected Income & Cash Flow

Timeline	Year 1	Year 2	Year 3	Year 4 +
Subscribers				
New Subscribers	4,500	0	0	0
# of Subscriber at year end	4,500	4,500	4,500	4,500
Income Statement (Revenue)				
Infrastructure Fees	\$571,380.54	\$1,142,761.07	\$1,142,761.07	\$1,142,761.07
Maintenance and Operations	\$665,550.00	\$1,331,100.00	\$1,331,100.00	\$1,331,100.00
Total Revenue	\$1,236,930.54	\$2,473,861.07	\$2,473,861.07	\$2,473,861.07
Operating Costs (Expenses)				
Maintenance and Operations	-\$530,550.00	-\$1,061,100.00	-\$1,061,100.00	-\$1,061,100.00
M&O Labor Difference	\$3,132.80	\$1,440.00	\$1,440.00	\$1,440.00
Equipment Refresh/Replacement	\$0.00	-\$13,500.00	-\$25,650.00	-\$48,870.00
Interest Reserve	-\$655,746.12	\$0.00	\$0.00	\$0.00
Debt Service Reserve	-\$571,380.54	\$0.00	\$0.00	\$0.00
M&O Reserve	-\$135,000.00	-\$256,500.00	-\$244,350.00	-\$221,130.00
Total Expenses	-\$1,889,543.86	-\$1,329,660.00	-\$1,329,660.00	-\$1,329,660.00
Net (Revenue vs Expenses)	-\$652,613.32	\$1,144,201.07	\$1,144,201.07	\$1,144,201.07
Loan Payment				
Backbone	\$0.00	\$83,885.20	\$83,885.20	\$83,885.20
Build Out	\$0.00	\$1,062,102.22	\$1,062,102.22	\$1,062,102.22
Total Loan Payments	\$0.00	\$1,145,987.43	\$1,145,987.43	\$1,145,987.43
Net	-\$652,613.32	-\$1,786.35	-\$1,786.35	-\$1,786.35
Cash Flow				
Capital Expenditures	-\$16,393,653.00	\$0.00	\$0.00	\$0.00
Net Money Borrowed	\$16,393,653.00	\$607,746.12	\$0.00	\$0.00
Net	\$0.00	\$607,746.12	\$0.00	\$0.00
Revenue	\$1,236,930.54	\$2,473,861.07	\$2,473,861.07	\$2,473,861.07
Cash Expenses	-\$527,417.20	-\$1,059,660.00	-\$1,059,660.00	-\$1,059,660.00
Loan Payments	\$0.00	-\$1,145,987.43	-\$1,145,987.43	-\$1,145,987.43
Net Cash	\$709,513.34	\$268,213.65	\$268,213.65	\$268,213.65
Accrued Interest	-\$655,746.12	\$0.00	\$0.00	\$0.00
Unrestricted Cash	-\$652,613.32	\$619,459.77	\$23,863.65	\$47,083.65
Reserves				
Interest Reserve	\$655,746.12	\$0.00	\$0.00	\$0.00
Debt Service	\$571,380.54	\$0.00	\$0.00	\$0.00
Maintenance and Operations	\$135,000.00	\$256,500.00	\$244,350.00	\$221,130.00
Total Reserve	\$1,362,126.66	\$256,500.00	\$244,350.00	\$221,130.00
Total Cash	\$709,513.34	\$875,959.77	\$268,213.65	\$268,213.65



Projected Capital Expenditures & Funding

Timeline	Year 1	Year 2	Year 3	Year 4 +	Total
Capital Costs					
Backbone	\$1,200,000.00	\$0.00	\$0.00	\$0.00	\$1,200,000.00
Subscriber Drops	\$3,801,753.00	\$0.00	\$0.00	\$0.00	\$3,801,753.00
Subscriber Common	\$11,391,900.00	\$0.00	\$0.00	\$0.00	\$11,391,900.00
Interest Reserve (Drops)	\$607,746.12	\$0.00	\$0.00	\$0.00	\$607,746.12
Interest Reserve (Backbone)	\$48,000.00	\$0.00	\$0.00	\$0.00	\$48,000.00
Total	\$17,049,399.12	\$0.00	\$0.00	\$0.00	\$17,049,399.12
Short Term Financing (Build Out)					
New Backbone	\$1,200,000.00	\$0.00	\$0.00	\$0.00	\$1,200,000.00
Retired		-\$1,200,000.00	\$0.00	\$0.00	-\$1,200,000.00
Total	\$1,200,000.00	-\$1,200,000.00	\$0.00	\$0.00	\$0.00
New Build	\$15,193,653.00	\$0.00	\$0.00		\$15,193,653.00
Retired	\$0.00	-\$15,193,653.00	\$0.00	\$0.00	-\$15,193,653.00
Total	\$15,193,653.00	-\$15,193,653.00	\$0.00	\$0.00	\$0.00
Long Term Funding					
New Backbone		\$1,248,000.00	\$0.00	\$0.00	\$1,248,000.00
New Build		\$15,801,399.12	\$0.00	\$0.00	\$15,801,399.12

Financial Modeling Validation

For this report, EntryPoint retained Comm-Tract to review the financial projections provided in this report. Comm-Tract has been providing network infrastructure services to the Town of Fairhaven and is familiar with both existing infrastructure and the Town's geography.

Comm-Tract based its analysis on the following demographic information for the Town of Fairhaven:

- » 16,045 Residents
- » 6,392 Households
- » 7,266 Housing Unites
- » Unknown Number of Businesses
- » 586.1 Residents per Sq/Mile
- » 14.1 Sq/Mile
- » Approximately 105 miles of roads that need to have fiber installed to cover the FTTH footprint

Broadband Master Plan

Comm-Tract's financial projections were within 5% of the EntryPoint projections. The two main variables that are not known at this time and can have a material impact on project costs are 1) Take-rate and 2) The Cost of Make-Ready to access the utility poles.

The network design process should include an analysis of whether the Town's existing fiber network can be leveraged for the Fiber-To-The-Premise backbone.

Legal Structure & Financing Considerations

The legal structure for financing is organized around the following assumptions:

1. Nobody will be forced to participate as a subscriber to the network. Rather, subscription will be on a voluntary, opt-in basis.
2. Taxes will not be increased to finance the network.
3. The ongoing operation of the network must be self-sustaining and not dependent on any kind of subsidy from the town.
4. The Town may contribute to get the network started but will be paid back over time.

Voluntary Participation – The alternative to taxing all residents is to deploy a business model that allocates network costs to voluntary participants. Allowing subscribers to voluntarily opt-in to network participation honors individual preferences for residents and businesses, eliminates Political Risk and can increase public support for the network. Allowing subscribers to voluntarily opt-in or opt-out of network participation is less efficient and more expensive than a model that mandates universal participation. Further, voluntary participation may exacerbate the digital divide.

Ongoing Operations - The Town views its roles as enabling the development and implementation of the network and then may choose to operate the network on behalf of Fairhaven residents. However, the network must become self-sustaining during the first 2 years of operations.

Legal Authority

Both Town Counsel and Bond Counsel for the Town of Fairhaven prepared legal summaries describing the Town's authority to build, own, and operate broadband infrastructure under Massachusetts State law. The Town's Bond Counsel confirmed the findings of the Town Counsel that the Town has the authority to own and operate the proposed infrastructure.

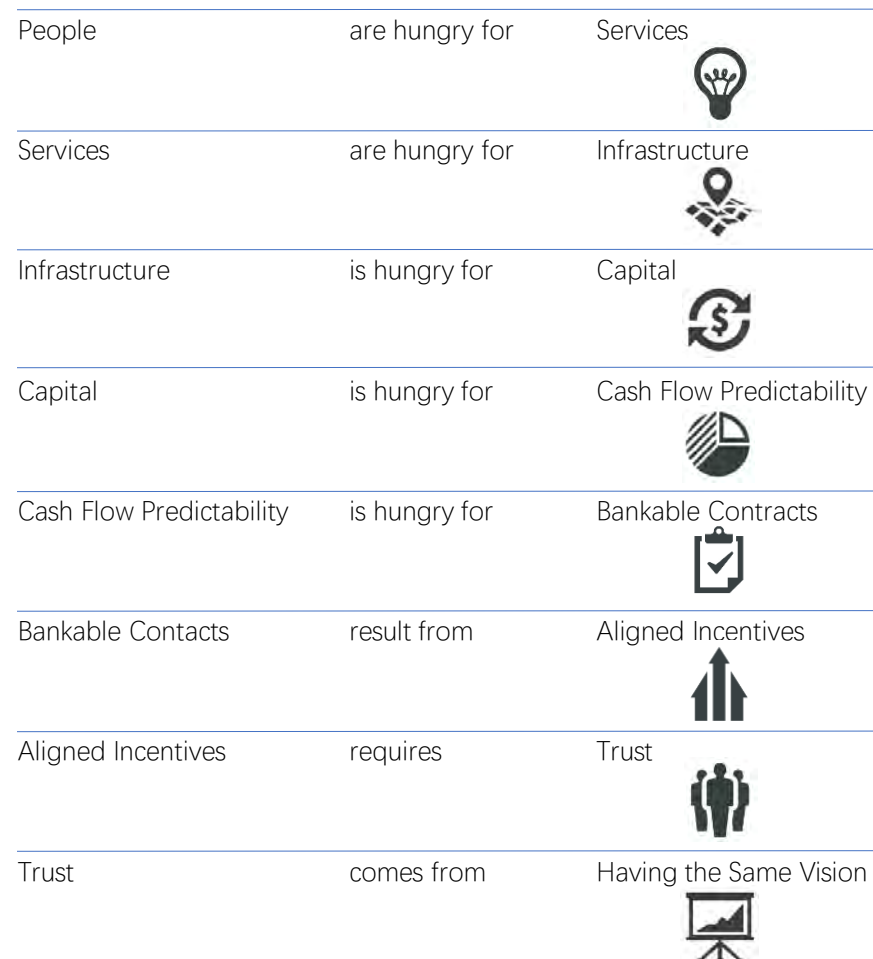
Both legal memos point to establishing a Municipal Light Plant as the structure under which the Town has the authority to finance, build and operate the proposed infrastructure.

Broadband Master Plan

Financing Considerations

Because project feasibility is ultimately a function of getting people to sign up and remain loyal to the network, there needs to be a value proposition that mobilizes customers to subscribe. For that to happen, subscribers need a compelling solution and the network needs to create cash flow predictability and bankable contracts to attract financing for the project. NetEquity in San Francisco visualizes these dependencies in this way:

NetEquity Stack



*Isfandiyar (Asfi) Shaheen developed the **NetEquity Stack** above. Mr. Shaheen is a Global Broadband Infrastructure Thought Leader based in San Francisco. He is working to provide fiber optic connectivity to unconnected countries around the world.*

Broadband Master Plan

Risk Analysis

10

*Risk Factors >
Likelihood
Impact
Mitigation*

The following is an analysis of the main risk factors facing the Town of Fairhaven as it pursues its fiber-to-the-premise deployment. Nine Risk Factors are analyzed:

1. Subscriber Churn Risk
2. Take-Rate Risk
3. Project Execution Risk
4. Equipment and Technology Risk
5. Community Engagement Risk
6. Cost Modeling Risk
7. Timeline Risk
8. Regulatory Risk
9. Middle Mile Risk
10. Pole Attachments & Make Ready

Subscriber Churn

Subscriber Churn is the risk that customers sign up and then do not remain subscribers to the network.

Likelihood: Today customers are primarily driven by cost, speed, and customer service. Churn is possible and is a consequence of the customers pursuing an option to get better value from an alternative solution. The likelihood of churn is high if a new market solution simply replicates the incumbent model. The likelihood of churn goes down under a Business Model where 1) the customer is financially responsible for the drop to their property and 2) where the value proposition is strong enough to make the customer voluntarily committed to the network.

Impact: The impact of churn on the network is potentially catastrophic if it reaches a level where the capital and operational cost of the abandoned infrastructure cannot reasonably be shared by remaining subscribers.

Mitigation: Churn can be mitigated by implementing a business model that makes customers voluntarily committed to the network and by assigning financial responsibility to customers for their lateral connection.

Take-Rate Risk

Take-rate risk is the risk that the Town builds out the network and ends up with a take-rate that is lower than expected.

Likelihood: Take-rate risk is possible and is a function of the value proposition of the network and how well that value proposition gets communicated and managed before construction starts. High take-rates lead to lower network costs for subscribers. This creates a virtuous cycle where lower costs lead to higher take rates. The reverse is also true.

Broadband Master Plan

Impact: The worst-case scenario is one where lower take rates lead to higher costs and churn which create a death spiral that negatively compounds until the network is not sustainable.

Mitigation: Manage demand aggregation before construction begins and give consumers a value proposition that makes them voluntarily committed to the network infrastructure.

Project Execution Risk

Project Execution includes strategy, planning, project management and fulfillment of the project plan and operational execution.

Likelihood: Project execution failure is possible and is a function of the effectiveness of project planning, management, controls, and execution.

Impact: The severity of impact is in proportion to the effectiveness of project management and execution. A worst-case scenario is one where project execution affects the value proposition, which in turn affects take-rate and churn.

Mitigation: Hire or partner with skilled project managers and key strategic partners. Create alignment among key team members on the project plan and operational plan. Develop project controls that are monitored and reported to senior leadership monthly.

Equipment & Technology Risk

Equipment & Technology Risk includes both software and hardware solutions and is the risk that equipment failure rates are higher than expected, major software bugs are unresolved, operational reliability is lower than expected, and/or that the technology lifecycle leads to faster obsolescence than is expected.

Likelihood: Solutions with short deployment histories, unreliable references, unclear quality control and test procedures, weak professional teams, and poorly architected scalability abstractions present increased equipment and technology risk.

Impact: The impact of this risk category is moderate because it is possible to vet both software and hardware systems to assess this risk. The base technology of the network will be fiber optic cable and that has sufficient history to present a minor risk to the project. Remaining risks include electronics and software systems.

Mitigation: Implement thorough due diligence processes with trained professionals to scrutinize references, architecture, software abstractions, quality control systems and the professional histories of vendors being considered.

Community Engagement

Community Engagement is the marketing, education and communication processes and strategies used to inform residents and businesses about the value proposition offered by the network.

Likelihood: Community Engagement risk is possible but nonetheless a risk that can be managed and monitored. Poor planning, management and execution increases the level of risk. Community engagement can be handled by internal Town staff, but risk increases if staff member resources are inadequate for a project of this size. There is an abundant supply of marketing professionals available to assist with community engagement processes.

Broadband Master Plan

Impact: Community engagement is a key driver of project success due to the relationship between community engagement and take-rate.

Mitigation: Leverage the skills of competent marketing professionals and provide sufficient resources to make it easy for every resident to learn the basic value proposition for the network in comparison to alternatives through a variety of marketing, education and communication strategies.

Cost Modeling Risk

Cost Modeling Risk is the risk that cost modeling significantly underestimates actual design, construction, and/or operational costs.

Likelihood: There is enough industry data to reasonably validate cost estimates.

Impact: Cost overruns can have a moderate to disastrous impact on network sustainability.

Mitigation: Validate financial assumptions against industry assumptions, market conditions, and account for local economic variables. The clearest way to mitigate this risk is to conduct an RFP process for network engineering and construction.

Timeline Risk

EntryPoint consulted with Comm-Tract, the construction firm that built the fiber network connecting Town assets. They indicated that they believe a Town-wide network can be constructed in less than 10 months. The benefits of building the network in an accelerated pace (less than 1 year) include the following:

- 1) Each phase requires legal, financing and accounting transaction costs. Building the network with fewer phases will lower the overall transaction costs for the project.
- 2) Building at a faster pace will result in an accelerated period to breakeven.
- 3) Interest Rates are at an unprecedented low currently and building over an extended period may expose later project years to some interest rate risk.

Likelihood: Costs are certain to be higher for an extended buildout period. However, there may be execution risks for accelerating the buildout, depending on the experience and capacity of the construction partner, and these trade-offs need to be weighed by Town leaders.

Impact: Costs will be incrementally higher for an extended build-out schedule and M&O will have a longer ramp to sustainability.

Mitigation: The Town can control the buildout schedule following a cost / benefit analysis of the options. An important consideration is alignment with construction partners. If the Town is going to outsource construction, it should consult with potential construction partners about the alternative construction schedules to make sure that the Town's strategy is amenable to key construction partners.

Regulatory Risk

Regulatory Risk is the risk that State or Federal regulations become an impediment or barrier to the Town successfully building or operating a municipal network. Legal counsel has provided a memo to the Town addressing legal authority under Massachusetts State Law.

Broadband Master Plan

Likelihood: Historically, incumbent operators have taken legal action to stop a municipality from building a competing network.

Impact: If a claim were to be brought against Fairhaven, the likely process is that it could take an extensive amount of time and some cost to contest the claim.

Mitigation: According to outside counsel Massachusetts State Law provides explicit authority for the Town to own and operate a fiber network under multiple legal avenues.

Middle Mile Risks

Middle Mile risks include the following:

- 1) Lack of redundant options on divergent paths,
- 2) Pricing risk, and
- 3) The risk of being stranded or isolated without a viable path to an internet exchange point.

Likelihood: The closest internet exchange points are in Boston and Providence. Fairhaven does have divergent middle mile path options to Boston via middle-mile providers already identified.

The risk of getting isolated or cut off from internet access is possible but has a low likelihood of occurring.

Impact: The most likely risk is pricing risk since Middle Mile costs in Massachusetts are incrementally higher than other markets in the Country. But this is not a significant barrier to moving forward. The impact of this risk might represent a monthly cost increase to subscribers of \$1.00 - \$2.00.

Mitigation: The way the Town can mitigate and possibly eliminate Middle Mile Risk is by working with multiple Middle Mile carriers establishing connections into Boston and Providence.

Pole Attachment & Make Ready Risk

This is the risk that pole owners cause unexpected and significant impact on costs or timeline due to delays in make ready and pole attachment work.

Likelihood: Because Fairhaven does not own the utility poles within town limits, this risk is a potential problem and will have to be actively managed.

Impact: Make Ready work for Pole Attachment can have a meaningful impact on costs and on the timeline if the pole owners drag their feet or want the town to replace old poles.

Mitigation: The town can mitigate this risk by leveraging its existing fiber network as a backbone, put infrastructure underground where possible, and by assigning a project manager to apply continuous pressure to the pole owners to not unnecessarily delay make ready work.

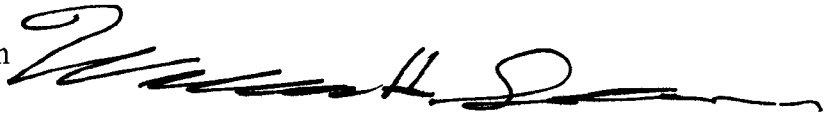
Next Steps

1. Finalize recommendations from Fairhaven's Legal Counsel and Outside Bond Counsel regarding the proposed legal structure and supporting documents for proposed Fairhaven owned infrastructure.
2. Initiate process for Town to conduct first of two votes needed to establish Electric Light Plant structure.
3. Refine Community Engagement Plan.
4. Set Budget for Community Engagement Plan.
5. Determine if any 3rd-Party groups (outside resources) would be used for the Community Engagement Plan (Marketing, Communication, Public Relations, etc.).
6. Explore network financing options.
7. Implement Community Engagement and demand aggregation process.
8. Get approval from Board of Selectmen and State Inspector General to proceed with Design/Build process.
9. Conduct RFP to select Design (Engineering) and Build (Construction) partner(s).
10. Conduct RFP to select Network Management / Open Access platform.
11. Create Design/Build Project Plan.
12. Determine whether the network will be aerial or buried.
13. Create formal design of the network.
14. Harden financial projections.
15. Advance initiative to Select Board for approval when demand aggregation (Take-Rate) makes the project feasible.
16. Formalize network financing plan.
17. Launch make-ready process for utility pole attachments (if aerial).
18. Construct network.
19. Decide whether Network Operations would be 3rd Party or a Town Department.

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To: Bob Espindola, Chair
Broadband Study Committee
Town of Fairhaven

From: Attorney William H. Solomon



Date: September 16, 2020

Subject: Legal Authority For Municipal Broadband

Introduction

This memorandum addressed the issue of the legal authority for a Massachusetts municipality (the Town of Fairhaven) to provide broadband (Internet) (hereinafter “broadband”) service to Town residents (dwelling units). In preparing this memorandum, I was able to call on my earlier familiarity with municipal broadband projects, particularly in the Town of Leverett, Massachusetts and I have done further inquiry regarding the creation of municipal light plants in the Towns of New Salem, Wendell and Shutesbury, as well as the Town of Concord and City of Westfield (Westfield Gas+Electric). I was provided as part of the request for this legal opinion with a copy of a legal memorandum, with attached “legal findings” written by the Office of City Solicitor in the City of Quincy for the Mayor’s in the City Office of Quincy, dated January 15, 2020. That memorandum is accurate and well written, and as such I have referenced it in this memorandum.

While this memorandum references broadband service to residents, please note that municipal broadband service may be, and generally is, also provided to businesses. For instance, in the Town of Concord, current service plans and rates, are as follows:

Residential & Small Office/Home Office Plans & Pricing

Service Level	Download / Upload Speed	Prices
Entry	35 Mbps	\$49.95
Basic	70 Mbps	\$64.95
Hi-Speed	150 Mbps	\$74.95
Ultra	300 Mbps	\$89.95

Business Service Plans & Pricing

Service Level	Download / Upload Speed	Prices	Hardware Replacement
Entry	70 Mbps	\$74.95	4 hours
Basic	150 Mbps	\$89.95	4 hours
Hi-Speed	275 Mbps	\$149.95	4 hours
Ultra	400 Mbps	\$199.95	2 hours
Business	Designed for your specific	Call for	As low as 1 hour
Enterprise	needs; up to 1 Gbps	quote	

In the City of Westfield (Westfield Gas+Electric/Whip City Fiber), broadband service and rates are as follows:

Residential Internet (Up to 1,000 Mbps) - \$69.95 per month (Telephone - \$12.95 per month)
Small Business, Up to 5 Users - \$84.95 per month. (Static IP Address - \$12.95 per month.)
Medium Business, Up to 25 Users - \$149.95 per month. (Static IP Address - \$12.95 per month.)
Large Business, Up to 50 Users - \$399.95 per month. (Static IP Address - \$12.95 per month.)
High Bandwidth Users - \$799.95 per month. (Static IP Address - \$12.95 per month.)

By contrast, in a number of Western Massachusetts towns which have limited or no larger businesses, the service offered to small and home-based businesses is the same as offered to residential homes.

Legal Authority for Municipal Broadband

1. No Federal Restriction On The Provision of Municipal Broadband

There is no restriction in federal law (statutes) or regulations (FCC) on the provision of broadband service by a municipality to residents. (By contrast a few states (mostly in the southern portion of the country) have prohibited municipalities and counties from providing broadband services. Massachusetts is not one of those states.)

2. Massachusetts Authority For The Provision of Municipal Broadband

A municipality may establish a municipal light plant and may do so for the purpose (including the sole purpose) of establishing a telecommunications system to provide telecommunications services, more specifically broadband and related telephone services. M.G.L. c. 164, § 47E. (A copy of which is attached hereto.)

As accurately set out in the Quincy memorandum:

Massachusetts has not expressly authorized the operation of municipal broadband outside the statutory authority granted to municipalities under the Massachusetts Municipal Light Plant Law (the "MLP Law") set forth in M.G.L c. 164 §§ 1, et. seq. M.G.L c. 164, § 35 authorizes a municipality to create a "Municipal Light Plant" (an "MLP"), M.G.L c. 164, § 47E, passed into law in 2000, authorizes a [municipal light plant] (once created) to operate a telecommunication system, providing in pertinent part, that:

"[a] municipal lighting plant or a cooperative public corporation and any municipal lighting plant member thereof, established pursuant to this chapter or any general or special law may construct, purchase or lease, and maintain such facilities as may be necessary for the distribution or the operation of a telecommunications system for municipal use or for the use of its customers.... Wherever apt, the provisions of this chapter and chapter 44, which apply to the operation and maintenance of a municipal lighting plant, shall apply also to the operation and maintenance of such telecommunications system."

It is clear from M.G.L. c. 164, § 47E that any MLP established under M.G.L. c. 164 may construct, purchase or lease and maintain facilities for a telecommunications system, and "wherever apt," the provisions of Chapter 164 and Chapter 44 that "apply to the operation and maintenance" of MLPs, will "apply also to the operation and maintenance of such telecommunications system.". M.G.L. c. 164, § 47E. Thus, the Legislature appears to have contemplated that an MLP might operate a MLP solely for the purposes of providing a telecommunications system and service, including municipal broadband service. Several towns in Western Massachusetts have built their own telecommunications systems by taking the necessary town meeting votes under M.G.L. c. 164, § 36 to form MLPs. It is pursuant to the provisions of M.G.L. c. 164 then, that such MLPs must operate, regardless of the purpose behind their formation. The Supreme Judicial Court (the "SJC") has recognized M.G.L. c. 164 as the primary and, in most instances, exclusive statutory authority governing MLP operations. See, *Municipal Light Commission of Taunton v. City of Taunton*, 323 Mass. 79, 84 (1948); *MacRae v. Concord*, 296 Mass. 394, 397 (1934). It is well-settled that MLPs are "quasi-commercial" entities created by special act; municipalities themselves have no inherent rights to own and operate a business in the absence of special legislation and the enabling statutes, found at M.G.L. c. 164, §§ 34 et. seq. See, *MacRae* at 396; *Spaulding v. Peabody*, 153 Mass. 129, 137 (1891).

Municipal Light Plant Board of Directors – Appointed or Elected

Massachusetts General Law, Chapter 164, sec. 55 provides for the election of a municipal light plant board. Section 55E of Chapter 164, however, references removal of light board members appointed "pursuant to the provisions of any general or special law. Most municipal light boards are elected, but some are appointed (see below). If the Town of Fairhaven is considering the appointment of a light board, I would be happy to address this specific issue in a separate memorandum as a courtesy to the Town.

- Town of Concord – Appointed by the Town Manager.
- Town of Leverett - Appointed by the Select Board.
- Town of New Salem – Elected.
- Town of Shutesbury – Elected.
- Town of Wendell – Currently the Select Board, voting in October on elected or appointed.
- City of Peabody (Does not provide Broadband) – elected.
- City of Westfield – both appointed and elected.

There are, of course, many aspects of this matter that have been and are being addressed by and for the Committee and Town. Please feel free to let me know if there are any aspects of this memorandum or the overall matter that I can provide assistance with, if only as a second opinion. That would include, the issue of pole attachment rights of the municipal light plant to utility poles (also referenced in the Quincy memorandum), which I also understand are the same as that of a private utility.

General Law - Part I, Title XXII, Chapter 164, Section 47E

Section 47E. A municipal lighting plant or a cooperative public corporation and any municipal lighting plant member thereof, established pursuant to this chapter or any general or special law may construct, purchase or lease, and maintain such facilities as may be necessary for the distribution or the operation of a telecommunications system for municipal use or for the use of its customers. Such municipal lighting plant may incur debt for such facilities by a vote taken in the manner prescribed pursuant to section 8 of chapter 44. Such cooperative may incur debt for such facilities pursuant to the provisions of section 47C. Such facilities may include suitable land, structure, machinery, other apparatus and appliances for operating a telecommunications system. Such cooperative or municipal lighting plant, which is engaged in the business of operating a telecommunications system, may, as a part of such business, if an appropriation is made therefor, rent, lease, or sell for cash or credit at prevailing retail prices, install and service, within the territory served by such business, merchandise, equipment, utensils and chattels of any description which are incidental or auxiliary to the operation of said telecommunications system or the use of its customers or are necessary or expedient in the protection or management of its property used in such business. Wherever apt, the provisions of this chapter and chapter 44, which apply to the operation and maintenance of a municipal lighting plant, shall apply also to the operation and maintenance of such telecommunications system.



Good morning everyone. I have reviewed the questions posed by Jeff following our conversation last week on the proposal to develop a town-owned fiber optic network, and have the following responses:

Q: *Can participation be voluntary or Opt-In?*

A: Yes. Participation in the new network can be voluntary, and this has been done in much of the “last mile” systems presently under development in Western Massachusetts. Of course, if the Town should decide to borrow the funds to establish the network infrastructure, all taxpayers would be responsible for the repayment of the debt through their property taxes, except to the extent that the fees paid by those residents opting-in are sufficient to repay the maturing debt service. It would seem like a good idea to have a significant amount of folks signed-up before making the decision to proceed, so the voters being asked to approve the borrowing have a reasonable expectation that enough folks have signed up to pick-up the anticipated debt service.

Q: *Is there a way to create a legal agreement between the Town and individual subscribers, where the Town can put a lien on their property for the Infrastructure line item if the subscriber stopped making their payment. In this scenario, the Town would backstop bad debt for a time but would eventually be made whole?*

A: Yes. G.L. c. 40, §58, provides that:

A city or town may impose a lien on real property located within the city or town for any local charge or fee that has not been paid by the due date, said lien shall be known as the "municipal charges lien"; provided, that a separate vote at a town meeting, or by a city or town council is taken for each type of charge or fee.

A municipal charges lien authorized under this section shall take effect upon the recording of a list of unpaid municipal charges and fees by parcel of land and by the name of the person assessed for the charge or fee in the registry of deeds of the county or district where the land subject to the lien lies.

If a charge or fee which is secured by a municipal charges lien remains unpaid when the assessors are preparing a real estate tax list and warrant to be committed under section fifty-three of chapter fifty-nine, the board or officer in charge of the collection of the municipal charge or fee, or the town collector of taxes, if applicable under section thirty-eight A of chapter forty-one, shall certify such charge or fee to the assessors, who shall forthwith add such charge or fee to the tax on the property to which it relates and commit it with their warrant to the collector of taxes as part of such tax.

If the property to which such charge or fee relates is tax exempt, such charge or fee shall be committed as the tax. A lien under this section may be discharged by filing a certificate from the tax collector that all municipal charges or fees constituting the lien, together with any interest and costs thereon, have been paid or legally abated. All costs of recording or discharging a lien under this section shall be borne by the owner of the property.

Q: *Next Steps?*

A: As for next steps, once the total cost of the infrastructure has been estimated, it would make sense to obtain expressions of interest from residents, so that the Selectmen can decide whether to approach town meeting for a borrowing authorization to build-out the system. Assuming there is sufficient interest, we can assist in drafting an appropriate article and motion, which, among other things, would condition the borrowing on a determination by the Selectmen that a sufficient number of subscribers to offset debt service had been obtained, and that would also include a vote to designate the fees charged to subscribers as “municipal charges”, within the meaning of G.L. c. 40, §58. To the extent that the Town expects to have one or more privately owned ISPs providing the service over its infrastructure, we would need to work with the Town to explore whether an agreement with the ISPs could be drafted so as to permit any borrowing by the Town to be undertaken on a tax-exempt basis.

I would be happy to discuss these questions in further detail at your convenience.

Rick

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Proposed Complete Streets Policy & The MassDOT Program



Board of Selectmen
Town of Fairhaven
February 8, 2021

Presentation Outline

- The MassDOT Program Overview
- The Complete Streets Policy

The MassDOT CS Program

- **Tier 1 - Complete Streets Policy –**
 - Adopted by Board of Selectmen
- **Tier 2 – Complete Streets Prioritization Plan**
- **Tier 3 – Project Implementation –**
 - Enables town to obtain up to \$400,000 per year for eligible Tier 2 Plan projects
- **www.masscompletestreets.com**

Complete Streets Policy – Why?

- Changes the practice and thought process of how transportation projects and actions are approached.
- Commitment by the municipality on giving the practice of Complete Streets a consistent level of importance.
- Ensure the entire *right of way* is planned designed and constructed in a way that would accommodate all users.
- To gradually create a network of *complete streets* within the community and connecting to others.

The Fairhaven Complete Streets Policy

The Major Components

- Vision & Purpose
- Core Commitment
- Exceptions
- Best Practices
- Performance measures
- Implementation

Questions?



TOWN OF FAIRHAVEN
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COMPLETE STREETS POLICY

APPROVED ~~January-February~~, 2021

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1. Vision and Purpose

The Town's vision is to integrate a Complete Streets approach into its transportation practices, policies and decision-making and create a community with a connected network of transportation infrastructure that promotes health and well-being, encourages economic viability, facilitates social equity and supports environmental sustainability.

This policy is to be inclusive of all users regardless of age or ability such as children, seniors and those with disabilities, neighborhoods with vulnerable populations and all modes of transportation including: motorists, cyclists, emergency responders, school buses, freight and commercial vehicles, and pedestrians, including those with disabilities who may rely on mobility devices such as wheelchairs.

The purpose of the policy is to set forth procedures and to formalize the planning, design, operation, and maintenance of our roads and related rights-of-way to create a connected network of infrastructure which will accommodate to the extent feasible and practical, every mode of travel that is consistent with and supportive of the community.

2. Core Commitment

A Complete Street is a public right of way intended to be designed and shared by numerous users and modes of transportation to the extent practical including, but not limited to, pedestrians, cyclists, emergency responders, commercial vehicle operators, public transit and school buses, and motorists. Complete Streets are also intended to provide safe travel networks for all users of all ages and abilities.

- The Town recognizes that Complete Streets design principles may be achieved through single components incorporated into a particular roadway project, or through smaller improvements or maintenance activities over time. Examples of improvements that contribute to Complete Streets elements include but ~~are~~ not limited to street and sidewalk lighting, sidewalk improvements, accessibility improvements, including compliance with the latest standards of the Americans with Disabilities Act (ADA), crosswalks, pavement markings, landscaping, and roadway improvements.
- The Town will, to the maximum extent feasible, design, construct, maintain, and operate all roads to provide for an inclusive and integrated network of facilities for people of all ages and abilities.
- The Town, where practicable, will work to integrate Complete Streets principles and design elements into all publicly and privately funded roadway projects, including new road

construction, reconstruction, resurfacing, and rehabilitation or maintenance projects. This includes road design projects and transportation infrastructure requiring funding or approval by the Town of Fairhaven, as well as projects funded by the state and federal government.

- Special attention should be given to efforts which enhance the overall transportation system and its connectivity. Specifically, priority should be given to corridors providing primary access to one of more significant destinations such as schools public transportation, recreation areas, and retail plazas.

All *private developments* and related road design elements or corresponding road-related elements, including but not limited to connections to the town's transportation network, shall also comply with Complete Street principles and this policy, and should demonstrate compliance to the extent feasible and practical during the local review and approval process.

State-owned roadways and associated projects should also comply with this Complete Streets Policy to the extent feasible and practical, including proposed improvements and maintenance projects of such roadways within Town boundaries.

Additionally, efforts shall be made to integrate and connect the Town's residents to its extensive trail network throughout the community and region via Complete Streets improvements.

If a representative of the Town participates in a meeting involving the design and planning of programs, transportation projects, or private development projects not under the Town's jurisdiction, the representative shall advocate and encourage that the project be carried out in accordance with the principles of this Complete Streets Policy.

3. Exceptions

The Town's goal is to apply Complete Streets practices and policies, as appropriate and practical, to all transportation projects and private development projects that affect the Town's roadways' rights-of-way. It is recognized, however, that incorporation of Complete Streets elements into a project may not always be feasible or practical. Consequently, exceptions may be required under the following circumstances:

1. The project involves a roadway where specific users, i.e. cyclists and/or pedestrians, are prohibited by law. For these cases, an effort will be made for accommodations elsewhere.
2. Where such facilities or actions would constitute a threat to public safety.
3. Implementation costs or the effects on private property or requirements to purchase additional right of way to establish accommodations are excessively disproportionate to the need or number of users.
4. Projects on designated scenic roads, rural roads or private roads where certain actions may not be practical or feasible due to such items as ownership and environmental impacts.
5. Where the implementation would contradict other Town policies and regulations.

A project that involves emergency repairs or ordinary maintenance activities designed to keep streets in serviceable condition, such as roadway mowing, street sweeping, minor roadway repairs and normal re-paving, pothole filling, public infrastructure, and utilities repair, and takes place within the existing public street right-of way will be exempt from this policy not needing any special review

or approvals. Repair and maintenance projects as defined by Massachusetts Department of Transportation (MassDOT) Engineering Directive E-14-006 "Design Criteria for MassDOT Highway Division Projects" may be used by the Town as guidance to determine those project types to be exempt from this policy.

If the responsible agency or department believes a project is exempt from this policy, a request will be submitted to the approving Board or Department as part of the local approving process with supporting documentation and justification as deemed appropriate. The authorizing Board or Department may ask the designated Complete Streets Committee (as defined below in Section 6) for an advisory opinion and/or recommendation. After considering the proposed exemption and supporting documentation including the Complete Streets Committee's opinion, the Board (or Department) would formalize a decision on the exemption.

4. Best Practices

The Town of Fairhaven Complete Streets Policy is focused on developing a connected, integrated network that safely accommodates all users (pedestrians, cyclists, and motorists) and also fits with the character of the community. Complete Streets will be integrated into policies, planning, and design of all types of public and private projects, including new construction, reconstruction, rehabilitation, repair, and maintenance of all road and redevelopment projects.

Implementation of the Town of Fairhaven Complete Streets Policy will be carried out cooperatively within all departments in the Town, with multi-jurisdictional cooperation, to the greatest extent possible, among private developers, abutting communities and state, regional, and federal agencies. It is anticipated that the Town's governing Board will designate a committee (the COMMITTEE) with broad background and expertise that will, as part of its responsibilities, oversee implementing the Policy and Plan.

Complete Streets principles include the development and implementation of projects in a context-sensitive manner in which project implementation is sensitive to the needs of the users; is compatible with the community's physical, economic, and social settings; and integrates the community's goals, objectives, and values. The context-sensitive approach to process and design includes a range of goals by considering stakeholder and community values on a level plane with the project need. The success of the Complete Streets Policy lies with the project development process that includes:

1. Consideration of the land use and transportation context.
2. Identifying any gaps or deficiencies in the network for various users.
3. Completing an evaluation of the tradeoffs to balance the needs of all users of all abilities.

The Town of Fairhaven recognizes that Complete Streets objectives may be achieved through single elements incorporated into a particular project or incrementally through a series of smaller improvements or maintenance activities over time.

The latest design guidance, standards, practices, and recommendations available can be used in the implementation of Complete Streets and include, but not limited to:

- The Massachusetts Department of Transportation, *Project Development and Design Guidebook and current Engineering Directives*, 2006 (or later version)
- Massachusetts Department of Transportation Engineering Directive E-14-006, *Design*

Criteria for MassDOT Highway Division Projects, 2014

- Massachusetts Department of Transportation, *Separated Bike Path Guidelines*, 2015 (or later version)
- Massachusetts Department of Transportation, *Municipal Resources Guide for Walkability*, 2019 (or later version)
- American Association of State Highway Transportation Officials (AASHTO), *A Policy on Geometric Design of Highways and Streets*, 2018 (or latest version)
- American Association of State Highway Transportation Officials (AASHTO), *Guide for the Development of Bicycle Facilities*, 4th Edition, 2012 (or later version)
- Institute of Transportation Engineers (ITE), *Designing Walkable Urban Thoroughfares: A Context Sensitive Approach, An ITE Recommended Practice*, 2010
- Institute of Transportation Engineers (ITE), *Neighborhood Street Design Guidelines, A Recommended Practice*, 2011
- National Association of City Transportation Officials (NACTO), *Urban Street Design Guide*, 2013 (or later version)
- National Association of City Transportation Officials (NACTO), *Urban Street Bikeway Design Guide*, 2014 (or later version)
- National Association of City Transportation Officials (NACTO), *Urban Street Transit Design Guide*, 2015 (or later version)
- National Association of City Transportation Officials (NACTO), *Don't Give Up at the Intersection*, 2019 (or later version)
- National Association of City Transportation Officials (NACTO), *Designing for All Ages & Abilities*, 2017 (or later version)
- Federal Highway Administration (FHWA), *Small Towns and Rural Multimodal Networks*, Washington, D.C., December 2016 (or later version)
- American Association of Retired Persons (AARP) Public Policy Institute, *Planning Complete Streets for an Aging America*, 2012 (or later version)
- Active Transportation Alliance, *Complete Streets, Complete Networks: A Manual for the Design of Active Transportation*, 2012 (or later version)
- United States Department of Transportation, Federal Highway Administration, *Manual on Uniform Traffic Control Devices (MUTCD)*, 2009 (or later version)
- The Architectural Access Board (AAB) 521 CMR Rules and Regulations,
- Town of Fairhaven design standards, guidelines and practices pertaining to streets and roads, driveway access, signage and other related items, and
- Documents and plans created by or for the Town of Fairhaven, such items, if available, as bicycle and pedestrian network plans, transportation master plan, land use plans, open space and recreation plans, capital improvement plans

In addition to the above, other sources of information and resources available to provide guidance in implementing the Complete Streets Policy include, but are not limited to, the following organizations:

- Institute of Transportation Engineers (ITE)
- American Planning Association (APA)
- American Society of Civil Engineers (ASCE)
- National Complete Streets Coalition (NCSC)
- Smart Growth America (SGA)
- National Safe Routes to School (SRTS)
- Pedestrian and Bicycle Information Center (PBIC)

- American Public Health Association (APHA)
- Center of Disease Control (CDC)

When accomplishing this Complete Streets Policy, the Town will use the above manuals, guidelines, and standards, as appropriate, but should not be prevented from considering new or non-traditional planning & design possibilities that will increase the level of safety of all users of any age or ability.

5. Performance Measures

The Town shall utilize performance measures to track the progress, effectiveness, and success of this Complete Streets Policy. Performance shall be measured on an annual basis by the designated COMMITTEE that will work with appropriate Town departments and other resources to gather and summarize this information. The possible initial measures to be used by the town are:

- Increase in linear feet of new pedestrian accommodations (sidewalks, trails, etc.) and the number of cyclist improvements (shared lane markings, bike lanes, etc.)
- Number of Americans with Disabilities Act (ADA) accommodations (i.e. curb ramps) installed or built
- Secure bicycle parking spaces added
- Number of pedestrian/cyclist related crashes
- Miles of on-road bike lanes (separated or not) built or marked
- Number of segments of roadways improved which connect to existing trails

Performance measures will be reviewed at least annually by the COMMITTEE and appropriate adjustments made by the COMMITTEE in order to best measure program toward achieving Complete Streets.

6. Implementation

As stated in Section 4, to oversee implementation of the Complete Streets Policy and Plan, the Board of Selectmen shall appoint an existing committee to assume the responsibilities. The COMMITTEE may be comprised of officials from various town departments or other representatives determined by the Board of Selectmen.

The designated COMMITTEE would provide general oversight to ensure compliance with this Complete Streets Policy and monitoring the implementation of the Prioritization Plan.

Periodically, the COMMITTEE will meet to review the Plan implementation progress as well as updating the Plan with new projects or new priorities. As part of the monitoring process, the COMMITTEE may also inquire as to the progress various departments are making relative to updating or modifying the various town documents including zoning and subdivision codes, laws, procedures, rules, regulations, guidelines, programs, templates, and design manuals in order to integrate, accommodate, and balance all transportation needs in Fairhaven and be consistent with the Policy.

The Town shall make Complete Streets practices a routine part of everyday operations, shall approach every transportation project and program as an opportunity to improve roads and the transportation network for all users, and shall work in coordination with other departments,

agencies and jurisdictions to achieve Complete Streets.

The responsible Town boards and department will, as appropriate, review and either revise or develop proposed revisions to all appropriate planning documents (comprehensive plans, open space and recreation plans, etc.), zoning and subdivision bylaws, laws, procedures, rules, regulations, guidelines, programs, and templates to integrate the Complete Streets Policy and its principles in all project review processes.

As new land development projects are proposed and undergo review by the appropriate permitting boards, the project proponent should be made aware by the appropriate department or Board of the Complete Streets Policy and Prioritization Plan and the proposal can be checked for compatibility with the Policy and Plan. If mitigation is required of the project proponent, the actions should also be consistent and possibly build off the Policy and Plan.

The Town intends to develop and maintain a comprehensive inventory of pedestrian and bicycle facility infrastructure that will prioritize projects to eliminate gaps in the sidewalk and bikeway network, and provide opportunities for expansion.

As part of the budgeting process for projects in the Capital Improvement Plan, the Town may periodically reevaluate the decision making process and ranking system related to Complete Streets to include prioritization criteria that will give extra weight to projects that enhance access or mobility for those on foot or riding bicycles.

As new Town transportation related projects are proposed, the COMMITTEE may be asked by the project proponent (or responsible department) to review proposal in relation to the being consistent with the Complete Streets Policy and provide confirmation or input.

If changes, updates, or additions to the Complete Streets Prioritization Plan are proposed, the COMMITTEE will discuss the potential inclusion into the Plan and potential changes in priorities of current or new projects. The key factors in relation to setting priorities may include but not be limited to:

- Ownership (local vs. state owned facility),
- Location (near schools or public recreation areas),
- Potential high pedestrian & bicycle demand areas
- Project readiness (engineering/permits)
- Impacts & complexity of action
- Costs
- Consistency with Local Plans
- Livability
- Safety and Security
- ADA accessibility/compliance
- Mobility & connectivity
- Public health outcomes

To the extent practical, the Town will encourage appropriate staff and decision makers to attend workshops and other training opportunities so that everyone working on the implementation of the policy understands the concepts of Complete Streets principles and implementation practices.

The Town will utilize inter-department coordination to promote the most responsible and efficient

use of resources for activities within the public way.

The Town will seek out appropriate sources of funding and grants for continued implementation of the Complete Streets Policy and Plan.

FAIRHAVEN BOARD OF SELECTMEN

APPROVED:

_____, Chair

Date: _____

Budget Books
will be passed
out at the
meeting



Alpha	Article Title	Sponsor/Submitted by	Documents referenced	\$ requested
A	Measurer of Wood and Bark	TA/BOS	TRADITIONAL	
B	Town Report	TA/BOS	TRADITIONAL- REPORT IN PUBLICATION	
C	Report of Committees	TA/BOS	TRADITIONAL- NO REPORTS EXPECTED	
D	Setting Salaries of Town Officers-FY22	TA/BOS		
E	Bills of Prior Year	TA/BOS		
F	FY21 Budgets			
	Town insurance FY21	TA/BOS	note from Anne C	
	Assessor's reval FY21 \$9,000	Assessor's	email from Wendy	
	Broken sewer pipe at Town Hall FY21	TA/BOS		
	Community Nurse FY21	BOH	email from Sarah Dupont	
G	FY22 General Fund Operating Budget	TA/BOS		
H	FY22 Water Enterprise Fund Operating Budget	BPW	article submission	
I	FY22 Sewer Enterprise Fund Operating Budget	BPW	article submission	
J	FY22 Town Cable Enterprise Fund Operating Budget	Cable	article submission	
K	FY22 School Cable Enterprise Fund Operating Budget	Cable	article submission	
L	General Fund Capital Plan	TA/BOS	article submission	
M	Water Enterprise Capital Plan	BPW	article submission	
N	Sewer Enterprise Capital Plan	BPW	article submission	
O	Roadwork FY22	BPW/CITIZEN PETITIONS		hard surface: Bonney Street, cove stre
P	State Aid to Highways FY22	BPW	article submission	
Q	Funding Capital Stabilization Fund	TA/BOSBPW	article submission	
R	Ambulance Stabilization	FIRE CHIEF	memo from fire chief	
S	Social Day Care Center	COA	MEMO FROM ANNE SILVIA	
T	Propagation of Shellfish FY22	HARBORMASTER	Memo from Harbormaster	
U	Street Lights	BPW/CITIZEN PETITIONS		10 saltmarsh and 16 saltmarsh
V	FAIRHAVEN PUBLIC SCHOOLS TRANSPORTATION SERVICES CONTRACT	SCHOOL DEPT	ARTICLE SUBMITTED	
W	Revolving Funds	VARIOUS DEPT/BOARDS		
X	Floodplain by-law	PLANNING DEPT/BOARD	email from Paul Foley	
Y	North street drainage	TA/BOS	email from Tom Crotty- from last year	
Z	short term rentals create by law/ community impact fee of 3%	PLANNING DEPT/BOARD	email from Paul Foley	
AA	Amendment to BPWs by law- solid waste and recycling curside	BPW	article submission	
AB	Chapter 194 stormwater management amendment to by law	BPW	article submission	
AC	Street acceptance: Robert Street	BPW	article submission	
AD	Town Hall Street lamps	Historical Commission	article submission from wayne oliveira	
AE	Waterways Rules and Regulations	HARBORMASTER	Memo from Harbormaster	
AF	Sewer Capital Improvements Revenue to Stabilization Fund	BPW	article submission	
AG	FY22 Community Preservation Program Appropriations	CPC	email from Paul Foley	
AH	Disposable Plastic Bag Pollution Reduction By law	Sustainability	email from Whitney	
AI	Polystyrene Reduction by law	Sustainability	email from Whitney	
AJ	authorize BOS to petition to impose a checkout bag charge	Sustainability	email from Whitney	
AK	Transfer of land- conservation	conservation	email from Whitney	
AL	Zoning by law change chapter 198-33	PLANNING DEPT/BOARD	email from Paul Foley	
AM	Mass Historical Commssion grant match	PLANNING DEPT/BOARD	email from Paul Foley	

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