

**Request for Proposals**  
**Consultant Services**  
**For the**  
**Development of a 40R Overlay Bylaw and Design Guidelines**  
**For the**  
**Town of Fairhaven, Massachusetts**



Responses Due By:

Tuesday April 26, 2022 at 3:00 PM  
Attention: Paul Foley  
Director of Planning & Economic Development  
40 Center Street  
Fairhaven, MA 02719  
508-979-4023 EXT. 122  
pfoley@fairhaven-ma.gov

## **1. Introduction**

The Town of Fairhaven is seeking a qualified consultant to assist the Town in developing and approving a 40R Overlay Bylaw with graphic Design Standards and establish rules, standards and procedures for the Town to monitor the 40R Smart Growth development. This effort is part of the Route 6/240 Redevelopment Plan to develop a comprehensive framework that facilitates new development in previously developed areas while preserving the historic and rural character of the rest of the Town in order to guide sustainable economic development and build new capacity for growth in appropriate areas. The primary point of contact will be the Town Planner, working with the Planning Board and Economic Development Committee, who has identified a 40R Overlay Bylaw with strong Design Guidelines as a tool that could help the Town achieve this goal and many of the goals in the Master Plan.

The Town is considering several 40R Districts of varying sizes with different densities, heights and design standards as appropriate in different Mixed-Use parts of Town with the primary Target Area being proximate to Route 6 and 240. The 40R would potentially include Transit Oriented Development (TOD), Transfer of Development Rights (TDR) and Form-Based Codes. The Town will also be issuing an RFP to hire a consultant to help the Town develop a Transfer of Development Rights (TDR) program. Interested parties may submit for both Requests if they have the requisite qualifications and experience.

## **2. Background**

Fairhaven, population 16,000, is in southeast Massachusetts on Buzzards Bay and shares a working harbor with New Bedford with a vital ship building component, contains an historic downtown with several buildings on the National Register and hundreds of homes listed on the Massachusetts Cultural Resource Inventory (MACRIS), miles of beaches and farms and corporate headquarters of Acushnet Company and Nye Lubricants. Fairhaven is a small town with a big history.

The Redevelopment Target Area is the already developed commercial shopping plazas and Industrial District along and between Route 6, Route 240 and Alden Road in close proximity to Interstate 195 and near major north-south connectors Massachusetts Routes 18 and 140. A Federal Opportunity Zone (Census Tract 655300) occupies much of the Target Area and other areas slated for smaller 40R districts. The primary Redevelopment Target Area is divided fairly evenly between Commercial and Industrial with the dividing line, more or less, being Bridge Street. South of Bridge Street are the commercial plazas and north of Bridge Street is most of the Industrial District.

## **3. Scope of Services**

Working with the Planning Director, Town Boards and Committees, stakeholders and the general public, the selected Consultant will draft Mixed-Use 40R and 40S bylaw language and develop graphic architectural standards for designated areas for redevelopment desired by the Town. The development of the bylaw and design standards would include guiding the Town through the 40R process including Determination of Eligibility, density data, housing production summary and other requirements of MGL 40R and 40S as well as creating a process for ongoing monitoring and oversight of the subsequent development. The primary 40R District, to be located in the Route

6/240 Target Area, would require landscaped Complete Streets, renewable energy on top of attractive new buildings and connection to the Town broadband network. The goal of the main 40R area is to transform the shopping plazas into a more compact and desirable mixed-use higher density area with residential apartments and offices above stores on pedestrian oriented landscaped streets. Going up in this area would provide opportunity for new stores and businesses and new residences with access to extensive existing services, the Phoenix Rail Trail, a beautiful and historic downtown, local beaches, ferries to the islands and a soon to be established train to Boston. It may also provide some tenants with water views of Buzzards Bay.

The smaller 40R Districts on smaller parcels would be scaled to be compatible with existing and historic development in those neighborhoods. These may include properties along Route 6 outside the Target Area and parts of the Downtown Mixed-Use District, the Benoit Square Mixed-Use District, and Sconticut Neck Road near Little Bay. The Fairhaven 40R Bylaw shall achieve the “Smart Growth” principles of development that increase the availability of affordable housing in mixed-uses districts with distinctive and attractive structures that simultaneously preserves open space, farmland, natural beauty and critical environmental areas.

The Consultant shall have expertise in developing municipal bylaws and Smart Growth Zoning Districts including especially writing 40R overlay zoning bylaw language and steering the effort through DHCD and Town Meeting. The Consultant should have experience and proven skills in developing design standards with visual aids. The Consultant shall demonstrate a thorough understanding of MGL Chapter 40 and 40A-W. The Consultant will work closely with the Town Planner to develop the 40R bylaw for the several parts of Town and help develop design standards that fit the various parts of Town with clear and compelling graphics.

The following outline is to describe the general extent of services to be provided by the Consultant. This outline is not necessarily all-inclusive, and the Consultant is welcome to include other relevant tasks, alternatives and/or services they feel may improve the project. Consultants are encouraged to provide both industry expertise and creative ideas to help the community design and implement a 40R Overlay Bylaw and Design Standards that fit Fairhaven.

Pursuant to this RFP, the “Services” shall consist of, and the successful Consultant shall provide, the following scope of work:

- A. Project Review and Kick-off
  - i. Tour the Town and review the current planning documents and processes with the Director of Planning & Economic Development.
  - ii. Review the Town’s goals from the Master Plan and other Town Plans.
  - iii. Collect 40R and 40S bylaws and design standards from similar towns.
  - iv. Develop, with the Director of Planning & Economic Development, a schedule and program outlining the tasks to be performed to have a 40R Overlay Bylaw and Design Standards prepared for the Town Warrant by February 2023.
- B. Preliminary Determination of Eligibility for DHCD
  - i. Prepare and submit the Smart Growth / Starter Home Residential Density Plan/Map and Density Data Spreadsheet for Fairhaven.
  - ii. Prepare the Smart Growth Residential Density Plan/Map(s) of the Districts.
  - iii. Prepare the Density Data and District Summary Information Spreadsheets.

- iv. Prepare Housing Production Summary.
- v. Prepare and submit Preliminary Determination of Eligibility to DHCD.
- C. Town Visioning
  - i. Meet with municipal staff, boards and various stakeholders to discuss ideas and alternatives relevant to growth, mixed-use and development within the described target areas.
  - ii. Confirm the Town's vision for the project areas, including designation of desirable densities, undesirable densities and development types.
  - iii. Conduct 15-20 interviews with stakeholders (with the assistance of the Town Planner) and 3-5 public meetings in addition to the kick-off meeting.
- D. Development of Bylaw and Design Standards and Oversight
  - i. The Consultant will first prepare a report and outline followed by revised drafts and a final report for a 40R mixed-use zoning overlay bylaw with Design Standards unique to each district. The report should describe the options for the Town to consider including graphic examples of design standards and variations of different districts.
  - ii. The Consultant shall also develop a framework and flow chart to assist the Town in the ongoing oversight of the 40R Districts.
- E. Final Presentation
  - i. The Consultant shall make a final presentation to the Planning Board, the Economic Development Committee and the Select Board. The final bylaw will require an affirmative vote at Town Meeting for adoption.
- F. Proposal
  - i. The Consultant shall perform the Services described above within approximately twelve (12) months of the contract initiation date. The tasks required for the Preliminary Determination of Eligibility for DHCD should be complete within 2 months of selection. The Consultant shall provide a proposed schedule of the anticipated duration of the project phases and goals identified above. Special consideration will be given to the respondent that shows the ability to phase the project on-time and produce clear and compelling graphics appropriate for Fairhaven.
  - ii. Proposals must include, at a minimum, the following information:
    - 1. Experience/Qualifications of Firm. Provide a detailed description of the firm's experience in providing similar services. Include the type and number of clients served, as well as the size, scope, and nature of the services involved. Provide examples of any prior relevant projects.
    - 2. Experience/Qualifications of Assigned Professional(s). Provide the qualifications for each individual who may be assigned to provide the Services and designate the individual who would have primary responsibility for oversight of the Services and contact with the Town Planner.
    - 3. Estimated Time. Provide an estimate of the general timeframe required to complete each phase of the Services identified above.
    - 4. Proposed Fees/Expenses. Proposals shall clearly state all fees and expenses to be charged for the performance of the Services:

- a. If based on an hourly rate, provide the hourly rates to be charged for each individual who would be assigned to this engagement and a general description of how billable hours will be allocated.
  - b. Provide an explanation if fees will be calculated on any other basis. Itemize the type of expenses (other than fees) for which your firm would seek reimbursement.
  - c. It is anticipated that a maximum not to exceed amount will be established for these services.
4. **Selection Criteria:** Proposals will be reviewed by the Town Planner for completeness and qualifications. Final selection of a firm will be made based on the following criteria:
  1. Qualifications, expertise, and experience of the firm in providing similar services, including, but not limited to, the following:
    - a. The Consultant's experience in performing substantially similar projects and in providing similar services; and
    - b. The Consultant's, and the individuals assigned from the firm, professional credentials, expertise and experience in land use, zoning bylaws, planning, civil engineering or related fields;
    - c. The Consultant's professional creativity and ideas;
    - d. The Consultant's professional graphics skills and ability to work with the Town to develop graphic design standards;
    - e. Timeliness of completing the Services;
    - f. Cost, and
    - g. Responsiveness of the Consultant to the RFP categories.
5. **Terms and Conditions:** The following terms and conditions apply to all proposals:
  - A. The proposal may be submitted by email with a PDF (.pdf) format electronic copy of the full proposal to the attention of Paul Foley, Director of Planning and Economic Development at [pfoley@fairhaven-ma.gov](mailto:pfoley@fairhaven-ma.gov) or in a sealed and properly labeled envelope, accompanied by a flash drive with the proposal documents, and in either case must be received by the Town before the deadline of 3:00 PM on April 26, 2022.
  - B. The proposal may be submitted with signed Request for Proposal Application Form (Attachment A), a descriptive narrative including graphics describing the capability of the Proposer to carry out the proposed project as indicated by the samples and experience of the individuals playing key roles in the project with projects of similar, comparable or relevant scope.
  - C. The Town reserves the right to reject or accept any proposals, or any item or items of the proposals, and to waive technical defects which are not of a substantive nature if it is determined that it is in the best interest of the Town. The Town will proceed with the selection of that proposal which in its opinion represents the most satisfactory response to the selection criteria above and overall RFP and provides the most advantageous path to a sustainable and compatible vision for the future.
  - D. The Town reserves the right to void this RFP and the review process and/or terminate negotiations at any time; to select separate responding parties for various components of the scope of services; and to select a final party/parties from among the proposals

received in response to this RFP. Additionally, any and all RFP project elements, requirements and schedules are subject to change and modification. The Town also reserves the unqualified right to modify, suspend, or terminate at its sole discretion any and all aspects of this RFP process, to obtain further information from any and all responding parties, and to waive any defects as to form or content of the RFP or any responses by any party.

- E. This RFP does not commit the Town to award a contract, defray any costs incurred in the preparation of a response to this RFP, or contract for any services. All submitted responses to this RFP become the property of the Town as public records. All proposals may be subject to public review, on request, unless exempted as discussed elsewhere in this RFP. By accepting this RFP and/or submitting a proposal in response thereto, each responding party agrees for itself, its successors and assigns, to hold the Town of Fairhaven and its affiliated entities, various agents, commissioners, directors, consultants, attorneys, officers and employees harmless from and against any and all claims and demands of whatever nature or type, which any such responding company, its representatives, agents, contractors, successors or assigns may have against any of them as a result of issuing this RFP, revising this RFP, conducting the selection process and subsequent negotiations, making a final recommendation, selecting a responding party/parties or negotiating or executing an agreement incorporating the commitments of the selected responding party.
- F. By submitting responses, each responding party acknowledges having read this RFP in its entirety and agrees to all terms and conditions set out in this RFP. Responses shall be open and valid for a period of ninety days (90) days from the due date of this RFP.
- G. The Town of Fairhaven is an Equal Opportunity Employer and does not discriminate on the basis of race, color, religion, creed, sex, sexual orientation, gender identity, age, ancestry, national origin, disability, or veteran status in consideration of this award.
- H. **Deadline:** Proposals must be received no later than Tuesday **April 26, 2022 at 3:00 PM EST**

ATTACHMENT A  
(Form 1)

FAIRHAVEN 40R BYLAW & DESIGN STANDARDS  
PROPOSAL FORM COVER SHEET

SUBMITTED TO: Town of Fairhaven  
40 Center Street  
Fairhaven, MA 02719

DATE RECEIVED BY TOWN: \_\_\_\_\_

SUBMITTED BY: Name: \_\_\_\_\_

Firm: \_\_\_\_\_

Address: \_\_\_\_\_

Telephone: \_\_\_\_\_

Set forth by the Town of Fairhaven, the accompanying proposal is submitted to help the Town develop a 40R Overlay Bylaw with graphic Design Standards and establish rules, standards and procedures for the Town to monitor the 40R Smart Growth development as described herein.

I am fully aware of the requirements established by the Town for selection of a Developer and except these requirements. ***The attached information is complete and accurate.***

\_\_\_\_\_  
Signature

\_\_\_\_\_  
Title

\_\_\_\_\_  
Date

## ATTACHMENT B



Exhibit A: Locations for possible 40R Districts in Fairhaven, Massachusetts

