



# Fairhaven Board of Selectmen

## January 22, 2018 Meeting Minutes

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

Mr. Espindola called the meeting to order in the Town Hall Banquet Room at 6:30 p.m. The meeting was recorded by Cable Access.

### MINUTES

Mr. Freitas motioned to approve the minutes of the December 18, 2017 meeting, open session. Mr. Murphy seconded. Vote was unanimous. (3-0)

Mr. Freitas motioned to approve the minutes of the January 8, 2018 meeting, open session. Mr. Espindola seconded. Mr. Murphy abstained. (2-0)

Mr. Freitas motioned to approve the minutes of the January 8, 2018 meeting, executive session. Mr. Espindola seconded. Mr. Murphy abstained. (2-0)

### TOWN ADMINISTRATOR REPORT

Mr. Rees updated the Board on several matters:

- Mr. Rees reported that work continues on negotiating with the EPA/DEP regarding the sewer discharge permit, National Pollutant Discharge Elimination System (NPEDS), to bring the Town into compliance
- Health Agent, Mary Kellogg, has been working with the Green Fairhaven Committee to discuss the Town's participation in the Green Communities program and recycling grant program
- The Hazzard Mitigation Planning had its final public hearing
- The Town received word that we were not awarded the community compact grant to work jointly with New Bedford on developing maritime and harbor related rules and regulations.
- Mr. Rees told the Board that the Town's new website is now live and has been well received
- Mr. Rees and Human Resources Director, Anne O'Brien, met recently with Veteran George Brownell to discuss the upcoming retirement of Veteran's Agent, Jim Cochran. They will be reaching out to other members of the veterans community for their support

- Anne O' Brien conducted and completed the Police Assessment Selection Process on Saturday, January 13, 2018. There were several employees from the Police Department who were interested in a Captain's and Lieutenant's positions
- Mr. Rees will be meeting with other Towns, ABC Recycling and the DEP to discuss recycling and the surcharges
- Mr. Rees and Harbormaster, Tim Cox will be discussing some ideas about saving time and money by issuing Senior Lifetime Buttons for shellfishing
- Mr. Rees reported that Cable Access Director, Bobby Brusco, is currently on medical leave. Drew Furtado from the Fairhaven School Department will help fill the void until Bobby returns
- Mr. Rees reported that North Fairhaven Improvement Association (NFIA) would like to use the Oxford School gymnasium to hold an indoor yard sale in early May
- Mr. Rees told the Board that he had recently attended the Massachusetts Municipal Association (MMA) conference in Boston. In the Governor's speech he told the group that he intends to put in a budget that has an increase of 3.5% in non-restricted Government aid
- Mr. Rees and Bill Roth, Director of Planning, have been working together to make the transition of his resignation as smooth as possible

### **COMMITTEE LIAISON REPORTS**

Under committee liaison reports:

Mr. Murphy reported to the Board that the Marijuana Advisory Committee will hold a Public Hearing on February 5, 2018.

Mr. Espindola told the Board he had been at the Southeastern Regional Transit Authority (SRTA) meeting, and ridership has increased by one million over the past six years or so. This will help with funding.

Mr. Espindola reported to the Board that Cable negotiations are still ongoing. The Town recently received a Request for Proposal (RFP). Cable license negotiations are still ongoing with Comcast.

Mr. Espindola said that he had recently participated on the Green Fairhaven Committee meeting to discuss trash and recycling and savings for the Town.

### **TOWN CLERK STUDY COMMITTEE**

Selectmen met with two residents interested in serving on the Town Clerk Study Committee. Phil Washko and Bryan Wood both explained why they felt they would be good assets to the Committee. Both have served on various boards and committees for the Town in the past. Mr. Washko served as Chair of the Government Study Committee and Mr. Wood is a former Selectman. Anne O'Brien, Human Resources Director will remain on the committee as a voting member. Mr. Freitas motioned to have Phil Washko and Bryan Wood added to the Town Clerk Study Committee. Mr. Murphy seconded. Vote was unanimous. (3-0)

## **WEST ISLAND 5K WALK/RUN**

Mr. Freitas made a motion to approve the West Island 5K Run/Walk & Kids Mile Fun Run to be held on April 29, 2018 and to waive the parking fees at Hoppy's Landing pending approval from the Police Department and the Board of Public Works. Mr. Murphy seconded. Vote was unanimous. (3-0)

## **MASS CULTURAL COUNCIL**

Mr. Rees explained to the Board that the Town receives several thousands of dollars for cultural activity from the State. This is a yearly contract in order for the Town to receive reimbursement from the Mass Cultural Council. Mr. Freitas made a motion to authorize the Town Administrator to sign the contract behalf of the Selectmen. Mr. Murphy seconded. Vote was unanimous. (3-0)

## **LOO AQUACULTURE**

Mr. Rees explained to the Board the process of the Public Hearing. A notice is sent to the abutters and also posted in three public places as well as the newspaper. In attendance were Tim Cox, Harbormaster/Shellfish Warden, Matthew and Tom Loo and several residents of the Shaw's Cove neighborhood. Mr. Matthew Loo explained to the Board the process that goes into aquaculture. He has applied for 1.8 acres along the Nasketucket shoreline to farm oysters. The process involves floating cages and buoys and markers with pontoons. There will be roughly 100 floats. Mr. Freitas asked the Harbormaster how far from the shore this would be. Mr. Cox responded this would be at least 30 feet from the shore. Mr. Cox passed out a map showing where the aquaculture farm would be.

At 7:06 pm the Chair opened the public hearing. Mr. Espindola read the Public Hearing notice.

Mr. Espindola asked if there were any questions or comments from the public.

Josh Darwin, resident of Shaw's Cove, spoke about his opposition to the proposed aquaculture farm in Shaw's Cove. He is concerned because the land is under the Land Preservation Trust and the Audubon Society and is worried about the wildlife there. He also feels that this is a hazard for the boaters, kayakers and swimmers and they may become trapped. Eel grass is important to the area and is already struggling to make a comeback. He feels this may harm the eelgrass. He is worried about what his view will look like. He explained that there is already abandoned aquaculture farms out there and the shore is littered with debris from these.

Shaw's Cove resident, Bill Hover, is also opposed to the aquaculture farm. He is worried about what it will look like at low tide and how this will be harvested it when the tide is low. He feels this will have a significant impact on the shoreline and the eelgrass. He feels Mr. Loo's application wasn't complete. Ashlee Kirkwood, Vice-President of the Fairhaven Acushnet Land Preservation Trust spoke in favor of Mr. Loo. She explained that the aquaculture farm would be difficult to see from land. Mr. Loo will have to go through at least 12 other agencies before it is approved and there are very strict rules and regulations by the State to protect the environment. She further explained that there will be no big machines out on the water harvesting the farm. She explained that oysters are good for the environment. One oyster can filter up to 50 gallons of water in one hour. They help purify the water.

Barbie Burr who owns property on Shaw's Cove said Matt Loo came to see her and asked for her opinion. She feels this is not a good location and that this location has been used before without

any success. This area is not good because the weather is bad there and everything will wash up on the shore.

Shaw's Cove resident, Betsy Allen, has concerns about the eelgrass. She is also worried about the boaters, swimmers and paddle boaters getting caught in the equipment.

Michael Murphy, President of Shaw's Cove Improvement Association, feels that the weather is non-forgiving, everything washes up along the shore in Shaw's Cove.

Tracey Wakeman who lives in Shaw's Cove feels the water is too shallow when it is low tide. She feels like this farm could encroach on the shellfish that is already there. Ms. Wakeman feels that other areas in Town where folks don't live that could be better suited.

Gary Lavalette spoke out against Loo Aquaculture and would like to see this looked at more closely.

Jay Pateakos of Shaw's Cove told the Board that the working class people who live there are not against business but invited the Board to come down to Shaw's Cove to see what they are talking about.

Tom Darwin showed pictures of things that wash up on shore. He feels that the public will be impacted, not just Shaw's Cove.

Cora Peirce, President of the Fairhaven Acushnet Land Preservation Trust, spoke in favor of Matt Loo. She explained to the Board that the debris washing up on the shore is from Taylor Seafood. She told the Board all of Mr. Loo's items are labeled. She knows Matt and he has always done his part for the environment.

Tom Conway feels like there is a debate between different parts of the community. He feels the Selectmen really need to look more closely at this issue and suggests tabling this until it can be completely looked at.

Shaw's Cove resident, Frank DeNaw, told the Board he can fill up his truck with all the debris that washes up along the shore. Anytime there is a storm he can fill his recycle bin for two weeks. He said the cages drop once the floats break free and boaters get caught in them. He is worried once this fails who will clean it up.

Rachael Christ is concerned about having a commercial industry in a conservation area.

Chairman Espindola spoke to the residents and said he is familiar with the area. He said that the Marine Resources Committee is looking closely at this issue. Mr. Freitas wants a report from the Harbormaster, Tim Cox, about what he sees in Mr. Loo's current aquaculture farm. Mr. Cox responded that Matt Loo has always done what is asked of him and is not abandoning his other site. Mr. Murphy like the idea of waiting so the Board can answer all questions.

Chairman Espindola closed the meeting at 7:50 pm.

Mr. Freitas made a motion to continue the Public hearing to March 12, 2018. Mr. Murphy seconded. Vote was unanimous. (2-0) (See Attachments A & B)

## **CDBG 2018 COMMUNITY DEVELOPMENT STRATEGY**

Bill Roth, Planning and Economic Director spoke to the Board about the progress of the Community Development Block Grant (CDBG). Mr. Roth explained that he has completed the community development strategy. Most of the project comes from the Master Plan, work that has recently been done. North Fairhaven has two target areas. The Anthony School target area will be looked at this year and it is recommended that Hedge Street be the project that will be submitted. There will be some sewer improvements, install drainage, improve sidewalks and include street trees with grates. Mr. Freitas made a motion to approve the 2018 CDBG

Community Development Strategy and proceed with Hedge Street as the 2018 application. Mr. Murphy seconded. Vote was unanimous. (3-0) (See Attachments C)

#### **FOURTH & LONG, INC.**

Chairman Espindola opened the Public Hearing for a Pledge of License for Fourth & Long, Inc. at 8:03 pm. Mr. Rees explained that a pledge of license is a routine matter because the owner of the bar is applying for a loan through a bank. The owners were not present. There were no comments from the public. Mr. Freitas made a motion to approve the Pledge of License for Fourth & Long, Inc. Mr. Murphy seconded. Vote was unanimous. (3-0)

#### **ROGERS SCHOOL PRESERVATION/REUSE**

Mr. Rees told the Board this discussion had been tabled at the last Board of Selectmen's meeting. Mr. Rees presented a capital project for the preservation/reuse of Rogers School. This included the costs to mothball the school for 10 years and also having the school placed on the National Registry of Historic Places to become eligible for tax credits. Susan Loo and Doug Brady, two members of the Rogers School Reuse Committee (Formerly Rogers/Oxford Study Committee) were present for the discussion.

Mr. Rees also presented another option to the Board. This proposal become available late in the day of the Selectmen's meeting. Mike Ristuccia, on behalf of his grandson, Zachary Mayo of New England Preservation and Development came before the Board to show a proposal for a possible use for Rogers School. The proposed project would turn Rogers School into a multi-unit complex with single family homes on the other lot. Gary Lavalette spoke to the Board regarding all the vandalism and graffiti at the school and made some suggestions on ways to minimize this until something can be done with the building.

Mr. Freitas said he would like to have the Board look at both options. He thought it might be a good idea to run parallel projects, mothballing and the multi-unit proposal, as to not delay the outcome for either. Mr. Murphy also like the idea of running parallel projects and would like to see the Town get the historical tax credits by placing Rogers School on the National Registry. Mr. Espindola would like to reach out to the public again to see who may be interested in Rogers School. Mr. Brady told the Board that the Rogers School Reuse Committee has not seen this recent proposal but he is in favor of parallel projects. The Rogers School Reuse Committee meets next month and Mr. Brady would like to present this to them. Mr. Freitas made a motion to move to place Rogers reuse/preservation on the Capital Budget process for \$250,000. Mr. Murphy seconded. Vote was unanimous. (3-0) (See Attachment D & E)

#### **BPW SUPERINTENDENT**

Mr. Freitas asked that this be tabled at a date to be determined.

#### **HISTORICAL COMMISSION**

Chairman Espindola read a letter from Dave Despres tendering his resignation as Chair of the Historical Commission. All Selectmen thanked him for his time that he has served on this

committee and wished him well. Mr. Freitas made a motion to accept the letter of resignation by Dave Despres. Mr. Murphy seconded. Vote unanimous. (3-0)


### **OTHER BUSINESS**

In other business:

- Mr. Espindola reminded everyone that the rescheduled Polar Plunge will be on Sunday, January 28, 2018
- Mr. Murphy thanked everyone for their condolences and well wishes for his mother-in-law
- Mr. Murphy told the Board that he has been nominated and selected for Leadership Southcoast 2018. His project will be entitled “Economic Regeneration and Economic Planning for the Southcoast”

At 8:39 pm Mr. Freitas made the motion to adjourn the meeting. Mr. Murphy seconded. Vote was unanimous. (3-0).

Respectfully



Vicki L. Paquette

Administrative Assistant

(Minutes approved 02/26/2018)

### **Documents appended:**

**A: Map of Shaw’s Cove**

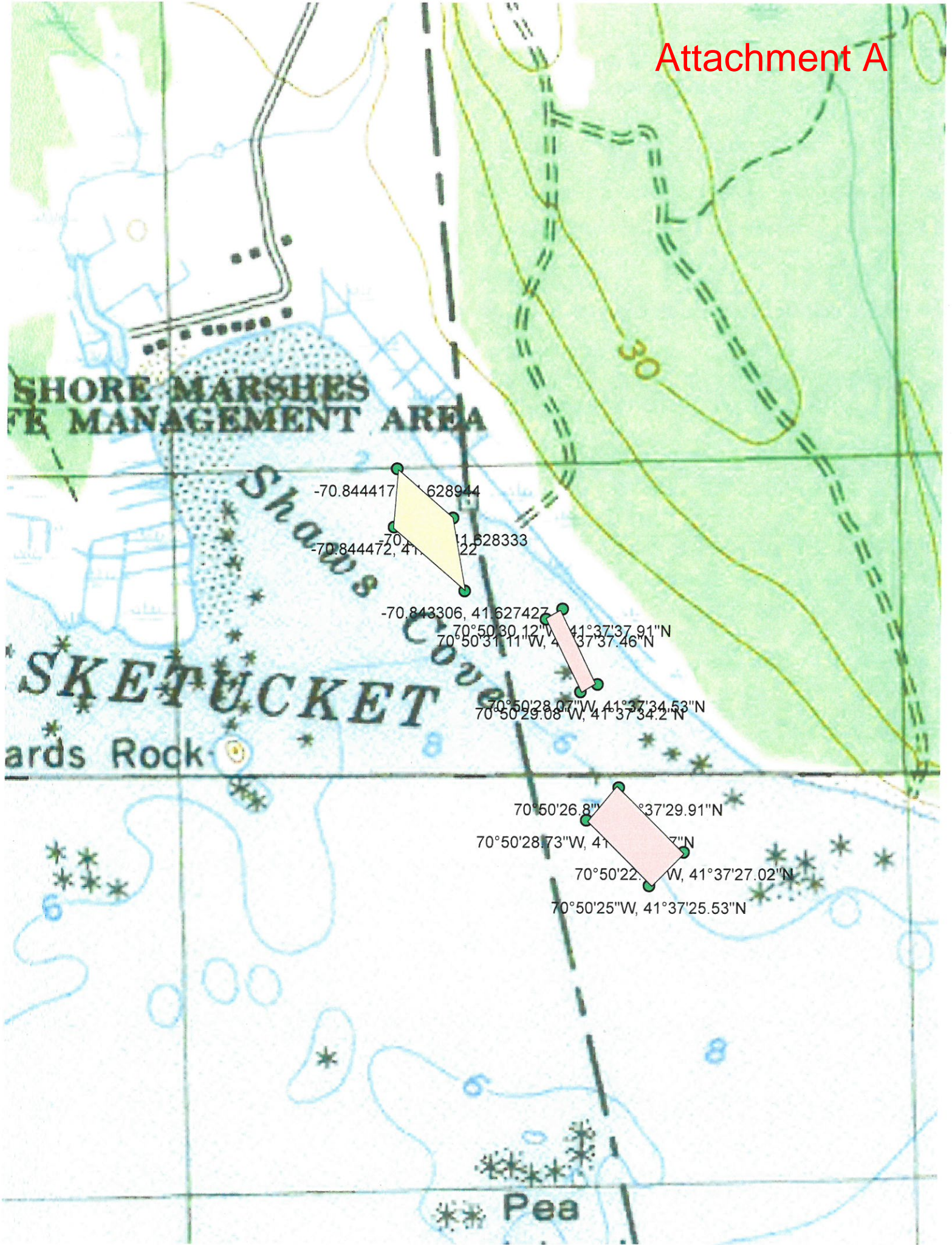
**B: Public Hearing Notice – Loo Aquaculture**

**C: 2018 Fairhaven Community Development Strategy**

**D: Capital Commitment – Rogers School**

**E: NEPR Proposal for Rogers School**

Attachment A





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Massachusetts  
Office of the Town Administrator

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### Public Hearing Notice

The Fairhaven Board of Selectmen, pursuant to Section 3.2 of the Town of Fairhaven Rules and Regulations Governing Aquaculture, will conduct a public hearing at **7:00 p.m.** on **January 22, 2018** at the Fairhaven Town Hall, 40 Center Street, Fairhaven, MA on the application of Matthew Loo and Thomas Loo, 42 Taber Street, Fairhaven, MA, for an aquaculture license to operate a shell fish farm on approximately 1.82 acres of public water located in the vicinity of Shaw's cove on the Fairhaven-Mattapoisett Town Line, filed on October 25, 2017. The coordinates of the area of operation are:

41.628333, -70.843500  
41.628222, -70.844472  
41.628944, -70.844417  
41.627427, -70.843306

A copy of the complete application can be found on the Town's website: [www.fairhaven-ma.gov](http://www.fairhaven-ma.gov) and clicking on "Documents and Contracts"



# Attachment C

## 2018 FAIRHAVEN COMMUNITY DEVELOPMENT STRATEGY

**BACKGROUND:** Fairhaven is a seaside community, situated on Buzzards Bay in the southeastern corner of Bristol County, 56 miles south of Boston and 35 miles southeast of Providence. It shares its harbor with the City of New Bedford. Fairhaven has 12.41 square miles of land area, 29.4 miles of shoreline, and significant rural areas that are still home to a number of working farms. Town wide, commercial uses are mainly strip mall-style retail establishments, and residential densities are typical of suburban and rural neighborhoods.

**PLANNING TOOLS:** Fairhaven has been engaged since December 2016 in updating its 1996 Master Plan. The new Master Plan, anticipated to be completed in spring 2018, incorporates public input as well as recent planning documents such as the Town's Draft Open Space and Recreation Plan (2017), New Bedford/Fairhaven Harbor Plan (2010) and Housing Action Plan (2010).

The Town utilizes town appropriations and borrowing, MaDOT funding, local aid and targeted grant programs, such as CDBG, Seaport Economic Council, MassWorks, Mass Historic grants to achieve its goals and objectives.

**HOUSING:** Fairhaven seeks to encourage residential development in or near existing residential areas to maintain its village character; to continue to provide affordable and age-appropriate housing options for senior populations; and to maintain and encourage development of affordable housing for families of non-elderly income levels. Key objectives include:

- Encourage infill residential developments in existing residential neighborhoods that reflect the historic and cultural characters of various neighborhoods.
- Explore conversion to housing of existing municipal and commercial buildings as well as utilization of vacant municipal and private properties for affordable housing development, both elderly and non-elderly; also, support housing rehabilitation of blighted properties.
- Support use of Low Income Housing Tax Credits (LIHTC) program to fund affordable housing development.
- Consider revisions to the Zoning bylaws to encourage increased production of affordable housing, including adoption of inclusionary zoning bylaw, revision of Accessory Dwelling Unit, approval of mixed-use residential and commercial developments in established service and employment centers, and adoption of performance zoning and density bonuses.
- Support construction of additional senior housing options at the two-acre site adjacent to existing Oxford Terrace Public Housing complex.

**PUBLIC FACILITIES & SERVICES:** Fairhaven goals for its facilities and infrastructure include developing plans and funding to rebuild, expand or replace key public facilities and the staff needed to support Town operations, providing adequate facilities for public safety, developing plans to improve key infrastructure elements, utilizing sustainable energy opportunities within Town facilities, investing in public education facilities and enhancing facilities and services for Fairhaven seniors. Fairhaven historically has evaluated and upgraded infrastructure (roadways, sidewalks, drainage, water and sewer) on a neighborhood basis in order improve interlinked public facilities and transportation networks and encourage economic development. Neighborhoods targeted are Cushman Park, East Fairhaven, North Fairhaven and Anthony School. Objectives to meet these goals include:

- Continue infrastructure improvements in the Anthony School Neighborhood; priority streets are North Street, Hedge, Green and various sidewalk improvements through the neighborhood.
- Make infrastructure improvements to the North Fairhaven Neighborhood; priority streets are Sycamore, Main, Garrison and various sidewalk improvements through the neighborhood.

- Development of Facilities Master Plan, including Police, Fire, Senior Center and School Department, and Staffing Needs Assessment.
- Undertake energy audit of all municipal buildings and incorporate findings into Facilities Master Plan; undertake vehicle fleet assessment for opportunities for fuel efficiency.
- Align Town's Capital Improvement Plan with priorities identified in Facilities Master Plan and Staffing Needs Assessment.
- Identify key infrastructure elements for roadways improvements, develop Master Plan for Water Department, and incorporate cost-effective Green Infrastructure strategies for storm water management and drainage.
- Encourage increased recycling and reduction of solid waste disposal; prepare long term plans for use for Sludge Digester System and Sewage Treatment Plant.
- Maintain and foster harbor and marine uses and undertake projects that sustain the viability of the harbor area such as dredging, improvements at Union Wharf, and land use planning.

**TRANSPORTATION:** Fairhaven's goals are to provide safe, affordable and energy efficient options for transportation by becoming a bicycle and pedestrian friendly community, encouraging use of public transportation, and improving traffic flow and condition of the Town-wide transportation system.

Objectives include:

- Develop a Town-wide Complete Streets policy that includes a Town-wide on-street bicycle network, a bicycle connection to City of New Bedford, and new sidewalk construction in areas with missing segments.
- Prepare Sidewalk Inventory and construction/maintenance plan to include ADA/AAB compliance, update Pavement Management plan
- Improve traffic signals on Route 6 and Routes 240 and upgrade pavements markings and signage town-wide.
- Join regional efforts to support the South Coast Rail extension.
- Work with the Southcoast Regional Transit Authority to enhance local shuttle services and transit support facilities such as benches, shelters, parking, etc. at existing bus stops.
- Expand door-to-door services for disabled and aging residents.

**ECONOMIC DEVELOPMENT:** Fairhaven's goals include preserving the financial viability of the working waterfront, maintaining healthy commercial occupancies along Route 6 and other commercial areas, supporting mixed-use projects, support of small business incubation and growth and collaboration with New Bedford and other area towns on workforce training and regional economic development. To address these issues the Town will:

- Work with the New Bedford Harbor Development Commission on Harbor Plan Update and coordinate with the Army Corps of Engineers on all waterfront permitting.
- Continue infrastructure upgrades to the waterfront, in concert with the recommendations of the Hazard Mitigation Plan effort concerning foreseeable sea level rise.
- Consider creation of a redevelopment plan for the working waterfront, including improved vehicular circulation and pedestrian access.
- Consider introduction of tax credit/tax abatement programs for job creation.
- Encourage mixed use redevelopment through land use, zoning and development incentives, including a Route 6 mixed-use overlay district, encouragement of upper story reuse, and a detailed revitalization plan to guide redevelopment of commercial areas in town.
- Evaluate zoning bylaw updates that encourage small business development

**OPEN SPACE, RECREATION & NATURAL RESOURCES:** Fairhaven strives to preserve and protect its agricultural resources and landscapes, cultural and historic places, open space, recreational, and forest and marine resources. The Town strives to meet these goals thru the following objectives:

- Protect and preserve agricultural resources through acquisition or protection, using Massachusetts approved preservations programs under MGL 61, 61A and 61B and APR.
- Establish a permanent Open Space Committee.
- Improve Watershed protection through coordination with the Mattapoisett River Valley Water Supply Protection Committee and revision of Water Protection Overlay Zoning District.
- Protect inland and coastal wetlands, marine resources and wildlife habitats.
- Enhance recreational opportunities for Fairhaven residents, including development of recreational and athletic facilities, including ADA accessibility standards, upgrades to Town Beach on West Island and additional bikeway connections.

**CULTURAL & HISTORIC RESOURCES:** Fairhaven endeavors to preserve its unique historical and cultural heritage through expanded awareness and protection of historic buildings and landscapes and linking historic preservation and economic development. Objectives include:

- Propose enactment of a demolition review bylaw.
- Completion of additional historic inventories of at least two neighborhoods.
- Creation of local historic district study committee, which may lead to establishment of a local historic district.
- Nomination of threatened historic resources to the National Register
- Encourage use of historic tax credits by real estate developers
- Use wayfinding and signage to promote Fairhaven's historic resources.

**COMMUNITY DEVELOPMENT STRATEGY PRIORITY GOALS:**

1. Maintain and foster harbor and marine uses and undertake projects that sustain the viability of the harbor area such as dredging, business development of marine uses, and land use planning.
2. Incorporate Hazard Mitigation Plan into planning, zoning and public construction initiatives.
3. Re-evaluate zoning bylaw for possible changes that will encourage increased supply of affordable housing, economic development and the preservation of open space, natural, marine and historic resources.
4. Evaluate the Town's facilities and vehicle fleet for energy efficiency and consider obtaining a Green Community designation.
5. Undertake infrastructure projects throughout neighborhoods, particularly in the Anthony School (priority streets are North Street, Hedge, and Green) and North Fairhaven (priority streets are Sycamore, Main, and Garrison) as well as sidewalk improvements in both neighborhoods.
6. Provide affordable housing for all residents of the community.
7. Continue to provide adequate public safety and municipal services.
8. Support efforts to provide Fairhaven seniors through services, transportation options and additional affordable housing options.
9. Open Space & Recreation strategies include improving existing sites for recreational and athletic access.
10. A continued preservation effort of historic buildings is the cornerstone of the Cultural and Historic strategy.

# Attachment D



## CAPITAL COMMITMENT TRACKING SYSTEM

**Priority:** 1

**Type:** Improvement

**Cost Basis:** Arct/Eng

**Fund:** General Fund

**Department:** Selectmen/Town Administrator

**Project:** Preserve and Restore Rogers School

**Project Category:** Building

**Project Type:** Design/Construction (buildings, open space, athletic fields, water, sewer, drain, DWTP)

FY2019	FY2020	FY2021	FY2022	FY2023	Total
\$252,000.00	\$0.00	\$0.00	\$0.00	\$0.00	\$252,000.00

Funding Source	Funding Amount	Submitted by:
General Fund	\$252,000.00	Mark Rees
<b>Total</b>	<b>\$252,000.00</b>	<b>Title:</b> Town Administrator
		<b>Date:</b> 12/20/2017

### Description

The Town engaged the services of a consultant, Kirk/MHA, to review the feasibility of various options for the reuse of the Rogers School. The consultant determined that there was no economically viable option, short of demolishing the building, except to develop a public/private partnership(s). The public part of the partnership would be the Town applying for federal and state tax credits to assist in the renovation of the building. \$37,000 of project cost is to hire a consultant (and pay fees) to assist the town in applying for the tax credits and related requirements such as being placed on the National Registry of Historic Places. \$215,000 would be for preserving (mothballing) the building for up to 10 years to prevent further deterioration while the public/private partnership(s) was developed. (see attached estimate documentation)

### Justification

The Rogers School is a beautiful, historical asset for the Town and every effort should be made to preserve and restore this important municipal building in a way that maintains its historical integrity but positioning it for more modern uses. The consultant Kirk/MHA has provided the town with a realistic plan of action to accomplish this goal. However, it will take many years for the plan to come to fruition, thus the need to provide financial resources to 1) prevent further deterioration and 2) contract with experienced consultants to guide the town through very complex financing arrangements.

### Description of item to be replaced

### Schedule for completion of project

Multiple years for developing the public private partnership and applying for tax credits. Moth balling of the building would take place in FY19

**Estimated value of replaced item:** \$0.00

**NET Estimated Annual Impact:** \$7,800.00

### Explanation

HVAC Service and Maintenance \$1,500  
 General Repairs (roof, gutters, water penetrations)\$3,500  
 Moisture Control and Airflow \$1,500  
 Contingency @20 : \$1,300.

Rogers School Preservation/Restoration Project

Mothballing building-10 year Horizon

Capital Costs	\$	207,000	
First Year Maintenance Costs	\$	7,800	
Subtotal			\$ 214,800

Consultant to

1) Apply to be put on Nat. Registry of Historic Places	\$	6,000	
2)Apply for Federal Historic Rehab. Tax Credits	\$	12,000	
3)Apply for Mass. Historical Comm. Tax Credits	\$	12,000	
Subtotal			\$ 30,000

Application fee for Registry of Historic Places \$ 6,500

Total \$ 251,300

## Mark Rees

**From:** Brett Pelletier <bpelletier@kirkco.com>  
**Sent:** Friday, December 15, 2017 4:43 PM  
**To:** Bill Roth  
**Cc:** Mark Rees  
**Subject:** RE: Conference call Today after 3 pm

**Importance:** High

Mark and Bill,

The estimates below are general and contingencies are added for insurance. We've talked before about this, but the building will sit for another winter and *could* sustain additional damage that wouldn't be considered in these estimates, hence the heavy contingencies. The basic plan would be to 'wake up' the boiler and get the system running again, which could be relatively simple or it could be a chore once they get into the boiler and if they find any leaks or problems. It's a relatively new unit so I'm cautiously optimistic. The moisture infiltration, skylights, roof, block window, gutters & downspout work is the most important to keep the building from getting wet in the first place. The contractor indicated that the roof looked good overall, but the skylights are a mess, as we knew. That's the bulk of the upfront cost for the short term and long term scenarios. The 1-3 year scenario would only address masonry pointing on an emergency basis, while the 10+ year scenario would report the major sections of the building. Depending on the level of deterioration over this winter, that number may be low. The moisture control line items are dehumidifiers and fans to circulate air throughout, but those may be unnecessary if we control the moisture from getting in and the boiler can dry the building out.

Let me know if you have any comments or questions. Have a nice weekend.

### Fairhaven - Rogers School Mothball Estimates

1-3 Year Horizon	Capital Costs	Annual Maintenance Costs
HVAC Service & Maintenance	\$3,000	\$1,500
General Repairs (roof, gutters, water penetrations)	\$17,500	\$2,500
Moisture Control & Airflow	\$3,500	\$1,000
Repointing & Masonry	\$10,000	\$2,500
Contingency	15% \$5,100	\$1,125
<b>Total 1-3 Year Horizon</b>	<b>\$39,100</b>	<b>\$8,625</b>

10 Year Horizon	Capital Costs	Annual Maintenance Costs
HVAC Service & Maintenance	\$3,000	\$1,500
General Repairs (roof, gutters, water penetrations)	\$16,000	\$3,500
Moisture Control & Airflow	\$3,500	\$1,500
Repointing & Masonry	\$150,000	\$0
Contingency	20% \$54,500	\$1,300
<b>Total 10 Year Horizon</b>	<b>\$207,000</b>	<b>\$7,800</b>

Brett Pelletier | **Kirk&Company**  
Chief Operating Officer

*Preparation of Part 3 – Request for Certification of Completed Work*

The MAHRTC Part 3 is similar to the federal Part 3. The federal Part 3 consists of a single one-page form and requires thorough photographic documentation of the completed rehabilitation work.

**3.0 Fees and Expenses**

Work on the National Register nomination and the Part 1, Part 2 and Part 3 applications will be charged on a fixed fee basis plus expenses. Based upon MHA's experience with similar projects and regulatory reviews, the fixed fees for the scope of work will be up to \$30,000 plus expenses. MHA will invoice fees on the following schedule:

- A total fee of \$2,000 plus expenses will be billed for the work performed on the NPS Part 1. Client will be invoiced upon completion of a final draft submitted to Client for review and approval. Upon receipt of full payment, MHA will immediately submit the Part 1 applications to the SHPO; and
- A total fee of \$3,000 plus expenses will be billed for the work performed on the MHC Part 1, invoiced on the date of filing; and
- A total fee of \$8,000 plus expenses will be billed for work performed up to and including the Part 2 federal HPCA. Client will be invoiced upon completion of a final draft submitted to Client for review and approval. Upon receipt of full payment, MHA will immediately submit the Part 2 applications to the SHPO; and
- A total fee of \$7,000 plus expenses will be billed for work performed up to and including the Part 2 MHC submission, invoiced on the date of filing; and
- A fee of \$2,000 plus expenses will be invoiced at the time of the Part 3 HPCA filing; and
- A fee of \$2,000 plus expenses will be invoiced at the time of the Part 3 MHC application filing; and
- A fee of \$6,000 plus expenses will be invoiced at the time of the filing of the draft National Register Nomination.

"MHC  
MASS. Historical  
Commission  
TAX credits"

"HPCA"  
Historic Preservation  
Certification  
application

For work subsequent to submissions as described above, including any amendments, Principals will be charged at a rate of \$250.00 per hour plus expenses; Senior Associate's time at a rate of \$225.00 per hour plus expenses; Associate's time at a rate of \$200.00 per hour plus expenses; and Junior Associate's time at a rate of \$150.00 per hour plus expenses.

NPS - HPCA	Part 1 - 2,000	
	Part 2 - 8,000	
	Part 3 - 2,000	12,000
MHC	Part 1 - 3,000	
	Part 2 - 7,000	12,000
	Part 3 - 2,000	6,000
NATIONAL REGISTER		30,000

Client agrees to provide complete, accurate and timely information about the Project to MHA and be available for consultation.

#### **Application Fees and Procedures**

The Client will pay all application fees directly to NPS. Fees for HPCA are required at two intervals during the review procedure. Following submission of the Application by the MHC to the NPS, the NPS will request a half of the overall application fee. The NPS will not review the application until the fee is paid. The other half of the fee is due to NPS upon receipt of the Part 3 of the HPCA. The amount of the fee is based on the cost of rehabilitation. For each project the fee will be \$6,500.00 (cost of the rehabilitation is \$3,850,000.00 or more). NPS will not issue the final certification decision until the fee is paid.

#### *MAHRTC Application*

Although the enacting legislation allows the MHC to collect an application fee, the MHC has opted to not require a fee at this time. In the event that the MHC requires an application fee in the future, the fee will be paid directly by the Client.

#### **Retainer**

MHA requires a retainer of \$1,000.00 to begin work on the Project that will be applied to the overall fee as described above.

#### **4.0 TERMS AND CONDITIONS**

The following sets forth the terms and conditions by which MHA will provide historic tax credit and permitting consulting services to Client related to the Project.

#### **Changes in Scope**

If changes are made in the Project that expand the scope of the Project, such changes shall be incorporated into an amendment to this Agreement, or a new Agreement shall be entered into reflecting the expanded scope of the Project, as the parties shall agree. MHA shall have no obligation to perform any additional work until such amendment or agreement has been signed.

Work outside the scope of work identified in this Agreement will be billed at the same hourly rates as stated above plus expenses.

Work on any administrative appeal resulting from a denial of Certification by the National Park Service will be outside the scope of this agreement and will require a separate contract.



# KIRK&COMPANY

November 7, 2017

(By email [aobrien@fairhaven-ma.gov](mailto:aobrien@fairhaven-ma.gov), [mrees@fairhaven-ma.gov](mailto:mrees@fairhaven-ma.gov))

Town of Fairhaven, MA  
Mark H. Rees  
Office of the Town Administrator  
40 Center Street  
Fairhaven, MA 02719

RE: Rogers School; Fairhaven, MA – Mothballing Cost Estimates

Dear Mr. Rees:

I am pleased to make the following proposal for Real Estate Counseling services regarding the preparations for future mothballing of the Rogers School in Fairhaven, MA. We have previously prepared and delivered a conceptual plan of action for mothballing the building structure to prevent further deterioration, informed by the National Park Service Preservation Brief 31(PB31). The three major areas of focus detailed in PB31 include documentation, stabilization, and mothballing. PB 31 provides a resource for assessing property condition and needs and establishing a formal checklist and maintenance schedule for near- and long-term mothballing strategies. The subject has been vacant for approximately five years and continues to deteriorate from inactive use and lack of maintenance, remediation, and repair. As discussed in PB31, mothballing can protect buildings for periods of up to ten years.

You have requested capital and operating cost estimates to administer a formal mothball strategy on a short-term (1-3 years) or long-term (3-10 years) basis which includes coordination with various engineers, contractors, and outside vendors to provide estimates of immediate capital costs and annual operating costs to formally stabilize and mothball the building. Kirk&Company will work with the Town of Fairhaven and their Historic Preservation Consultant in determining a long-term scope of work and project timeline for the Rogers School to potentially be incorporated into the town's operating and capital budget for the coming fiscal year and to be voted at town meeting in May 2018. In consultation with the Town and their consultants, we will recommend certain maintenance and capital needs actions; including but not limited to HVAC and mechanical, structural, security, monitoring, and building and site maintenance actions and associated baseline costs. However, it should be noted that the passage of time is a critical component to a building's stability and condition and we will endeavor to recommend strategies that will address the needs of the building between the date of our work and the time of implementation after town meeting. The capital and operating cost estimates would be summarized in written memorandum and completed within three to four weeks of your authorization to proceed. The suggested fee is \$5,000 payable on delivery of the memorandum.

REAL ESTATE COUNSELORS

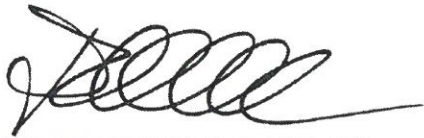
31 MILK STREET, SUITE 820 BOSTON, MA 02110  
TEL: 617-261-7100

EMAIL: [dsk@kirkco.com](mailto:dsk@kirkco.com) • [bpelletier@kirkco.com](mailto:bpelletier@kirkco.com)

The scope and fee for the assignment does not include professional time for real estate counseling outside of the scope of this assignment, negotiation, testimony preparation or testimony as an expert or otherwise on this matter. Such services would be based on professional time expended. Our discounted professional hourly counseling charges for municipalities and non-profits are \$200 for principals (David S. Kirk & Brett N. Pelletier) and \$100 for senior analyst. Additional charges would be payable in monthly invoices for time and out of pocket expenses related to consulting unrelated to the scope of this assignment, testimony preparation or testimony as an expert or otherwise. Invoices would be due upon submission and interest will accrue and be payable at 1% a month on any balance outstanding after 30 days. We would be pleased to discuss any questions regarding the terms of the engagement as proposed and any modifications you might have. If the foregoing is acceptable to you, please sign and return a copy of this letter, confirming your agreement and authorizing us to proceed.

As you know, Kirk & Company is a real estate consulting firm that has been providing appraisal and valuation, market analysis, and counseling services to sophisticated market participants since 1993. Kirk & Company provides clients with real estate counseling and valuation services for all types of income-producing property and our specialized services include development and operating feasibility, marketability, valuation, and due diligence services for development, redevelopment, adaptive reuse of historic properties, financing, investment, disposition, and litigation. All of our work is performed and prepared for the exclusive use of our clients and all materials submitted by our clients are considered proprietary and confidential. Our counsel is based on the Counselors of Real Estate (CRE) standards of professionalism and is unbiased, knowledgeable and confidential.

Sincerely,

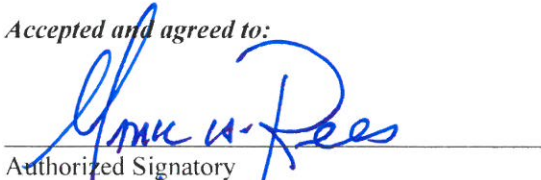


David S. Kirk, MAI, CRE®  
Kirk&Company  
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Boston, MA 02109  
617-261-7100  
[DSK@kirkco.com](mailto:DSK@kirkco.com)



Brett N. Pelletier  
Kirk&Company  
31 Milk Street, Suite 820  
Boston, MA 02109  
617-261-7100  
[Bpelletier@kirkco.com](mailto:Bpelletier@kirkco.com)

*Accepted and agreed to:*

  
Authorized Signatory

11/16/17  
Date

# KIRK&COMPANY

December 5, 2017

(By email [aobrien@fairhaven-ma.gov](mailto:aobrien@fairhaven-ma.gov), [mrees@fairhaven-ma.gov](mailto:mrees@fairhaven-ma.gov))

Town of Fairhaven, MA  
Mark H. Rees  
Office of the Town Administrator  
40 Center Street  
Fairhaven, MA 02719

RE: Rogers School; Fairhaven, MA – Structural Building Assessment

Dear Mr. Rees:

I am pleased to make the following proposal for Real Estate Counseling services regarding the preparations for future mothballing of the Rogers School in Fairhaven, MA. We have previously prepared and delivered a conceptual plan of action for mothballing the building structure to prevent further deterioration, informed by the National Park Service Preservation Brief 31(PB31). Additionally, we have been engaged to provide capital and operating cost estimates to administer a formal mothball strategy on a short-term (1-3 years) or long-term (3-10 years) basis which includes coordination with various engineers, contractors, and outside vendors to provide estimates of immediate capital costs and annual operating costs to formally stabilize and mothball the building to potentially be incorporated into the town's operating and capital budget for the coming fiscal year and to be voted at town meeting in May 2018.

The scope of this assignment includes engaging a structural engineer to provide structural engineering assessment services associated with the existing school building. The qualified engineer will provide visual observation, review, and documentation of the condition of the existing structure. The scope will include a site visit and field verification to overserve the current structural condition of the facility. The site visit will be performed by a registered and licensed professional engineer in the state of Massachusetts. Additionally, the engineer will prepare a letter report or technical memorandum with the findings of the site visit. Included within the report the observed current conditions will be documented by photos, notes, and text narrative. General professional recommendations will be provided within the report. The suggested fee is \$5,500 payable on delivery of the memorandum, which will be prepared and delivered by the end of January 2018.

The scope and fee for the assignment does not include professional time for real estate counseling outside of the scope of this assignment, negotiation, testimony preparation or testimony as an expert or otherwise on this matter. Such services would be based on

REAL ESTATE COUNSELORS

31 MILK STREET, SUITE 820 BOSTON, MA 02110

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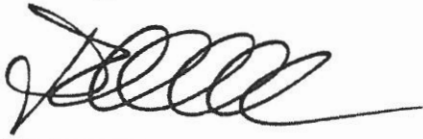
Mark Rees  
Town of Fairhaven, MA

December 5, 2017  
Page 2

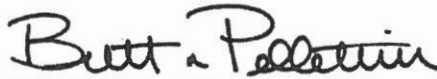
professional time expended. Our discounted professional hourly counseling charges for municipalities and non-profits are \$200 for principals (David S. Kirk & Brett N. Pelletier) and \$100 for senior analyst. Additional charges would be payable in monthly invoices for time and out of pocket expenses related to consulting unrelated to the scope of this assignment, testimony preparation or testimony as an expert or otherwise. Invoices would be due upon submission and interest will accrue and be payable at 1% a month on any balance outstanding after 30 days. We would be pleased to discuss any questions regarding the terms of the engagement as proposed and any modifications you might have. If the foregoing is acceptable to you, please sign and return a copy of this letter, confirming your agreement and authorizing us to proceed.

As you know, Kirk & Company is a real estate consulting firm that has been providing appraisal and valuation, market analysis, and counseling services to sophisticated market participants since 1993. Kirk & Company provides clients with real estate counseling and valuation services for all types of income-producing property and our specialized services include development and operating feasibility, marketability, valuation, and due diligence services for development, redevelopment, adaptive reuse of historic properties, financing, investment, disposition, and litigation. All of our work is performed and prepared for the exclusive use of our clients and all materials submitted by our clients are considered proprietary and confidential. Our counsel is based on the Counselors of Real Estate (CRE) standards of professionalism and is unbiased, knowledgeable and confidential.

Sincerely,



David S. Kirk, MAI, CRE®  
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617-261-7100  
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617-261-7100  
[Bpelletier@kirkco.com](mailto:Bpelletier@kirkco.com)

*Accepted and agreed to:*

\_\_\_\_\_  
Authorized Signatory

\_\_\_\_\_  
Date



## Project Proposal

Prepared for: Town of Fairhaven, Massachusetts

Prepared by: Zachary Mayo, New England Preservation and Development

35 Medford Street

Somerville, MA 02143

January 1, 2018

Proposal number: 010118.01

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## EXECUTIVE SUMMARY

### **Objective**

Acquisition and repurpose of the Rogers School Property located on Center Street in Fairhaven, Massachusetts.

### **Project Outline**

- Demolition of “new wing” on south side of the Rogers School.
- Construct four new single family homes matching the style and character of existing homes in the area.
- Construct 12-14 condominium units in the Rogers School Building.
- Replace existing windows, matching period style, with new, energy efficient windows.
- Repair and replace roofing slates as necessary.
- Create necessary off-street parking on the west side of the building, expanding the existing parking area.
- Reconfigure placement of existing granite curbing to encompass the old Rogers School structure only.

### **Project Timeline**

- Work will commence within 30 days of property acquisition
- Projected completion in 24 months
- Hours of operation while working: Monday-Friday, 8am-5pm, holidays excluded

### **Sources of Funding**

The Raymond C. Green Companies

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## NEW ENGLAND PRESERVATION AND DEVELOPMENT

### PROFORMA

<b>Project Name: Rogers School</b>		
<b># Units: 14</b>		
<b># Single family homes: 4</b>		
	<b>Budget</b>	
<b>USES</b>		
<b>Acquisition</b>		
Properties	\$	35,000
Closing Costs	\$	15,000
<i>Subtotal: Acquisition</i>	\$	50,000
<b>Construction</b>		
Demolition	\$	625,000
Environmental Clearances	\$	15,000
On-Site Improvements	\$	150,000
Construction Cost 14 units	\$	2,100,000
Construction Cost 4 SF Homes	\$	1,300,000
<i>Subtotal: Construction</i>	\$	4,190,000
<b>Professional Fees</b>		
Architect	\$	50,000
Attorney	\$	90,000
Engineer	\$	20,000
Environmental Consultant	\$	60,000
Marketing/Advertising	\$	15,000
<i>Subtotal: Professional Fees</i>	\$	235,000
<b>Carrying Costs &amp; Other Project Fees</b>		
Interest Costs	\$	140,000
Property/liability Insurance	\$	15,000
Real Estate Taxes	\$	10,000
<i>Subtotal: Carrying Costs &amp; Other Project Fees</i>	\$	165,000
<b>Developer Fee</b>	\$	10,000
<b>TOTAL PROJECT COST</b>	<b>\$</b>	<b>4,650,000</b>
Net sales proceeds 14 units:		\$3,700,000
Net Sales Proceeds SF homes		\$1,900,000
<b>TOTAL NET SALES PROCEEDS</b>		<b>\$5,600,000</b>
<b>PROJECTED PROFIT</b>		<b>\$950,000</b>

PROJECT RENDERINGS



North elevation

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Aerial view

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**NEW ENGLAND PRESERVATION AND DEVELOPMENT**



East elevation



South elevation

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