



## FAIRHAVEN SELECT BOARD

### Agenda

February 6, 2023

6:30 p.m.

Town Hall – 40 Center Street – Fairhaven

FAIRHAVEN TOWN CLERK  
ROUD 2023 FEB 2 PM2:03

Pursuant to Chapter 20 of the Acts of 2021, this meeting will be conducted in person and via remote means, in accordance with applicable law. This means that members of the public body as well as members of the public may access this meeting in person, or via virtual means. In person attendance will be at the meeting location listed above, and it is possible that any or all members of the public body may attend remotely, with in-person attendance consisting of members of the public. 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.

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

Log on or call 1-929-205-6099

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<https://us06web.zoom.us/j/84680103268?pwd=YTNydW9WTvc5OE8rTzBZSHBvcHBBoQT09>

Meeting ID: 846 8010 3268 Passcode: 536660

#### A. EXECUTIVE SESSION

Pursuant to G.L. c. 30A, § 21(a)(3) “[t]o discuss strategy with respect to collective bargaining or litigation if an open meeting may have a detrimental effect on the bargaining or litigating position of the public body and the chair so declares”: (Alves Case)

**RETURN TO OPEN SESSION 7:30PM**

#### B. MINUTES:

1. Approve the minutes of January 9, 2023 – Open Session
2. Approve the minutes of January 9, 2023 – Executive Session

#### C. TOWN ADMINISTRATOR:

1. Staffing Updates
2. Belonging Committee: Kylie Bateman
3. Bureau of Local Assessment: Final 2022 Equalized Valuations
4. Housing Choice Community
5. Fairhaven TV award winners
6. Closed Captioning for zoom
7. Other

#### D. ACTION ITEM:

1. Bruce Webb: Conservation Agent
2. Bikeway Committee appointment: Will Gardner
3. Proclamation for Dr. Jibreel A. Khazan
4. Recreation Center Rate Increase
5. Ambulance Billing and Collections Policy
6. MassDEP proposed Title 5 Regulation changes
7. Buzzards Bay Coalition’s 17<sup>th</sup> Annual Watershed Ride, public road use
8. April Food Day – Canned Food Drive; use of Town Hall
9. 2023 Select Board Meeting Calendar
10. New Water District appointee
11. Temporary Street Closure Policy
12. Executive Session Minute Policy
13. Goals and Objectives

#### E. COMMITTEE LIAISON REPORTS

**F. PUBLIC COMMENT**

**G. BOARD MEMBER ITEMS**

**H. NEWS AND ANNOUNCEMENTS**

1. The next regularly scheduled meeting of the Select Board is *Tuesday, February 21, 2023* at 6:30 p.m. in the Town Hall Banquet Room

**ADJOURNMENT**

*Subject matter listed in the agenda consists of those items that are reasonably 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.*



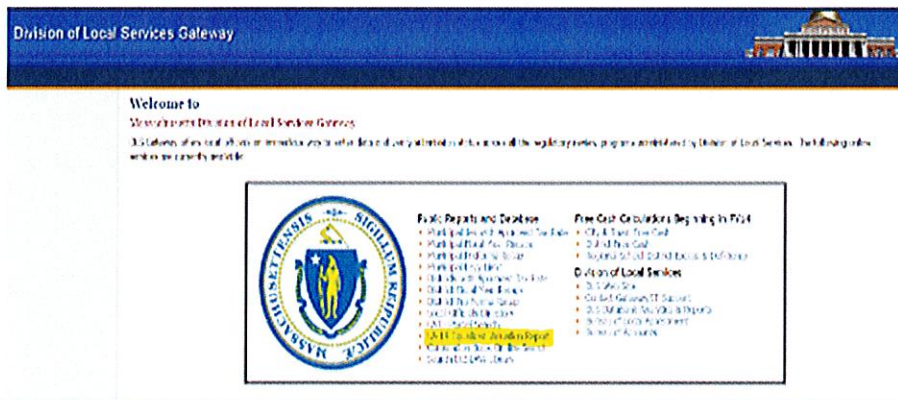
# DLS

DIVISION OF LOCAL SERVICES  
MA DEPARTMENT OF REVENUE

## Final 2022 Equalized Valuations (EQVs)

Bureau of Local Assessment

On January 25, 2023 the Bureau of Local Assessment issued the final 2022 Equalized Valuations (EQVs), representing the full and fair cash value of all taxable property for each municipality as of January 1, 2022 to the DLS Gateway website at <https://dlsgateway.dor.state.ma.us/gateway/Login> by clicking on LA19 Equalized Valuation Report.



These EQVs will be used as a basis of comparison among the 351 municipalities within the Commonwealth for certain state and local purposes. Specifically, EQV is used in the allocation of aid to public libraries, in the calculation of Chapter 70 funding, and in the reimbursement rate of school construction projects. Certain Cherry Sheet charges also use EQV: County Tax, Boston Metropolitan Transit District, Mosquito Control Projects and Air Pollution Control Districts. In addition, EQV is used in calculating a community's debt limit (M.G.L. c.44, § 10).

Questions regarding this report should be directed to James J. Paquette at [paquettej@dor.state.ma.us](mailto:paquettej@dor.state.ma.us).



**Massachusetts Department of Revenue** Division of Local Services

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Geoffrey E. Snyder, Commissioner  
Sean R. Cronin, Senior Deputy Commissioner of Local Services

Date: 1/25/2023

The Bureau of Local Assessment has completed the 2022 proposed Equalized Valuation (EQV) Program, representing the full and fair cash value of all taxable property for each municipality as of January 1, 2022.

These EQVs will be used as a basis of comparison among the 351 municipalities within the Commonwealth for certain state and local purposes. Specifically, EQV is used in the allocation of aid to public libraries, in the calculation of Chapter 70 funding, and in the reimbursement rate of school construction projects. Certain Cherry Sheet charges also use EQV: County Tax, Boston Metropolitan Transit District, Mosquito Control Projects and Air Pollution Control Districts. In addition, EQV is used in calculating a community's debt limit (MGL Ch.44, §10).

To complete the 2022 Equalized Valuations, the Bureau of Local Assessment (BLA) depended on sales information provided by the Board of Assessors for the FY 2022 Interim Year Adjustment study or the FY2022 Certification program. Primarily, the calendar year 2020 sales reports reflecting assessed values as of January 1, 2021 were analyzed. In addition, we relied on the Form LA-4, Total Assessed Value as of January 1, 2021, submitted as part of the FY 2022 tax rate setting process.

Through a statistical analysis, the levels of assessment were determined for each of the major classes of property and then the estimated full and fair cash value was derived. To this was added a projected 2022 new construction value developed through a review of the past four years' new growth and the Urban Redevelopment Corporation numbers (MGL, Ch.121A). The resulting final figures for your municipality appear on the Form LA-19, [Form LA-19](#) Equalization Study, which can be accessed via the Gateway login page; under the "Public Reports and Database" section, click the link labeled "LA-19 Equalized Valuation Report" or click here: <https://dlsgateway.dor.state.ma.us/gateway/DLSPublic/LA19>.

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LA19 Report - Fiscal Year 2022

Class	LA19 (FINAL)		
	Assessed Value	Assessment Ratio	Estimated Full Value
RESIDENTIAL	2,322,148,470	0.95	2,444,366,800
OPEN SPACE	0		0
COMMERCIAL	273,671,936	0.95	288,062,900
INDUSTRIAL	34,234,880	0.96	35,790,900
PERSONAL PROPERTY	72,869,850	1.00	72,869,900
TOTAL REAL/PERSONAL PROPERTY	2,702,925,136	0.95	2,841,090,500
ESTIMATED GROWTH		0.86%	24,433,400
PROPOSED EQUALIZED VALUATION			2,865,523,900
CHAPTER 121A VALUE			16,520,100
2022 FINAL EQUALIZED VALUATION			2,882,044,000

**DEPARTMENT OF HOUSING AND COMMUNITY DEVELOPMENT CH40B SUBSIDIZED HOUSING INVENTORY**

**Fairhaven**

DHCD ID #	Project Name	Address	Type	Total SHI Units	Affordability Expires	Built w/ Comp. Permit?	Subsidizing Agency
954	Anthony Haven	227 Main Street	Rental	25	Perp	No	DHCD
955	Dana Court	180 Adams Street	Rental	55	Perp	No	DHCD
956	Green Meadows	1-42 McGann Terrace	Rental	40	Perp	No	DHCD
957	Green Meadows	100 McGann Terrace	Rental	52	Perp	No	DHCD
958	Oxford Terrace	275 Main Street	Rental	108	Perp	No	DHCD
959	Family Housing	32-42 Ash Street	Rental	6	Perp	No	DHCD
960	Fairhaven Village	Main Street	Rental	169	2039*	No	MassHousing
4276	DDS Group Homes	Confidential	Rental	32	N/A	No	DDS
10535	DMH Group Homes	Confidential	Rental	8	N/A	NO	DMH

Fairhaven Totals	
Census 2010 Year Round Housing Units	7,003
Percent Subsidized	7.07%

*not included are the 52 new units in Oxford School*



# Housing Choice Grant Program

## Program Information and Guidelines FY2024

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*Commonwealth of Massachusetts*  
Department of Housing and Community Development

## Housing Choice Grant Program FY2024

### Introduction

The Housing Choice Initiative provides incentives, rewards, technical assistance and targeted legislative reform to encourage and empower municipalities to plan and build the diverse housing stock that the Commonwealth needs to continue to thrive. The Housing Choice Grant Program rewards municipalities that have produced a significant number of housing units in the last five years and that have adopted or established Best Practices that encourage housing production. Housing Choice grants may be used for a variety of activities related to community planning, zoning revisions, feasibility, engineering, designs and construction of physical infrastructure and of existing and new buildings, rehabilitation, due diligence, plan designs, market studies, pre-permitting/permitting, engineering, acquisition, demolition, and site-related upgrades of future development sites. For FY2024, approximately \$4 Million is available in grants for qualifying municipalities.

Grants in this category will likely be \$50,000-\$300,000.

Examples of these projects include, but are not limited to:

#### Planning and Zoning

- Create a housing production plan to better understand housing needs of the community and identify strategies to reduce gaps in existing housing relative to identified needs.
- Create a multi-family zoning district near a transit station to comply with M.G.L. Chapter 40A, Section 3A.
- Create a corridor study of a commercial area that seeks land use alternatives to promote multi-modal access, introduce mixed-use, and achieve more compact commercial development.
- Review current zoning to identify and remove language that excludes certain housing types.
- Develop 40R/40Y Smart Growth or Starter Home districts.
- Review zoning ordinances and create a plan to update zoning rules to unlock potential housing production and economic development growth.

#### Site Preparation

- Conduct permitting and prepare engineering plans to address changes to existing water, sewer and stormwater in a development site.
- Conduct pre-development site master plan on an underutilized commercial property with the intent to create mixed use that includes affordable housing.
- Demolish a blighted building that cannot be recovered to prepare a portion of a parcel or an entire parcel for mixed-use redevelopment that includes affordable housing.

#### Buildings

- Address town infrastructure through public building improvements that addresses a local need.
- Provide further subsidies to an affordable housing project to directly create affordable housing units or increase the number of affordable units in a new housing project.



- Rehabilitation of housing to bring an underutilized property back onto the market.

#### Infrastructure

- Conduct permitting, and construction to existing water, sewer and stormwater.
- Build pedestrian and cyclist infrastructure near public transit stations that connect residential and commercial areas to each other through alternative transportation modes.
- Create engineering designs to replace an existing sewer pump station that will increase capacity to build additional housing.
- Design or construction of a new water line connection to an adjacent town or making plans to consolidate water districts for an area served only by wells.
- Improve an intersection near newly built or permitted mixed-use project that will yield new affordable housing.
- Physical infrastructure improvements to increase safety and mobility between residential and commercial areas that increases and promotes alternative modes of transportation.

This Program Information and Guidelines have been developed for implementation by Housing Choice Grant Program grantees. Throughout the program year, DHCD may issue additional guidance, clarification, or revisions which shall be incorporated by reference into these Guidelines. This document is intended to assist grantees in administering the various aspects of the Housing Choice Grant Program. It is intended to clarify, interpret, and explain existing program requirements, and to provide guidance on DHCD's administration of the program. It is not intended to be exhaustive.

#### Eligibility and Criteria

**Eligible Applicants:** [Currently designated Housing Choice Communities](#), Regional Planning Agencies, and related municipal entities (Public Housing Authority, Redevelopment Authority, Water/Sewer or Service District, Economic Development Industrial Corporation, body created by legislative act to serve a municipality) serving a currently designated Housing Choice Community, are eligible for consideration of an FY24 Housing Choice grant. Applications may be submitted by a single applicant, two or more eligible applicants in a joint application with one lead entity, and applications from a regional entity for projects in Housing Choice Communities only. Further eligibility criteria for the Housing Choice Grant Program are as follows:

- **Municipal eligibility:**
  - ✱ **Municipality must be a [currently designated Housing Choice Community](#).**
  - ✱ Municipality must have conducted an ADA Self Evaluation or Transition Plan or is willing to commit to conduct such planning by signing a Memorandum of Understanding with DHCD and Mass Office of Disability.
  - ✱ Municipality certifies that no housing moratoria are in effect. ***Housing moratoria will make a community ineligible for this grant.*** If a community has housing restriction bylaws (such as "growth limitations") these must allow for at least a 5% increase in housing units over a single year and are reviewed on a case by case basis. Contact [chris.kluchman@mass.gov](mailto:chris.kluchman@mass.gov) with questions about this eligibility factor.

- **Regional Planning Agencies and Related Municipal Entities:**

- \* Related Municipal Entities must be within, serve, plan to serve, and/or continue to serve a currently Designated Housing Choice Community.
- \* Applications submitted directly by a Regional Planning Agency or Related Municipal entity must provide clear and evident support for their project by the Housing Choice Community.

**Use of Funds:** Funding is available through the “Planning and Zoning,” “Site Preparation,” “Buildings,” and “Infrastructure” categories of the Community One Stop for Growth development continuum. Grants will fund a variety of activities related to community planning, zoning revisions (as defined in the FY24 Community Planning Grant Program Guidelines), feasibility, engineering, designs and construction of physical infrastructure and of existing and new buildings, rehabilitation, due diligence, plan designs, market studies, pre-permitting/permitting, engineering, acquisition, demolition, and site-related upgrades of future development sites. Construction projects should consider whether their budget should contain a contingency line item.

**Timeline of funds:** FY24 grants are expected to be awarded in the fall of 2023 and funded projects **must be completed by June 30, 2025.**

**Maximum Award Amount:** Housing Choice grants are limited to up to \$300,000 in funding for projects that fall under the “Site Preparation,” “Buildings,” and “Infrastructure” One Stop development continuum categories. Projects that fall under the “Planning and Zoning” One Stop development continuum category are limited to no more than \$100,000 in funding for single entities. Funding over this limit will only be considered for joint and regional applications on a case-by-case basis based on project need, outcomes, impact, and scope of engagement plan and implementation. DHCD reserves the right to reduce the amount of the award from the original request, and to deny award to communities who owe funds to DHCD. Funding availability is subject to approval of state budgets.

### **Community One Stop for Growth Application**

The Housing Choice Grant Program is part of the [Community One Stop for Growth](#), a single application portal and collaborative review process of community and economic development grant programs that make targeted investments based on a Development Continuum. It is designed to allow applicants to apply for consideration of multiple sources of funding to support multiple phases and facets of a project. For more information, including key dates, frequently asked questions, and instructions on submitting an Expression of Interest and Full Application, please visit [www.mass.gov/onestop](http://www.mass.gov/onestop).

The One Stop Full Application is organized into the following sections:

- Form 1 – Applicant Information
- Form 2 – Project Information, and Site Information (if applicable)
- Form 3 – Development Continuum Category Questions (Sections 3 through 7)

Based on the development continuum, project type and project focus selected by the applicant

- Form 3a – Special Designation General Questions  
Only for municipalities designated as a Housing Choice Community and/or Rural/Small Town
- Form 4 – Certification of Application Submission Authority
- Form 5 – Other Attachments

### Housing Choice Grant Program Full Application

In order to be considered for the Housing Choice Grant Program funding, applicants must include complete responses to all required questions. **Please see the Housing Choice Grant Program page at [www.mass.gov/how-to/housing-choice-grant-program](http://www.mass.gov/how-to/housing-choice-grant-program) for a program specific Full Application template for required sections and questions.**

### Additional Information

- For information on the One Stop, including key dates, frequently asked questions, and instructions on submitting an Expression of Interest and Full Application, please visit [www.mass.gov/onestop](http://www.mass.gov/onestop).
- The Expression of Interest is an optional, but highly recommended form that allows an applicant to seek guidance from the One Stop partner agencies. Applicants are encouraged to submit an Expression of Interest prior to starting their Full Application(s).
- All applications must be submitted electronically. The online application portal, IGX, can be accessed at <https://eohed.intelligrants.com>. An online webinar outlining the use of the system will be available on the site. The application form template and link to the portal will also be available on the [One Stop webpage](#).
- Eligible applicants may submit funding requests for more than one Planning and Zoning, Site Preparation, Buildings, and Infrastructure project in the same round. However, a separate application is required for each project. Each proposal will be evaluated independently against the criteria and will be competing directly with all other proposals.
- It is the responsibility of the applicant to be aware of all requirements and deadlines, and to ensure that their application is complete and submitted on time. All applications will be logged as to date and time received and kept on file as public record. Late submissions will not be considered.
- DHCD reserves the right to request additional information from the applicant or external sources as may be necessary in order to complete the application review. DHCD also reserves the right to recommend partial grant awards, as deemed appropriate.



If your community is designated as a Rural and Small Town, you are eligible to apply for consideration by that grant program. If you choose to do so, please review the Rural and Small Town Grant Program guidelines.

### Housing Choice Evaluation Criteria

Applications will be scored for the responsiveness to the following criteria. See [Appendix 1](#) for full Evaluation Criteria and Scoring:

- **Project Need:** What community needs are met by the project? Evaluation will consider factors such as impact on housing production; economic development; targeted populations (the specific population(s), neighborhood(s), or census block(s) that will be served and how they will be supported by the outcomes of the project including alignment with recommendations by the Governor's Black Advisory and/or Latino Advisory Commissions and focus on Black and/or Latino communities); environmental justice; and responsiveness to clearly defined local priorities.
- **Project Readiness:** Is the project reasonable and achievable within proposed timeline? Evaluation will consider factors such as appropriate leadership with the requisite experience and ability to execute the project; implementation readiness; reasonable timeline and tasks identified in scope of work; steps needed to be taken outside of scope to kick-off project; plans to complete the project upon funding.
- **Project Financial Feasibility:** Is the project's budget reasonable? Evaluation will consider factors such as whether project is fully or partially funded; reasonability of cost estimate. Projects with a cash match over 10% of total project cost will receive special consideration. In-kind contributions are not match eligible.
- **Progress & Commitment to Date:** Does the applicant show commitment to the project through past activity and investment? Evaluation will consider factors such as progress to date; prior state/federal funding; leadership involvement to date.
- **Housing Choice Best Practices:** How many Housing Choice Best Practices are being implemented by the Housing Choice Community and to what extent? Evaluation will consider factors such as how many Housing Choice best practices are implemented; how best practices are implemented; whether best practices have a pattern of being implemented.

### Grant Award Process

**Contract with DHCD and Award of Funds:** Successful applicants must be ready to enter into a contract with DHCD within 30 days after receiving contract documents. Funding is subject to approval of the DHCD operating and capital budgets. Grant projects may begin as of the execution of the contract. If selected, the grantee will be required to submit the following forms to complete a contract:

- Commonwealth Standard Contract Form, filled out and signed by the Respondent.
- Commonwealth Scope and Budget Form (available from DHCD).
- Completed Contractor Authorized Signature Verification Form.

**Grant Distribution and Invoicing:** Granted funds will be disbursed on a reimbursement basis. Only work completed during the period of the executed contract will be eligible for reimbursement. Upon receipt of all required deliverables the community will be reimbursed for the balance of any outstanding grant funds.

**APPENDIX 1: HOUSING CHOICE EVALUATION CRITERIA AND SCORING**

Applications to the Housing Choice grant program will be eligible to receive a **maximum of 240 points** through a panel review process.

**Housing Choice Scoring Criteria (maximum 240 points)****Project Need (maximum 50 points):**

Project Need will be scored based on demonstration of one or more of the following:

**Overall Project Need (Project will receive one of the following scores below)**

- Project responds to recent 40A reforms (MBTA Communities or simple majority zoning votes), promotes an increase in housing production, or promotes housing and economic development. **(25 points)**
- Project responds to other municipally identified and documented need supporting housing, economic development, or local transportation options. **(20 points)**
- Project responds to other municipally identified and needs **(15 points)**

**Priority Project Need (Projects that meet the following criteria will receive bonus points)**

- **BONUS:** The community does not have a full-time planner or project related full-time municipal staff assistance that addresses municipal staffing capacity to complete this project and unlock further housing or economic development potential. **(5 points)**
- **BONUS:** Project includes opportunities to promote equity through impacts on targeted populations and environmental justice communities **(up to 10 points)**
- **BONUS:** Project removes or eases an active housing restriction or moratorium **(10 points)**

**Project Readiness (maximum total 25 points):**

Readiness will be scored based on demonstration of the following:

**Overall Project Readiness (Project will receive one of the following scores per criteria below)**

- **Scope and Timeline:**
  - Project scope and timeline are feasible and within the grant timeline. **(5 points)**
  - Project may face scope and timeline challenges. **(3 points)**
  - Project is not achievable within proposed timeline or goes beyond allowed timeline. **(0 points)**
- **Leadership:**
  - Project leadership has requisite experience and ability to execute the project. **(5 points)**
  - Project leadership has some experience to lead the project. **(3 points)**
  - Project leadership has little to no experience leading a similar project. **(0 points)**
- **Timely project implementation:**
  - Project is ready to start and has identified a consultant that provided a cost estimate. **(5 points)**
  - Project is ready to release an RFP upon award. **(3 points)**
  - Project is not ready to bid upon award. **(0 points)**

- **Community engagement & implementation plan (for planning and zoning only):**
  - Project includes a comprehensive public engagement plan and has identified a feasible path towards implementation. **(10 points)**
  - Project includes a limited public engagement plan and/or may not have a feasible path towards implementation. **(5 points)**
  - Project is missing a public engagement plan and/or does not have a feasible path towards implementation. **(0 points)**
- **Construction readiness (for site readiness/building/infrastructure projects):**
  - Project is eligible for feasibility, design and/or engineering, or construction services by a contractor already under contract with the applicant. **(10 points)**
  - Project can start within 2 months of award using established purchasing consortia, municipal material and equipment bid results or other immediately available sources for capital items and the project has complete design and/or specifications and will proceed to bid upon grant award. **(5 points)**
  - Project is not ready to commence as steps outside of the scope of this project are needed to be completed prior to start. **(0 points)**

**Project Financial Feasibility (maximum 20 points):**

Financial Feasibility will be scored based on demonstration of one or more of the following:

Overall Project Financial Feasibility (Project will receive one of the following scores)

- The project request fully funds the project or fills the last funding gap in an otherwise fully funded project. **(15 points)**
- The project request includes a draft warrant article or other recommended community funds request to pursue remaining funding with a funding award schedule that allows for project completion by grant deadline. **(10 points)**
- The project requests a portion of the funds necessary to complete the project and evidence of other grant applications and potential award schedule is provided. **(5 points)**

Priority Project Financial Feasibility (Projects that meet the following criteria will receive bonus points)

- **BONUS:** The project includes more than 10% local funding match. Note that only cash counts as a match, staff time does not count as a match. **(5 points)**

**Progress & Commitment to Date (maximum 25 points):**

Progress and Commitment to Date will be scored based on the following:

Priority Project Progress Commitment to Date (Projects that meet the following criteria will receive bonus points)

- Project is the result of another previously identified plan or community-based initiative/project that accomplished a previously set community goal. **(10 Points)**
- Project has been previously supported by DHCD and application follow-up on ongoing commitment from other state/federal agencies and or grants. **(5 Points)**
- Project leadership has been involved in previous related project or in the lead up to this project. **(5 points)**

- Project is either a first-time tool used by the community or addresses a long known need that has not been addressed for a long period of time due to lack of resources. **(5 points)**

### **Project Outcomes & Impact (maximum 45 points):**

Outcomes & Impact will be scored based on demonstration of one or more of the following:

#### Overall Project Outcomes & Impact (Project will receive one of the following scores)

- Project will result in change in zoning rules/further housing and economic development and opportunities for tangible outcomes and clearly outline how public engagement and/or implementation strategies/development/infrastructure improvements will yield tactics/strategies/tools that will directly support increased housing production, economic development, and infrastructure improvements, and clearly solves the identified project need. **(25 Points)**
- Project may result in recommendations or tactics/strategies/tools that may eventually lead to housing, economic development, or infrastructure improvements, but may face significant challenges to tangible implementation due to limited public engagement and/or implementation strategies/limited development/limited infrastructure opportunities and to meet identified project need. **(20 Points)**
- Project will not result in tangible improvement to increased housing production, economic development, infrastructure improvements, but may improve the quality of life and wellbeing of current residents. **(15 Points)**

#### Priority Project Outcomes & Impact (Projects that meet the following criteria will receive bonus points)

- **BONUS:** Project will develop materials for compliance with M.G.L. Chapter 40A, Section 3A. **(10 Points)**
- **BONUS:** Project is the result of a partnership between two or more municipalities or eligible entities through a joint or regional application. **(5 Points)**
- **BONUS:** Project impacts a district/area that has a significant effect to the community. **(5 Points)**

### **Housing Choice Best Practices (maximum 75 points):**

Best Practices will be scored based on how many the following fifteen (15) best practices are implemented and on the implementation of the best practices. This is a qualitative scoring that will be based on the evidence submitted in response to each of the best practices. Up to 5 points for each best practice:

#### Zoning best practices (maximum 30 points):

1. **Multi-Family allowed by right:** Have at least one zoning district that allows multifamily by right (in addition to 40R districts) where there is capacity to add units and that allows for family housing that is not age restricted and does not restrict units with more than 2 bedrooms (or have a pattern of approving such developments over the last 5 years). **(up to 5 Points)**

2. **Inclusionary Zoning, with density bonus:** Have Inclusionary Zoning that provides for reasonable density increases so that housing is not unreasonably precluded. **(up to 5 Points)**
3. **40R or 40Y Starter Home District:** Have an approved 40R Smart Growth or 40Y Starter Homes district that remains in compliance with the 40R or 40Y regulations, as applicable. Please note, that if your community repealed its only 40R district, it no longer qualifies for this best practice. **(up to 5 Points)**
4. **Mixed-Use or Cluster Development:** Have zoning that allows residential/mixed use or cluster / Open Space Residential development by right that is not part of a 40R district (or have a pattern of approving such developments over the last 5 years). **(up to 5 Points)**
5. **Accessory Dwelling Units (ADU):** Have zoning that allows for accessory dwelling units by right (or have a pattern of approving ADUs over the last 5 years). **(up to 5 Points)**
6. **Multi-Family Parking Requirement:** Reduced parking requirement for Multi-Family units within the last 5 years or require no more than 1 parking space per unit for multifamily units. **(up to 5 Points)**

Other best practices (maximum 45 points):

7. **Local actions that support housing:** Designated local resources for housing such as established an Affordable Housing Trust, donated or surplus land for re-use or redevelopment of housing, or spent substantial Community Preservation Act (CPA) funds for community housing over the last 5 years. **(up to 5 Points)**
8. **Land Use Board training:** Provide evidence of education and training for a majority of members on a land use board (Planning Board, Board of Appeals, Select Board and/or City Council) from **Citizen Planner Training Collaborative**, Massachusetts Housing Partnership's **Housing Institute**, Community Development Partnership's **Lower Cape Housing Institute**, or Urban Land Institute's (ULI's) **Urban Plan Public Leadership Institute** over the last 5 years. **(up to 5 Points)**
9. **40B pattern or approval:** Have a demonstrated pattern of working with 40B developers to achieve greater affordability by accepting 40B projects without imposing conditions that render the projects uneconomic. **(up to 5 Points)**
10. **SHI at or above 10%:** Have units currently eligible for inclusion in the Subsidized Housing Inventory (SHI) that equal or exceed 10% of total year round housing stock according to the DHCD subsidized housing inventory, where reaching such 10% threshold was not the result of having a local comprehensive permit decision overturned by the Housing Appeals Committee (HAC). **(up to 5 Points)**
11. **SHI increased at least 2.5%:** Have increased your community's SHI by at least 2.5% points in the last 5 years where such increase was not the result of having a local comprehensive permit decision overturned by the Housing Appeals Committee (HAC). **(up to 5 Points)**
12. **Participate in one of the following DHCD Housing Programs:** the Housing Development Incentive Program (HDIP), have adopted an Urban Center Housing Tax Increment Financing district, approved District Improvement Financing (DIF) related to housing, have adopted an Urban Renewal Plan that includes a significant Housing element. **(up to 5 Points)**



13. **Property tax relief / Community Impact Fee:** Have adopted local option property tax relief programs for income eligible seniors either as provided for by statute (MGL c. 59 section 5) or through a home rule petition; OR have adopted a Community Impact Fee for short term rentals (MGL c. 64G, section 3D) where your community has committed in writing to using a portion of such revenues for affordable housing. **(up to 5 Points)**
14. **Housing Production Plan:** Have a CERTIFIED Housing Production Plan which means that you have an DHCD approved Housing Production Plan and have subsequently seen an increase of 0.5% or 1% in your year round housing units within the required time frame (see <https://www.mass.gov/service-details/chapter-40-b-housing-production-plan> for more information) **(up to 5 Points)**
15. **Housing Plan Implementation:** Demonstrated implementation of at least two strategies identified in a Housing Production Plan, housing component of a Master Plan, Housing Needs Assessment, or other housing related plan or analysis, other than adoption of the best practices specifically listed above. **(up to 5 Points)**

**BEST PRACTICE NOTE:** If an applicant claims a Best Practice and its bonus points but is unable to provide evidence to support their claim, the Housing Choice Review Panel holds the right to give no score (0) if applicant's claims are unsubstantiated.

**APPENDIX 2: ACCESSING THE ONLINE APPLICATION**

All applications to the Housing Choice Grant Program must be submitted electronically through the Community One Stop for Growth application process. The application will be available and accepted through the IGX Platform, accessed at <https://eohed.intelligrants.com>. A user account is required. Below are the steps for getting into the system.

---

The municipality should activate a primary account with the municipal CEO and/or designee(s) as a "Grant Administrator". This person(s) can then add other users, as necessary.

**Current Admin Users** – Municipal CEOs and/or designees who have used the IGX system in past rounds may use their existing usernames to access the system. Applicants that have forgotten their username and/or password must use the "Forgot Username/Password" function on the IGX login page.

**New Organizations** – If your organization has not accessed the system in the past, a new registration is required. This should be done by the municipal CEO and/or a designee. Click the "New Organization? Register Here" link to complete and submit a registration request. When that account is approved by EOHEd, an email notification will be sent from the system confirming designation as a Grant Administrator.

**NOTE:** All new requests for Grant Administrator must be approved by EOHEd. These will be reviewed as they are received. Applicants will get an email notification from the system confirming the approval. If confirmation not received after 48 hours, please contact [onestop@mass.gov](mailto:onestop@mass.gov) to request assistance.

**New User in Existing Organizations** – Once a Grant Administrator is established for your organization, that user(s) may then create and/or approve additional accounts for municipal staff and/or consultants, such as grant writers, engineers, etc. Requests for access to IGX should be made directly to your community's Grant Administrator.

**Creating a new Full Application or Expression of Interest** – Once accounts are registered and/or approved, a Grant Administrator can create an Expression of Interest or Full Application(s), from the "My Opportunities" panel, and following the prompts in the portal. Any designated user may access, edit, and/or save an application on behalf of their organization, and are encouraged to save their work often, particularly after completing each section. Only a Grant Administrator will be able to create and submit the Expression of Interest and Full Application(s).

**Submitting an application** – Applications may be edited in IGX at any time up until the deadline. Official submissions to the Community One Stop for Growth will only be accepted during the posted dates. During that timeframe, Grant Administrators may submit the Full Application by selection the "Submit Full Application" option at the bottom of the left side menu, to officially submit an application. Applicants will receive an email confirming receipt within 24 hours. If an email is not received after 24 hours, please contact [onestop@mass.gov](mailto:onestop@mass.gov) for assistance.

**NOTE:** If an application is erroneously submitted, the applicant may contact [onestop@mass.gov](mailto:onestop@mass.gov) to reopen the application for further editing and completion, as long as it is before the deadline. Staff will try to accommodate these requests as they are received but may not be able to respond to all requests immediately. Once reopened, it is the responsibility of the applicant to resubmit prior to the deadline.

# Housing Choice Designation

The Housing Choice Designation is designed to be simple, flexible and achievable for municipalities. There are currently 85 communities that have achieved the designation. They are able to take advantage of new financial resources, including exclusive access to the Housing Choice Community Grants, and preferential treatment for many state grant and capital funding programs, including State Revolving Fund for Water and Sewer infrastructure, MassWorks, Complete Streets, MassDOT capital projects, and PARC and LAND grants.

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[List of Housing Choice Communities as of April 2022 \(#list-of-housing-choice-communities-as-of-april-2022-\)](#)

[Contact \(#contact\)](#)

[Related \(#related-\)](#)



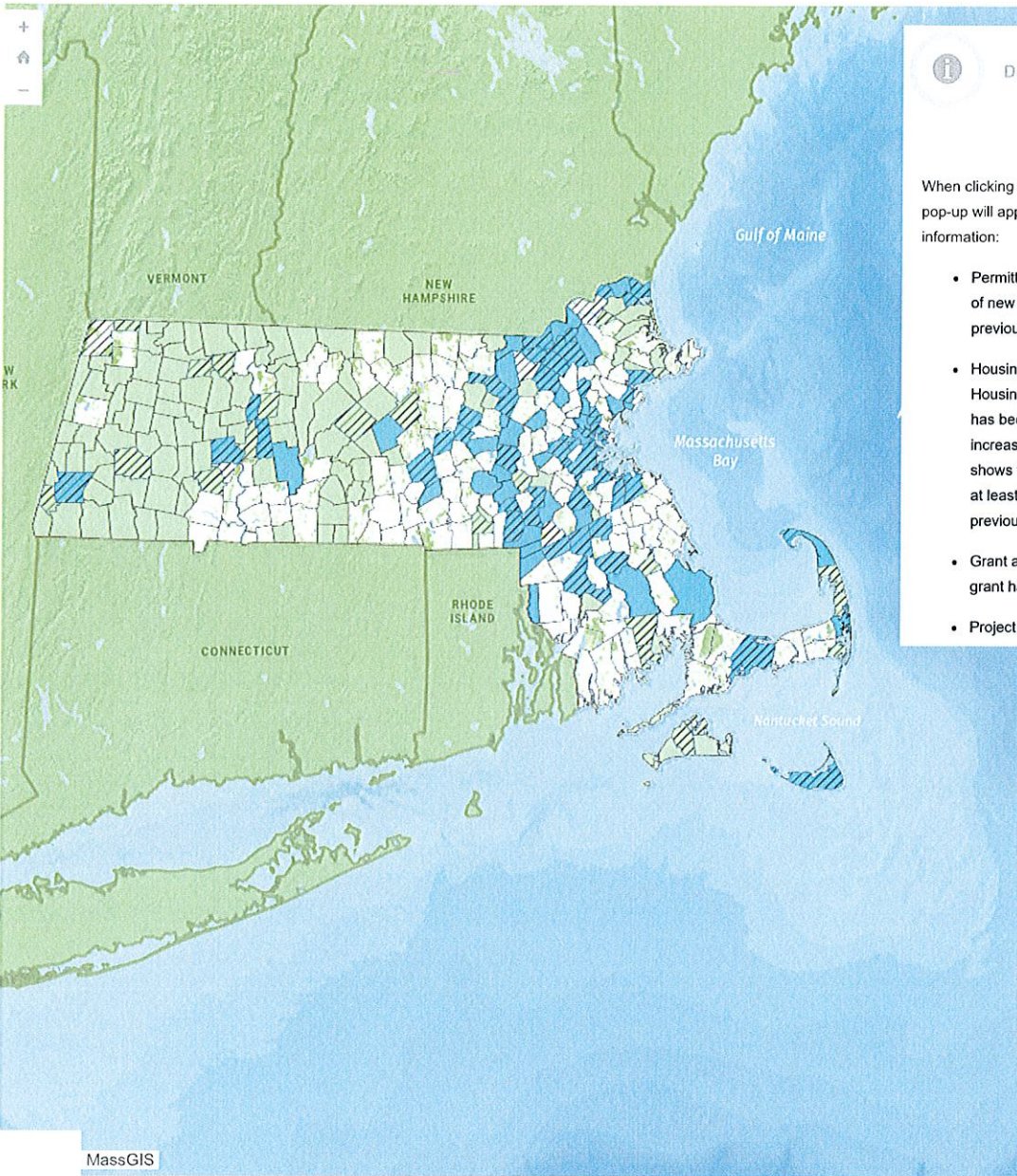
Lt. Governor Karyn Polito was joined by municipal officials and legislators to announce the 2018 Housing Choice Community designees.

# Map of Housing Choice Communities

## Housing Choice Initiative

Eligible Communities and Grant Re...

Legend Details



**Details**

When clicking on a blue colored city or town, a pop-up will appear with the following information:

- Permitted new units: Is the number of new housing units permitted in the previous 5 years.
- Housing Choice criteria: Is which Housing Choice Designation criteria has been met; for example 5% is a 5% increase in housing units, or 500 shows the municipality has permitted at least 500 housing units in the previous 5 years.
- Grant amount: Is the dollar amount if a grant has been awarded.
- Project description: Details the project

## List of Housing Choice Communities as of April 2022

Show  entries

Search:

Community	First Designated	Last Designated	Designation Expiration
Acton	2018	2020	2025
Amesbury	2020	2020	2025
Amherst	2018	2020	2025
Andover	2018	2020	2025
Ashland	2018	2020	2025

Community	First Designated	Last Designated	Designation Expiration
Ayer	2019	2021	2026
Barnstable	2018	2020	2025
Belchertown	2020	2020	2025
Berlin	2018	2020	2025
Beverly	2018	2020	2025
Billerica	2018	2020	2025
Bolton	2018	2020	2025
Boston	2018	2020	2025
Boylston	2018	2020	2025
Bridgewater	2018	2020	2025
Brockton	2018	2020	2025
Burlington	2019	2021	2026
Cambridge	2018	2020	2025
Canton	2018	2020	2025
Chelmsford	2018	2022	2027
Chelsea	2018	2020	2025
Eastham	2022	2022	2027
Easton	2018	2020	2025
Everett	2018	2020	2025
Framingham	2018	2020	2025

Showing 1 to 25 of 85 entries

[Previous \(\)](#)
[1 \(\)](#)
[2 \(\)](#)
[3 \(\)](#)
[4 \(\)](#)
[Next \(\)](#)

## Contact

Filipe Zamborlini, Community Grants Coordinator, Community Services Division

### Online

[filipe.zamborlini@mass.gov](mailto:filipe.zamborlini@mass.gov) (mailto:filipe.zamborlini@mass.gov)

### Address

100 Cambridge St  
Suite 300  
Boston, MA 02114

**Directions** (<https://maps.google.com/?q=100+Cambridge+St%2C+Suite+300%2C+Boston%2C+MA+02114>)

### RELATED

[Housing Choice Designation Application](#) (/how-to/housing-choice-designation-application)

[Housing Choice Grant Program](#) (/how-to/housing-choice-grant-program)

[Find participating Housing Choice grant programs](#) (/service-details/find-participating-housing-choice-grant-programs)



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[Public Records Requests \(/topics/public-records-requests\)](#)

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Town of Fairhaven  
Massachusetts  
Office of the Town Administrator  
40 Center Street · Fairhaven, MA · 02719

## TA Report

**Subject: Fairhaven TV – Massachusetts Creator Awards WINNER**

Fairhaven TV won two Massachusetts Creator Awards from MassAccess. The Massachusetts Creator Awards recognizes outstanding work in television and media within the state of Massachusetts.

Fairhaven TV won best Production Value for “Hometown Haunts: The Caretaker at Rogers School”. A sequel to last year’s Hometown Haunts (which also won Best Production Value in MassAccess’ 2022 Awards)

Fairhaven TV also won best Promotional Video for “Fairhaven TV’s Home for the HolidaysParody Promos”, which is a series of short promotional spots spoofing popular Holiday movies such as Elf, Home Alone, National Lampoon’s Christmas Vacation, and A Christmas Story. These were created to promote FTV’s Virtual Home for the Holidays Virtual Show in 2021.

**This is FTV's 4th Mass Creator Award won in the past 3 years.**

Both award-winning pieces are available to watch on Fairhaven TV’s website ([www.FairhavenTV.com/CommunityVideos](http://www.FairhavenTV.com/CommunityVideos)) and YouTube Channel ([www.youtube.com/@Fairhaven\\_TV](http://www.youtube.com/@Fairhaven_TV)).



Town of Fairhaven  
Massachusetts  
Office of the Town Administrator  
40 Center Street · Fairhaven, MA · 02719

**TA Report**

**Subject: Closed Captioning - For Select Board Meeting**

We have successfully incorporated Closed Caption to all of our government meetings broadcast to the public.

It is also available as a feature for anyone participating in our meetings via Zoom.

There will be a **CC box** on your Zoom control bar. Click on it to show captions.





Town of Fairhaven  
Massachusetts  
Council on Aging  
229 Huttleston Ave. · Fairhaven, MA · 02719

MEMORANDUM

---

*To: Angie Lopes Ellison, Town Administrator*

*From: Martha Reed, COA Director*

*Date: February 1, 2023*

*Re: Fairhaven Social Day featured in February Senior Scope*

---

I wanted to share with you the February Edition of the Senior Scope, which features the re-opening of our Social Day Program as the cover story and is also mentioned in the editor's section.

[https://coastlinenb.org/wp-content/uploads/2023/01/Senior-Scope\\_Feb2023.pdf](https://coastlinenb.org/wp-content/uploads/2023/01/Senior-Scope_Feb2023.pdf)

Please reach out if you have any questions.

# Senior Scope

A newspaper serving the communities of Acushnet ■ Dartmouth ■ Fairhaven ■ Gosnold ■ Marion ■ Mattapoisett ■ New Bedford ■ Rochester

Vol. 5, Issue 5

Published by Coastline Elderly Services, Inc.

February 2023

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## Social day reopens in Fairhaven

Loss of programs during the pandemic hurt participants and their families

New Bedford area social day programs, devastated during the COVID-19 pandemic, are making a comeback in 2023 with the re-opening of the Fairhaven Council on Aging program this month.

The addition brings the number of active social day programs between Westport and Wareham to three, down from six before pandemic lockdowns. Of the three that closed - Fairhaven, Dartmouth and Wareham - Fairhaven is the first to reopen. The COA plans to open Jan. 31, operating three days a week.

Despite financial and other challenges, Fairhaven COA Director Martha Reed made reopening the program a focus of her first year as director.

"It's too important a program to not at least give it our full effort because it's a need in the community," said Reed. "Our seniors are hurting. We see the need every day and how thirsty they are for socialization."

Westport COA director Beverly Bisch agreed.

Even though social day is not



Social Day participants celebrate at a Valentine's Day party from pre-pandemic days in this photo from the Fairhaven Council on Aging.

**"Our seniors are hurting. We see the need every day and how thirsty they are for socialization."**

—Martha Reed,  
 Director, Fairhaven Council on Aging

a medical model, like adult day programs, it supports the health and well-being of older adults, she said, referring to programs designed for adults who need care beyond what social day provides.

Bisch kept her program open after COVID lockdowns but reduced the number of days she operates a week to two. She's been working to increase that number to three and will do so this month.

"These are people who live alone,

who don't drive anymore, and are just so isolated," she said. "I know people think it's not important because we're not a medical model. But people are social beings and they need to be able to come in and develop friendships... If you can't get to those people, they're home alone for hours and hours and they don't do anything."

Social day programs offer camaraderie, physical and mental activity, meals, and purpose.

For example, two women who used to bring their husbands to the program and are now widowed come in for themselves now, said Bisch, adding, "They love coming here because it's just given them a purpose to get up in the morning and get out. They have so much fun...They sing

*Continued on page 12*

## State plan will boost access to mental health support

Child & Family Services designated the CBHC for New Bedford area

New "front door" access to mental health and substance use care in Massachusetts will help individuals and their loved ones, including older adults, figure out where to find the support they need and how to connect to it. The plan also designates Child & Family Services as the South Coast's local service provider.

The expanded access comes through the 2023 implementation of a statewide Roadmap for Behavioral Health Reform plan outlining

the designation of 25 Community Behavioral Health Centers, including Child & Family Services locations in both New Bedford and Fall River.

The designated CFS sites are now serving "as hubs for comprehensive community mental health and addiction care, providing routine and urgent outpatient services as well as crisis care for children and adults," according to a media release on CFS' website.

"Child & Family Services is both honored and excited to receive this designation as a CBHC from the Commonwealth of Massachusetts,"

said Anne Sampaio, CEO, in the release. "Historically, CFS has been a primary provider of community and behavioral health services and we now look forward to the expansion and enrichment of these services in the Greater Fall River, New Bedford, Plymouth, and Cape Cod areas."

"As a CBHC, MassHealth members will be able to receive timely, coordinated, and comprehensive treatment to address their behavioral healthcare needs," Sampaio said.

In addition to the CBHCs, the statewide plan adds mobile crisis

*Continued on page 3*

# Community



Social Day programs at Brooklawn and Hazelwood Parks in New Bedford enjoyed an "Appreciation Day" this fall (above and left).

## Social Day continued...

and they dance and they do arts and crafts and brain games."

Social Day took a big hit during the pandemic, even for programs that managed to stay open. Lockdowns, the need for masking and social distancing, plus the fear of infection in a vulnerable population strained already stressed programs, so that when they closed, it was difficult to reopen.

Some, like Wareham, remain closed.

Although the program is not gone for good, Wareham COA Director Sharon Rice said they're not yet ready to reopen. "We're currently trying to figure out how to make it work, but it is in limbo right now," she said.

Reed too is uncertain about the long term sustainability of her program. Although she pulled together many pieces of the former program, leveraged a waiting list of interested participants, and worked with Coastline to make the funding side work, there are still unknowns.

"Financially, it depends on if we can run our full census. The break-even point was about 48 people a week," she said, referring to the total number of participants the program can hold. "We'll have to look at it again in three, six, and nine months to see if we are hitting it."

Unknown expenses have hurt programs across the state, according to Patty Sullivan, manager of the Dementia Friendly Massachusetts Initiative at the Massachusetts Councils on Aging, who said programs receive

**"People are just so isolated and when they get isolated like that they need a purpose. Everybody needs a purpose. Having social day allows them to have that purpose."**

—Debra Lee,

Director, New Bedford Council on Aging

varying degrees of funding through the state's aging services access points who in turn are funded by the state Executive Office of Elder Affairs.

Each social day program negotiates its own contract with its regional ASAP at rates that vary from a low of about \$30 per person per day to a high of about \$70, according to Sullivan.

"During COVID, people really had to regroup. They used that time to see how they could run their programs differently and they began to look differently at the budget," she said. To assist them, MCOA "developed a budget template that shows all of the expenses that you have to think about when you're running a program."

Fairhaven's contract with Coastline, for example, is at \$54 per day with \$10 in additional, but temporary, ARPA funding, bringing the total to \$64 per day. That figure includes transportation costs which are sometimes considered extra.

Like other social days, New Bedford closed its program during the pandemic but was quick to reopen when lockdowns ended, putting safety protocols in place

in collaboration with the city's health department. These included using masks, personal protective equipment, plexiglass dividers, and frequent testing. Vaccinations, while not required, are encouraged and are available on site when possible.

"We're very cautious," said COA Director Debra Lee, noting the social day programs have not had any COVID-19 infections. "Anyone who comes in has to be tested. Anyone who is out sick has to be tested."

The COA opened a second social day at its Hazelwood site in October of 2020 because demand was high and because they needed extra space to be able to meet social distancing requirements.

Both programs offer treatment plans for participants based on their needs, establishing individualized short and long term goals, said Lee. For example, she said, a goal for an individual who is quiet and tends to keep to themselves might be to make one friend in the next 90 days.

The program also offers relief for family members, a crucial aspect of social day programs that is sometimes overlooked, COA directors said.

"Caregivers need a break," said Lee. "There's a huge gap in services for folks who have memory issues and there's a lot of caregiver stress or burnout that we're seeing," agreed Reed.

Caregivers, she said, are "looking for a safe space to know their person is okay so they can have either respite which is much needed, or the ability to work outside the home. Social Day fits

that need."

While the future of social day may be uncertain, COA directors agree that programs will continue to be crucial as an important piece of the elder care puzzle. Several directors see the need for more facilities, especially regional ones, that can accommodate larger numbers of people.

In New Bedford, Lee has a dream of opening a large-scale social day in a single facility that could hold hundreds of people a day. She's identified a few unused sites in the city that might work but knows finding the funding would be daunting.

"There is a definite need," she said. "People are just so isolated and when they get isolated like that they need a purpose. Everybody needs a purpose. Having social day allows them to have that purpose."

In Fairhaven, excitement is building for re-opening day.

Reed has a "dream team" of staff returning for the program: retired COA director Ann Silvia is now the Social Day's activities coordinator, and former COA activities coordinator, Sally Bourke, is the program director. Both women know the program, know what's worked in the past, and best of all, know many of the older adults who plan to attend.

Cooking programs, pet therapy, cookouts, music and dancing, and more are all in the works.

"There's a party for everything," Silvia said with a grin. "We already have the Valentine's Day party planned."

## Making it Work: Funding social day, valuing people, and how scholarships help

Social Day programs contract with local aging services access points, known as ASAPs, in Massachusetts to provide the majority of their funding with amounts based on the number of MassHealth participants who are covered by Senior Care Options plans.

For each participant with a SCO plan, programs receive a daily rate that varies across the state with a low of about \$30 per day per participant in a Western Massachusetts program and a high of more than \$70 per day on the Vineyard, according to Patty Sullivan, manager at the Massachusetts Councils on Aging.

Some programs, including those funded through Coastline, have been

able to increase the reimbursement rate using American Rescue Plan Act funds, but the funds are temporary and expected to end in 2023.

One sustainability solution for social day programs is to scale up by increasing participants. But there are physical and other limitations that COAs face, especially those that operate within one building. Most town COAs have barely enough space to accommodate both populations, limiting any growth they might aspire to. In New Bedford, the COA has two sites solely dedicated to social day and runs its COA programs at other locations, helping it grow.

COAs set the rates for those who pay privately but have generally kept them

at or close to reimbursement rates. Many were reluctant to raise costs in the past, Sullivan said, but they eventually did so and found people were willing to pay the higher price.

That's because the rate is still incredibly low per hour when compared to home care costs, said Beverly Bisch, COA director in Westport. The rates for private pay in Westport work out to be about \$8.33/hour for six hours a day, she said, adding, "Where are you going to get respite for that amount?"

Through its Title III programs, Coastline provides funding for social day scholarships that help families who don't qualify for MassHealth. Scholarships can also help families get into a program quickly when they are

burned out or need the relief to meet work or other obligations. Organizations, like MCOA, also fund scholarships and COA directors said they rely on these to help seniors and families.

Funding social day is tied up with understanding what the programs provide to the people who attend and the value those who staff them offer, according to Elizabeth Connell, executive director of MCOA.

"Part of this is valuing the work that those people are doing," said Connell, referring to social day workers. "People have to have these conversations about the value of the work that's being done...that we value our older adults, we value our seniors, and we value the work that needs to be done."



Town of Fairhaven  
Massachusetts  
Office of the Town Administrator  
40 Center Street · Fairhaven, MA · 02719

**TA Report**

**Subject: MVP public meeting**

Angie,

Attached please find a flyer for the MVP public meeting next Wednesday in the Banquet Room at 6:00 pm. The purpose of the meeting is to update the public and gather public input regarding the evaluation and vulnerability of critical infrastructure that may be threatened by sea level rise and storm surge. If you could mention this at the Select Board meeting I would appreciate it.

Thanks,  
Paul

Paul H. Foley, AICP  
Director of Planning & Economic Development  
Fairhaven, Massachusetts

Town Hall, 40 Center Street  
(508) 979-4023 EXT. 8122

# COMMUNITY MEETING

## TOWN OF FAIRHAVEN SEA LEVEL RISE AND STORM SURGE VULNERABILITY ASSESSMENT

---

**In-Person Meeting: 02/08/23 at 6 PM**



Please join the Town of Fairhaven and their consultant to learn about the Town-wide effort to evaluate the risk of coastal hazards on public infrastructure.

**The team is looking to better understand your concerns regarding the regions vulnerability to coastal hazards.**

**Fairhaven Town Hall**

40 Center St, Fairhaven, MA

Banquet Room

Wednesday, February 8th  
6:00 - 7:00 PM

# Action Item D 1

## Conservation Agent Bruce Webb



Monday, February 6, 2023

# Action Item D 2

## Bikeway Committee Appointment: Will Gardner



Monday, February 6, 2023

**Full Name:** Will Gardner

**How long have you been a Fairhaven resident?** 15 years

**What Board(s) or Committee(s) are you interested in joining?** Bikeway Committee

**What is your reason for joining?** I am interested in joining the Bikeway Committee because I am interested in promoting bicycling in Fairhaven and making all of our streets safer for cyclists and pedestrians.

**Have you attended a meeting of this Board or Committee?** No

**Have you (or are you currently) served on any Town of Fairhaven Boards? If so, please indicate what Board and number of years:** no

**Interests and Qualifications (tell us about yourself):**

I am the father of two elementary-aged kids enrolled in Fairhaven Schools. I bike to Wood School daily with my daughter and use my bike to run errands and get around town. My extensive experience biking, walking and driving around Fairhaven has given me a lot of perspective on the many places where Fairhaven already has strong bike and pedestrian infrastructure, as well as areas where we have opportunities to improve access and safety.

As the founder of Alma Del Mar Charter Schools in New Bedford, I have extensive experience with community organizing, fundraising, political advocacy and event planning.

My interest in getting involved in the Bikeways Committee is rooted in a belief that by effectively promoting alternatives to driving we can ensure Fairhaven's future is more economically sustainable, equitable and environmentally friendly.



# Action Item D 3

## Proclamation for Dr. Jibreel A. Khazan



Monday, February 6, 2023



*Town of Fairhaven*  
*Select Board*  
*Proclamation*

*WHEREAS*, Dr. Jibreel Khazan initiated and participated in the student sit-in civil rights protests at F.W. Woolworth's lunch counter in 1960, leading to widespread protests for equal rights; and

*WHEREAS*, Dr. Jibreel Khazan's actions helped pass the Civil Rights Bill of 1960 and end segregation in transportation and accommodations; and

*WHEREAS*, Dr. Jibreel Khazan inspired the Civil Rights and Liberation Movements; and

*WHEREAS*, Dr. Jibreel Khazan received the Jackie Robinson Freedom Award; and

*WHEREAS*, Dr. Jibreel Khazan worked as a teacher, counselor, and program assistant; and

*WHEREAS*, Dr. Jibreel Khazan is recognized as a storyteller, orator, and respected resident of New Bedford.

***NOW, THEREFORE, BE IT RESOLVED*** the Fairhaven Select Board hereby joins with the Belonging Committee in honoring Dr. Jibreel Khazan for his lifelong Civil Rights advocacy and action. Passed and proclaimed and...

Given under our hands and seal on this day, The Sixth Day of February, in the year of our Lord Two Thousand and Twenty-Three.

\_\_\_\_\_  
*Stasia Powers*

\_\_\_\_\_  
*Leon E. Correy III*

\_\_\_\_\_  
*Robert J. Espindola*

\_\_\_\_\_  
*Keith Silvia*

\_\_\_\_\_  
*Charles K. Murphy, Sr.*

# Action Item D 4

## Recreation Center Rate Increase



Monday, February 6, 2023



Town of Fairhaven  
 Recreation Department  
 227 Huttleston Ave. Fairhaven, Ma 02719  
 kpeterson@fairhaven-ma.gov

Recreation Center Membership + Rental Fee Restructure

The Recreation Department is proposing changes to the membership fee structure, and the facility rental fee structure.

**Recreation Membership Structure Proposed Changes**

The Fairhaven Recreation Department proposes to expand our non-resident membership category to include non-residents from any town. Currently, our non-resident membership only covers Acushnet and Mattapoissett residents. Other changes to the structure include combining the teen and college student tier, eliminating the non-resident taxpayer tier, and the elimination of the 6-month membership option. This option will be replaced by monthly rates:

- Resident Playcard: \$5/month
- Non-Resident Playcard: \$10/month
- Resident Full Membership: \$12/month
- Non-Resident Membership: \$24/month

Recreation Center Membership Rates						
Current Rates				Proposed Rates		
Playcard				Playcard		
Age	Res	Res 6 Month	Achu./Matt. Res	Age	Res	Non-Res
Child	\$30	N/A	\$50	Child	\$35	\$70
Senior	\$30	\$20	\$50	Senior	\$35	\$70
Adult	\$45	\$52	\$80	Adult	\$50	\$100
Full Membership				Full Membership		
Age	Res	Res 6 Month	Achu./Matt. Res	Age	Res	Non-Res
College	\$80	\$52	\$125	Student	\$80	\$160
Senior	\$80	\$52	\$125	Senior	\$80	\$160
Adult	\$110	\$65	\$190	Adult	\$120	\$240
Teen	\$60	N/A	\$80			
Non-Res Tax Payer	N/A	N/A	\$165			

Since the membership fees were last increased in 2014, the minimum wage in Massachusetts has almost doubled. The rec center is open to members for 74 hours/week. The department pays \$1,100/week to staff the front desk—up from \$592/week when fees were last changed.

The rec center currently has 61 active non-resident members. I anticipate between 15-20 new members joining as a result of the change (mostly folks wanting to use the gymnasium for pickleball and basketball). If our non-resident membership counts increased to 80 members at the proposed new rates, the recreation center would generate \$7,180 in revenue from non-resident memberships, which is a \$4,410 increase from what is currently being generated.

**Recreation Center Facility Rental Rate Restructure**

The Recreation Department proposes a fee structure that distinguishes resident users from non-resident users. In order to qualify for the resident rate, the user group must have a residency rate of 70% or greater. The Recreation Department also recommends eliminating the half-court rental option, as the cost of offering half-court rentals is about equivalent to the revenue they generate.

Fairhaven Recreation Center- Facility Rental Rates						
	Current Rates		Proposed Rates			
	Weekday	Weekend	Weekday		Weekend	
			Res	Non-Res	Res	Non-Res
<b>Multi Purpose Room</b>	\$35/hour	\$45/hour	\$35/hour	\$40/hour	\$45/hour	\$50/hour
<b>Half Court Gym</b>	\$35/hour	\$45/hour	<b>No</b>	<b>No</b>	<b>No</b>	<b>No</b>
<b>Full Court Gym</b>	\$60/hour	\$70/hour	\$65/hour	\$70/Hour	\$75/hour	\$80/Hour
<b>Batting Cages</b>	\$60/hour	\$70/hour	\$65/hour	\$70/Hour	\$75/hour	\$80/Hour

As a municipal department, we exist to serve the residents of the Fairhaven community. While we also offer our services to non-residents as well, I believe we must do so at a greater cost recovery rate, so that non-resident fees may subsidize services that we offer to Fairhaven residents. The cost of staffing, utilities and other building maintenance has gone up dramatically since the last time rental rates increased. Currently, rentals generate around \$680 in revenue weekly. With the new pricing structure, the department could generate \$930 in weekly revenue—an increase of up to \$13,000/year.

My goal with these proposed changes is provide quality, enriching services to the community while also bringing the department closer to financial self-sustainability.

Respectfully Submitted,

Kelley Peterson

Kelley Peterson  
Recreation Director

# Action Item D 5

## Ambulance Billing and Collections Policy



Monday, February 6, 2023

TOWN OF FAIRHAVEN/FIRE DEPARTMENT  
AMBULANCE BILLING AND COLLECTIONS  
POLICY

**Purpose**

The purpose of this policy is to set forth the guidelines to be followed for the billing and collection of the Town of Fairhaven's Ambulance Service.

**Applicability:**

This policy applies to all transported users of the Town of Fairhaven's Ambulance Service or responsible parties regardless of the fact that they have third-party coverage, with the following exceptions:

- No bill will be generated for Town employees injured while in the course of their employment.
- No bill will be generated for Town employees who are on the Town of Fairhaven's Health plan coverage.

**Policy:**

The Town of Fairhaven intends to charge all transported users or responsible parties the same rate. These rates will be updated annually, by the Fire Chief, based on the changes in allowable rates as published by the Health Care Finance Administration (NCFA). Any additional increases above the percentage change published by the NCFA will be brought to the Town Administrator for review and approval.

**Billing and Collection Procedure:**

The Town of Fairhaven will bill the ambulance user or the responsible party shortly after services are rendered. The Town of Fairhaven Fire Department will contract with an outside billing service (see appendix A) to administer the billing process on behalf of the Town.

The billing process will be administered as follows:

1. If third-party provider information is obtained, a bill will be sent to that provider. If no third-party provider information is obtained or a balance remains due after a third-party provider pays, the user will be sent a bill. Bills will be sent, by the outside billing service, in thirty (30) days intervals but no more than three (3) patient bills will be sent for any single ambulance bill.
2. For Users that do not respond to the initial bills described in section 1, the Fire Chief is authorized to handle the balance due as follows:
  - a. If the amount is \$100.00 or less it will be written off.
  - b. If the amount due exceeds \$100.00, then the balance will be referred to a third-party collection agency (see Appendix A).

- i. Exception: If the balance due exceeds \$100.00, the balance will be written off if one of the following exists:
1. The patient is a **resident** and on a government insurance plan (IE: Medicare, Medicaid)
  2. The patient is deceased
  3. The patient has filed for bankruptcy
  4. The patient is a town employee and on the Town of Fairhaven's Health Plan coverage
  5. The patient is a town employee and was injured in the course of their employment.

The Fire Chief is authorized to sign the disposition report in accordance with this policy. A copy of the signed disposition report will be kept on file at the fire department for review or audit.

DRAFT



**APPENDIX A**

**CURRENT THIRD-PARTY VENDORS**

**Fiscal Year 2023 (FY23)**

- **Ambulance Billing Provider:**  
Comstar Billing  
8 Turcotte Drive  
Rowley, MA 01969
- **Collection Agency:**  
FFR Inc.  
495 Old Connecticut Path  
Suite 220  
Framingham, MA 01701

# **Action Item D 6**

## **Massachusetts Department of Environmental Protection proposed Title 5 Regulation changes and Watershed Permitting**



Monday, February 6, 2023



January 30, 2023

*Via Email dep.talks@mass.gov*

Massachusetts Department of Environmental Protection  
Bureau of Water Resources – Division of Watershed Management  
100 Cambridge Street, 9<sup>th</sup> Floor  
Boston, MA 02114  
Attn: Title 5 & Watershed Permit

**Re: Title 5 & Watershed Permit Draft Regulations**

Dear Acting Commissioner Moran:

The Buzzards Bay Coalition (“Coalition”) has reviewed the proposed revisions to 310 CMR 15.000 (“Title 5”) and proposed watershed permit regulations, 314 CMR 21.00 (“Watershed Permit Regulations”). The Coalition offers the following comments.

The Coalition is a membership-supported nonprofit organization dedicated to the restoration, protection, and sustainable use and enjoyment of our irreplaceable Bay and its watershed. The Coalition works to improve the health of the Bay ecosystem for all through education, conservation, research, and advocacy.

### **Nitrogen Pollution in Buzzards Bay**

Three decades of Coalition water quality monitoring data collected from embayments across Buzzards Bay clearly demonstrate coastal water impairment driven by nitrogen pollution. In fact, the most recent Massachusetts 2022 Integrated List of Waters released by the Massachusetts Department of Environmental Protection (“MassDEP”) and required pursuant to the federal Clean Water Act sections 305(b) and 303(d) identifies approximately 70% of the coastal waters within the Buzzards Bay watershed as impaired by nitrogen and failing to meet water quality standards. The Coalition agrees that action must be taken to arrest the continued decline of our coastal ecosystem.

Robust scientific assessments of coastal watersheds continue to identify septic systems permitted pursuant to Title 5 as one of the largest controllable sources of nitrogen within our watersheds. The Coalition has long urged MassDEP to address the definition of Nitrogen Sensitive Areas under Title 5 to prevent the on-going permitting of systems that add nitrogen pollution to Buzzards Bay waters. Until the release of these draft regulations, MassDEP has done little to begin to address the permitting of nitrogen sources through Title 5.

While the Coalition agrees that action must be taken, the proposed revisions to Title 5 and Watershed Permit regulations must be amended to ensure that they are applied equitably, are viable and feasible, and result in the intended outcome of restored water quality.

### **Summary of Buzzards Bay Coalition’s Position on the Draft Regulations**

- Our environment and our local economies depend on a healthy and vibrant Buzzards Bay. Nitrogen pollution from septic systems is the largest threat. Doing nothing is not an option.
- Watershed-scale comprehensive planning to develop alternatives and solutions to sources of nitrogen pollution is the right way to address the challenge.
- A requirement that forces homeowners to upgrade existing septic systems to nitrogen reducing systems within 5 years is unworkable, does not solve the problem, and unfairly places the financial burden and legal risk on individual homeowners.
- Communities require state and federal funding to solve this problem. The state and federal governments are responsible for allowing the continued discharge of pollutants that have created the water quality emergency that communities suffer from today. The only fair and just solution to the problem requires increased state and federal funding to the communities to implement pollution reduction measures.

### **Comments on Proposed Watershed Permit Regulations**

Solving the nitrogen pollution problem requires a holistic look at the various sources of nitrogen within a watershed contributing to water quality impairment and assessing alternative solutions available to communities to address those sources. Solving the problem requires local comprehensive planning, the type of planning envisioned by the Watershed Permit Regulations.

While septic systems are typically the largest source of wastewater nitrogen within each watershed, other sources of controllable nitrogen and potential responses do exist. Stormwater, agriculture, composting, fertilizers, and inlet management, in addition to septic systems are all sources that must be considered and addressed through local comprehensive planning. The watershed permit regulations give the community the flexibility needed to address the most critical sources of nitrogen in their watersheds.

The Coalition supports the creation of Watershed Management Plans and the issuance of Watershed Permits to encourage the action necessary to reduce nitrogen pollution to our valuable and sensitive coastal waters and set our environment on a path to recovery.

The Coalition offers the following specific comments and recommendations on certain provisions of the proposed watershed permit regulations.

#### **Comment 1: The Watershed Permit Regulations Must Make Obtaining a Permit by Communities as Easy as Possible.**

314 CMR 21.03 lays out the requirements for an application for a watershed permit. Many of the communities around Buzzards Bay have made substantial investments in completing the planning necessary to meet the requirements envisioned in the proposed regulations. MassDEP must ensure that

the requirements proposed in the regulations are not unduly burdensome for communities and make the transition from local plans to watershed permit applications as seamless as possible. MassDEP must provide the guidance and financial support to transition these locally-driven plans into watershed permits.

Planning Completed by the town of Westport:

The town of Westport completed an Integrated Targeted Water Management Plan (ITWMP) for the East Branch of the Westport River – the larger of the two watersheds for the Westport Rivers in 2020. The ITWMP presented tier 1 and tier 2 priority actions required to reduce nitrogen pollution to the East Branch of the Westport River to meet water quality standards. Tier 1 activities include the design of sewer extensions along Route 6, the passage of Westport board of health regulations in 2020 to require new and expanded on-site septic systems to install nitrogen reducing septic systems, and partnering with the Buzzards Bay Coalition to complete the design of neighborhood cluster systems to reduce nitrogen from individual septic systems. For a community who is taking reducing nitrogen pollution seriously and invested in the proper planning and implementation, the application process for a watershed permit should be straight forward and simple.

Planning Completed by the town of Falmouth:

The town of Falmouth has also completed comprehensive wastewater management plan (CWMP) for some of its estuaries. With respect to the southcoast facing estuaries where the town is planning on and pursuing the expansion of sewer, MassDEP should consider combining those watershed plans into one watershed permit to ease the administrative burden on the town.<sup>1</sup>

The watershed plan and permit for Falmouth’s Buzzards Bay side estuaries like Quissett Harbor and Rands and Fiddlers canal should also be straightforward. Completed modeling and TMDLs state that a 46% reduction of existing load from septic systems to inner Quissett Harbor would achieve the TMDL. A straightforward watershed plan and permit for a harbor like Quissett should be to upgrade septic systems to nitrogen reducing systems within 20 years.

Planning Completed by the town of Bourne:

Substantial planning efforts have been completed for the town of Bourne through the town’s participation in the Upper Bay Project<sup>2</sup> evaluation as well as through their CWMP which is scheduled to be complete later this year. MassDEP should work directly with the town now to ensure that the final CWMP can be directly transitioned into a watershed permit.

Planning Completed by the town of Wareham:

Similarly, the town of Wareham has also invested in planning efforts and is scheduled to update its CWMP within the next year. In fact, the town of Wareham was the first Bay-town to pass a Board of Health regulations that required new and expanded construction to install a nitrogen reducing septic

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<sup>1</sup> The Coalition has submitted comments on the town of Falmouth’s CWMP and urges the town to prioritize the pursuit of an ocean outfall into Nantucket Sound for the discharge of treated effluent.

<sup>2</sup> <https://www.savebuzzardsbay.org/upper-bay-project/> last visited January 30, 2023.

systems. MassDEP should be working with the town now to ensure that the final CWMP meets the needs of the watershed permit.

Town of Marion Planning Efforts:

The town of Marion has also prioritized the completion of its CWMPs and will be complete by 2023. Furthermore, the town's Board of Health passed a regulation in 2020 that required new and expanded systems, as well as failed systems, to install nitrogen reducing septic systems.

**Recommendation:** MassDEP should meet with communities to determine the most effective way to transition existing planning efforts into watershed permits without creating a separate administrative process and additional burden on towns.

**Comment 2: Clarifications on 21.02: Definitions**

The definition of **Conventional Control Approach or Technology** includes "enhanced nutrient removal alternative septic systems that the Department accepts as conventional." The Coalition agrees that enhanced nutrient removal alternative septic systems can be considered a conventional control approach and funded through the State Revolving Fund. However, unlike a wastewater treatment facility where volume of wastewater and nitrogen concentration are easily measured and reported, the same is not true for individual septic systems. The proposed regulations must clarify what performance standard MassDEP will use for conventional control approach technologies that include enhanced nutrient removal alternative septic systems and how that performance standard will be measured.

**Comment 3: Single Local Government Unit Seeking a Watershed Permit for a Shared Watershed**

The Draft Regulations at 314 CMR 21.03(1) clearly allow multiple local government units that share a watershed to apply jointly for a Watershed Permit provided they have entered into a mutually enforceable agreement that confirms each applicant's percentage share of the aggregate pollutant load and provides a framework to coordinate resource management decision-making. However, the regulation does not specify how a community who shares a watershed should apply independently for a watershed permit and what obligations apply. There will be circumstances where communities who share a watershed do not apply jointly for a Watershed Permit. The regulations must clarify what process is to be followed under those circumstances.

Relative pollution contributions are discernable through the Watershed Management Plan process which can include work done through a comprehensive wastewater management plan, targeted wastewater management plan or other planning process accepted by MassDEP. Each town should not be equally responsible for the total load to the watershed.

**Comment 4: 21.04: Application Review Process**

The proposed regulations allow for approval of a watershed permit if it meets water quality goals or reasonable progress in achievement towards achieving water quality goals. In determining reasonable progress, the proposed regulations allow the community to show that it can reasonably achieve complete compliance. The regulations should consider the number of watersheds within a single community and consider allowing a community to combine watersheds into a single watershed permit when a community's comprehensive plan solves the nitrogen pollution in multiple watersheds at the

same time. The town of Falmouth's CWMP as it relates to the southcoast facing ponds may be an example of a single watershed permit.

**Comment 5: 21.05: Required Elements of a Watershed Permit**

The proposed regulations at 314 CMR 21.05(2) require the permittee to monitor water quality in accordance with the requirements in the Watershed Permit. The Coalition is well-positioned to partner with communities on providing water quality monitoring results on behalf of the community. In an effort to avoid duplicating monitoring efforts and unnecessary expenditure of financial resources, the Coalition will continue to provide coastal monitoring results to communities within the Buzzards Bay watershed and MassDEP.

**Comment 6: 324 CMR 21.10: Comments on General Conditions**

**Annual Reporting** – Proposed regulations should consider reporting every other year to alleviate administrative burden and provide communities time to implement actions.

**Termination of Permit Coverage** – The proposed regulations must include termination of coverage when water quality standards have been achieved. Currently the draft regulations do not anticipate a pathway for releasing an applicant from the requirements of permit coverage when water quality standards have been achieved after a certain period of time.

**Comment 7: Agency Funding**

MassDEP requires more funding to implement these regulations. MassDEP has historically suffered from lack of adequate funding. In fact, MassDEP's lack of financial resources is, in part, the cause for the long-term degradation of water quality in Buzzards Bay. Of the approximate 70% of estuaries around Buzzards Bay already impaired by nitrogen pollution, only a third have Total Maximum Daily Loads ("TMDLs") for nitrogen. MassDEP's lack of funding has utterly failed Buzzards Bay as that the vast majority of the nitrogen impaired estuaries don't have TMDLs or the science to support clean up plans. This critical fact creates inequity among southeastern Massachusetts communities and water quality.

As MassDEP seeks to act to take action to improve water quality, the state must ensure that this new permit program is appropriately staffed to provide the community assistance needed for the program to be successful.

**Comment 8: Legislative Changes to Consider to Assist and Support Communities**

A robust watershed-scale plan will take into account all sources of nitrogen including septic systems. It is clear that municipalities have the authority to regulate septic systems, many of the sources impacting Buzzards Bay embayments are subject to state control. MassDEP must consider how state regulation of the following sources impedes a community's ability to implement a watershed permit to reduce nitrogen sources.

Groundwater Discharge Regulations

Some of the largest single sources of nitrogen in watersheds to impaired embayments are discharges of wastewater of 10,000 gallons per day or more. Current regulations clearly state, that "The Department shall not issue a permit pursuant to 314 CMR 5.00 when the discharge will cause or contribute to a

violation of 314 CMR 4.00; *Massachusetts Surface Water Quality Standards*. . .<sup>3</sup> and “All permits shall also contain limits which are adequate to protect surface waters for their existing and designated uses and to assure the attainment and maintenance of the Massachusetts Surface Water Quality Standards.”<sup>4</sup> Unfortunately, MassDEP continues to issue groundwater discharge permits that add new nitrogen to impaired waterbodies or fails to condition permits in such a way as to ensure water quality standards are attained and maintained.

The Coalition urges MassDEP to require that all groundwater discharge permits achieve nitrogen offsets for impaired waterbodies in order to control nitrogen pollution from larger wastewater sources.

#### Zero Percent Interest on SRF Loans for MassDEP-approved Watershed Permits

Massachusetts General Law chapter 29C sec 6 provides 0% interest financing on wastewater nutrient removal projects. The Coalition urges the state to consider amending this language to ensure any community with a Watershed Permit approved by MassDEP have the opportunity to borrow at 0% interest. This provides an added incentive for communities to apply for a watershed permit.

#### Composting

In 2014, the Commonwealth of Massachusetts passed a state law banning the disposal of organic waste in landfills. Further regulatory changes were made in an effort to promote composting and reuse of organic material. This change in state law has unfortunate water quality consequences: Nutrient rich leachate from composting operations is a new source of nitrogen pollution in the region’s coastal estuaries.

The process of composting can create a high nitrogen concentration leachate. Composting operations in southeastern Massachusetts within watersheds to impaired waterbodies are not required to collect and control leachate. In fact, the minimum standards for the siting and operation of composting operations in southeastern Massachusetts are wholly inadequate.

For instance, when a homeowner is required to upgrade a residential septic system, the homeowner must hire a professional engineer to design a site plan that complies with Title 5 setback requirements as well as local and state wetland regulations. This site plan must be approved by the local board of health. A composting operation which is receiving money for the disposal of organic material, does not need to submit an engineered plan or seek local approval for operations.

#### Fertilizer Control

In 2012 the state passed legislation which provided the Department of Agricultural Resources the exclusive authority to regulate the application of fertilizer and stripped municipalities of the authority to control the use of residential fertilizers. General Law chapter 128 sec. 2(k) places sole regulation of both commercial and agricultural fertilizer with the Department of Agricultural Resources. This law preempts a community from passing a local regulation or bylaw which limits the application of fertilizers on residences, commercial properties and golf courses. While fertilizer is a relatively small source of nitrogen as compared to wastewater, it is not an insignificant source and one that community’s should

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<sup>3</sup> 314 CMR 5.06(1).

<sup>4</sup> 314 CMR 5.10(3).



have control over. The Coalition recommends a change in state law to allow communities to regulate non-agricultural fertilizer application.

## **Comments on Proposed Amendments to Title 5 Regulations**

### **Comments 1: The Coalition Opposes the Draft Regulations Definition of a Natural Resource Nitrogen Sensitive Area**

The draft regulation creates two unequal pathways to a natural resource nitrogen sensitive area designation. The first pathway includes watersheds to embayments that on the effective date of the regulation are subject to a nitrogen Total Maximum Daily Load (“TMDL”) AND an EPA-approved 208 Plan for Cape Cod. As a practical matter, this means that the regulation would apply only to embayments on Cape Cod. The second pathway to become a nitrogen sensitive area created under the proposed regulation requires a separate DEP public process. Non-Cape embayments can only be defined as a nitrogen sensitive area if the embayment is:

1. Subject to a nitrogen TMDL OR
2. Massachusetts Estuary Report demonstrating nitrogen impacts OR
3. A Scientific Evaluation demonstrating nitrogen impacts AND

A separate MassDEP public review process takes place. The regulation requires MassDEP provide formal public notice and a 60-day comment period, possibly public hearings, and the opportunity to appeal a final determination by MassDEP that an embayment is a Nitrogen Sensitive Area. None of these requirements apply to the first pathway.

This second and more cumbersome pathway to a natural resource nitrogen sensitive area will lag several years after the passage of the regulation. In those years following the potential passage of this regulation, non-cape communities have no incentive to take necessary action due to the uncertainty the regulation creates. This inaction will likely delay necessary cleanup plans for another decade and result in another ten years of added pollution. This is an unacceptable result.

Delaying a community’s ability to take action jeopardizes the availability of implementation funds now available for pollution reduction projects. More state and federal assistance are available today than there was just two years ago. The Bipartisan Infrastructure Law has infused the state with more than \$1Billion over the next 5 years to help solve this problem. In short, we have more funds now than we have in the last two decades to help soften the cost of the fix. We all need to act now to take advantage of that money before it is gone.

### **Comment 2: Nitrogen Loading Limitations for Natural Resource Nitrogen Sensitive Area (NRNSA) Designation are Unworkable**

The draft regulation requires that system owners within a NRNSA are required to upgrade their system to incorporate Best Available Nitrogen Reducing Technology (BANRT) within 5 years unless the NRNSA is subject to a Watershed Permit that specifically waives the 5-year requirement and the community is in compliance with the Watershed Permit.

It is clear that the intent behind the choice between a requirement to upgrade all septic systems within 5 years versus a watershed permit was to create an alternative so unattractive that taxpayers would push their communities to pursue a watershed permit. While the Coalition agrees that locally-driven plans to reduce nitrogen pollution through a watershed permit is the right approach, the 5-year upgrade requirement is so onerous as to be completely unworkable. If a community elects to not pursue a watershed permit, the regulation requires homeowners to meet an impossible requirement. The 5 year upgrade is problematic for the following reasons:

First, the labor force, engineers and contractors, do not exist to meet the level of work required to comply with the proposed regulation.

Second, systems that meet the BANRT standard are not in sufficient supply.

Third, it is likely that upgrading septic systems, alone, will not achieve the desired environmental result. In other words, a sufficient amount of nitrogen will not be reduced to meet water quality standards through septic system upgrades alone.

Lastly, all of this will be achieved only at great expense to the homeowner. Furthermore, the impossibility of the 5-year requirement leaves homeowners liable for non compliance.

Ultimately, MassDEP must find an alternative approach to incentivize watershed permits.

**Comment 3 : Application of Best Available Nitrogen Reducing Technology Standard is Problematic**

The current draft regulations define best available nitrogen reducing technology as a system certified by the MassDEP for general use which has the **lowest effluent total nitrogen performance value**, or a provisional or pilot system that has a total nitrogen performance level of less than or equal to the lowest alternative system certified by general use.

Today, the **lowest alternative general use** system must achieve at least 19mg/L total nitrogen. It is well-established that 19mg/L systems will not achieve the targeted water quality results and that new alternative technologies exist that are approaching general use certification that can achieve reductions far below 19mg/L. This is good news. However, the application of the definition becomes a moving target for homeowners and communities to try and meet.

15.215(2)(g) Provides that homeowners who have upgraded their system to a DEP-approved nitrogen removing technology within one year prior to the NSA designation are exempt from the individual system upgrade requirement. A one year grandfathering provision is wholly inadequate.

Since 2013, communities around Buzzards Bay (most notably Westport, Marion, Wareham and Tisbury) have taken the initiative to arrest harmful nitrogen pollution from septic systems by requiring new construction and expanded systems to install general use approval nitrogen reducing septic systems. In other communities, a failed system requires the replacement to install a nitrogen reducing system. Further, in other communities, homeowners have voluntarily upgraded to the most advanced systems requiring site-specific pilot approvals capable of removing more than 65% of the nitrogen. These homeowners have done so at great personal expense in an effort to reduce their nitrogen pollution to important coastal resources.

These actions have been taken over the last decade because of DEP's failure to act. These communities and homeowners can not be punished for acting in the best interest of the environment when MassDEP did not. **Therefore, 2(g) must exempt any homeowner who has installed a nitrogen removal system approved by MassDEP as either a pilot, provisional, or general use since the last major revisions to title 5 in 1995.**

#### **Comment 4: Third Party Scientific Evaluation Requirements**

As described above, the lack of adequate MassDEP funding has contributed to the failure of most embayments around Buzzards Bay not having a complete MEP report or TMDL. The draft regulations describe a Scientific Evaluation to demonstrate nitrogen impacts. In the absence of MassDEP action, and in an effort to produce the robust scientific evaluation needed to support TMDLs, the Coalition has worked with communities and MassDEP on developing this science.

The regulations, as drafted, would require the submission and publication of a draft scope of work in the environmental monitor for MassDEP's review and approval. However, Scientific Evaluations are already underway and funded to complete the science necessary to develop a TMDL. For example, the Coalition is nearing completion of such work in Red Brook Harbor in Bourne, and has just completed year one of a three year effort to collect new science in Apponagansett Bay as part of the Buttonwood to Bay project.<sup>5</sup> The Coalition suggests the following amendment to 310 CMR 15.214(1)(c) to preserve the work currently on-going;

"Notwithstanding (c(i-iv)) – a scientific evaluation, or nutrient threshold report, modeled on the linked model and conducted pursuant to MassDEP and USEPA QAPPs, shall be an acceptable scientific evaluation for the purposes of these regulations."

#### **Comment 5: Alternative Approach to Consider**

The Coalition offers the following as one alternative the MassDEP may consider in order to achieve the intended effect.

##### **Natural Resource Nitrogen Sensitive Area Designation:**

The Coalition urges MassDEP to consider amending the definition of Natural Resource Nitrogen Sensitive Areas in order to avoid unequal and unworkable application of the regulation throughout southeastern Massachusetts. The Coalition encourages MassDEP to consider defining ALL watersheds to a coastal watershed listed as impaired for total nitrogen pursuant to section 303(d) of the federal Clean Water Act as Natural Resource Nitrogen Sensitive Areas.

The state Integrated List of Waters created by the state as required by the federal Clean Water Act sections 305(b) and 303(d) identifies waters that fail to meet water quality standards due to excessive pollution. The creation of the "303(d) List" undergoes a robust data review by MassDEP, a public comment period, and ultimate review and approval by the US Environmental Protection Area. If a waterbody is listed as impaired for total nitrogen on the 303(d) list, it is clear that it is nitrogen sensitive.

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<sup>5</sup> <https://www.savebuzzardsbay.org/buttonwood-to-bay/> last visited January 30, 2023.

Once designated as a NRNSA pursuant to the 303(d) list, the Coalition requests that MassDEP consider the following loading limitations for NRNSA.

1. Any system serving New Construction or expanded flow system shall incorporate BANRT.
2. Any system designated as failed pursuant to 310 CMR 15.303 or 15.304 shall be replaced with a BANRT.
3. All systems within a watershed to a NRNSA shall be upgraded to BANRT pursuant to 310 CMR 15.301 at time of real estate transfer.

**UNLESS**

1. The community in which the facility is located has a MassDEP-approved Watershed Permit. Then the actions of the Watershed Permit will determine the management of the facilities within the community, or
2. The system is located in an area projected to receive municipal sewer connection within the next 5 years as approved in a comprehensive wastewater management plan.

This approach may have several benefits. In addition to applying the requirements to all estuaries equally, it also prevents DEP from continued permitting of systems that it knows contributes nitrogen to already impaired waters. Furthermore, it incentivizes communities who have not yet invested in a scientific evaluation to allocate the necessary funds.

**Comment 6: The separate appeal process creates a dual and inequitable standard.**

The proposed regulations at 310 CMR 15.214(2)(g) creates an appeal process for any person aggrieved by MassDEP's determination of a Nitrogen Sensitive Area. This provision creates an inequitable standard between NRNSA's that have both a TMDL and 208 Plan and the second tier of NRNSA's that require a separate designation by MassDEP. The first set of NRNSAs are not subject to the appeal provision while the second set is. This can be avoided if all nitrogen impaired waters are automatically designated as NRNSAs eliminating the need for a separate appeal process.

**Conclusion**

The Coalition appreciates the MassDEP's willingness to take action. We look forward to continuing the dialogue between effected communities and MassDEP to ensure final regulations achieve the nitrogen reductions needed to protect our coastal waters.

Sincerely,



Korin N. Petersen, Esq.  
Vice President of Clean Water Advocacy  
[petersen@savebuzzardsbay.org](mailto:petersen@savebuzzardsbay.org)

Cc:

Senator Marc Pacheco

Senator Mark Montigny

Senator Susan Moran

Senator Michael Rodrigues

Representative Antonio Cabral

Representative Dylan Fernandes

Representative Susan Williams Gifford

Representative Chris Hendricks

Representative Christopher Markey

Representative Paul Schmid

Representative William Straus

Representative David Vieira

Town of Acushnet

Town of Bourne

Town of Carver

Town of Dartmouth

Town of Gosnold

Town of Fairhaven

Town of Falmouth

Town of Marion

Town of Mattapoisett

City of New Bedford

Town of Rochester

Town of Wareham

Town of Westport



# Town of Fairhaven

## Board of Health

Town Hall • 40 Center Street • Fairhaven, MA 02719  
Telephone: (508) 979-4023 ext. 8125 • Fax: (508) 979-4079

Kevin Gallagher, BOH Chair  
Heidi Hacking, BOH Vice Chair  
Michael Ristuccia, BOH Clerk

January 24, 2023

Massachusetts Dept. of Environmental Protection  
Bureau of Water Resources,  
Division of Watershed Management  
One Winter Street, 5th Floor  
Boston, MA 02108

**ATTN: Proposed Title 5 Regulation Changes and Watershed Permitting**

To the Department:

As the Board of Health for the Town of Fairhaven, we would like to take this opportunity to make general comments regarding the proposed revisions to the Environmental Code - Title 5 Regulations (310) CMR 15.00) and the promulgation of new regulations for "Watershed Permitting" under (314 CMR 21.00). Much of what we present herein is a rehash of items previously presented from these offices regarding the mandating of TMDL's in the New Bedford Inner Harbor, New Bedford Outer Harbor and the Nasketucket Bay Estuary Systems.

In our role, we are keenly aware of the sensitivities of these resources as well as their ecological and socio- economic values to the community and to the region. Also in our role, we can attest to Fairhaven being in the forefront in environmental protection and water quality improvement. In the nearly 40 years of professional experience in environmental evaluation, protection and in aquaculture, we have always tried to balance the needs of health, conservation and practicality in all projects. We speak here as veteran health and environmental professionals on behalf of the Town of Fairhaven and other Southcoast communities.

While we understand the need to limit nutrient inputs into our water resources, in this case nitrogen, to protect our coastal and estuarine waters, we are very concerned at the extremely targeted and limited approach being proposed by these proposed regulatory changes. Before targeting homeowners and municipalities, the Federal and Commonwealth's environmental and land-use agencies must look at the bigger picture, and review their own actions in regulating nutrient inputs across the broader spectrum of contributors (permitted For Profit Operations) prior to foisting the entire responsibility and costs onto the narrow range of homeowners and municipalities. The latter in many cases having no means to alter the overriding Federal or State permits being issued to the For Profits that are beyond their control, this being the key concern relative to "Watershed Permitting" at the local level; and further, with reduced public work

forces, how can the burdensome requirements of revised 310 CMR 15.000 (Title 5) 314 CMR 21.00 be properly administered and enforced? The de-nitrifying Soil Absorption Systems (SAS's) that are being proposed as requirements are extremely expensive to install (labor and materials), require more comprehensive annual maintenance, dramatically increasing operational costs above currently permissible SAS's, and further place newly required annual monitoring costs to the individual homeowner and the municipalities.

While these new regulations speak to groundwater protection(s) and watershed management within the realm of the environmental regulations, they do not appear to address the overriding Zoning and land-use exemptions and grandfathering that allow for lenient regulation of many uses, and in Fairhaven's case, the agricultural composting of organic wastes. The State's Zoning Enabling Act (Section 40A) is so outdated and caters to certain outdated business agendas (e.g. exempted uses such as agriculture, of which composting is considered), and is considered by many obsolete and indifferent to environmental land-use concerns at the national level. According to certain MA DEP data reviewed during recent presentations Fairhaven's Total Maximum Daily Limit of Nitrogen has not been established.

While being outdated, these data may not result in actual current trends, and also may not reflect any potential benefits gained from Fairhaven's' environmental and water quality enhancement efforts (e.g. open space acquisitions, wetland enhancements and enforcement, and ongoing infrastructural and treatment systems improvements (e.g. storm water, municipal sewer expansion and wastewater treatment). These issues were raised during the previous discussions regarding the assignment of the TMDL for the Fairhaven Estuaries with the same relatively limited and outdated dataset, and no real action response from the Department. Another issue raised to the Department during those previous discussions was that no consideration has been given to ongoing restricted tidal exchange issues of our coastal embayments related to ongoing shoaling at the mouths of these coastal waters.

What these data indicate is that the target culprits, Wastewater and Septic Systems in the Nasketucket Bay and Inner and Outer New Bedford Harbor cases, account for less than one-third of the Controllable Nitrogen into each system. What is interesting, and we do not mean to pick on agriculture per se, but combined Agricultural/Landscape uses make up more than one-third in both cases. The other significant inputs, impervious surfaces numbers differ greatly and can't be relied upon for establishing trends, and Atmospheric Depositions are not considered in the Fairhaven Watersheds.

Again in Fairhaven's case, there continues to be a disregard for the largely unregulated, but the permitted For Profit composting segment of the agricultural use, permitted by either the Departments of Agricultural Resources and/or Environmental Protection, for the uncontained composting facilities that stockpile volumes of organic food, seafood and agricultural wastes (e.g. unused cranberries and cranberry waste, and seafood wastes). All on sites with little to no monitoring, containment, little to no capping of the composted fill, no treatment for organic leachate discharges on and into the ground; and moreover into our surface and groundwater resources; and at sites without proper "Site Assignment" for solid waste disposal or groundwater discharge, as required for solid waste landfills back in the day before they were regulated out. Regulated out, now there is a new concept. These composting facilities continue to be protected

as such by antiquated Zoning provisions at the state level exempting these uses. Fairhaven is checker boarded with these uses in our lower sub watersheds discharging to Buzzard's Bay (e.g Nasketucket Bay) At least currently compliant SAS's provide some level of treatment and management prior to discharge, unlike these permitted composting operations.

Given their limited view, the new regulations represent a very naïve and reactive politically motivated, feel good approach to solving a broad spectrum environmental problems by targeting the easily identifiable low hanging fruit that will have a limited effect overall. There is no forward thinking to this approach. This approach lacks real current scientific underpinning to support it, and fails to address the real contributing problems of nutrient loading in the geologic setting of Fairhaven's coastal sub-watersheds. The real solutions lie in very difficult cultural/economic change decisions that reach well beyond the limited scope of home septic systems.

There is no singular standard for SAS functionality as the key variable is always their geological and hydrogeological settings. SAS's on the Cape and the Islands are set in far more sandy soils/sediments with generally greater porosity and subsurface movement than the systems in the tighter glacial outwash and glacial till of the South Shore, Southcoast, and the glaciated inlands of New England. Therefore, one SAS solution does not fit all.

The successful implementation of any program initiated relies on both management costs and resources. As mentioned previously, with rising costs swirling about them, both individual homeowners and municipalities are forced to streamline themselves for cost-cutting purposes. These new regulations target vulnerable parties, are going to be extremely expensive to implement and manage over time for both sectors public and private, and have a limited and possibly uncertain level for success. The bench-top theory does not always translate to application success in the field. This is a very expensive investment in uncertainty for less than a third of the contribution of Controllable Nitrogen to Fairhaven's inland and coastal waters and groundwater resources. While allowing for the continued largely unregulated For Profit uncontained composting industry to continue to discharge toxic levels of organics into our wetlands, surface- and groundwater resources with absolute impunity.

#### In Conclusion:

More regulations do not always guarantee the desired result. Proper enforcement of the regulations that are in place may be sufficient in many cases. Targeting individual homeowners and the municipalities, as opposed to other major contributor of Controllable Nitrogen by MADEP and MDAR permitted operations is ill-advised at this time. As concerned environmental regulation partners, we believe that several things need to be addressed prior to the promulgation of these new regulations that include, but are not limited to:

- 1) State and Federal agencies need to coordinate with each other on these matters with greater initiative than present.
- 2) There must be a need and effort to target the money making industries and not solely the homeowners and/or municipalities to solve every environmental woe.
- 3) All regulatory agencies at all jurisdictional levels need to properly enforce those regulations on the books within their jurisdictions, before promulgating new ones.

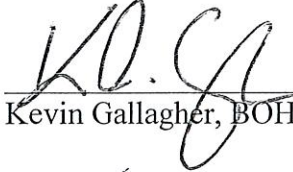


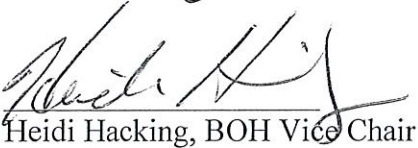
- 4) Collectively, we need to stop looking for new problems when we haven't solved the old ones.

While we commend the DEP for taking initiative on the issue of reducing nitrogen in impaired water bodies of the Southcoast, we would recommend that given the time of year and the complexities of this review of these new regulations the comment period should extend into next year. While there is some buzz out there right now, our rural communities need more opportunity to make their constituents more aware of this impending potential.

We would also like to express our thanks for the hard work of State Senator Mark C. Montigney, State Representative William M. Strauss and State Representative Christopher M. Markey.

Sincerely,

  
Kevin Gallagher, BOH Chair

  
Heidi Hacking, BOH Vice Chair

Michael Ristuccia, BOH Clerk

CC: Senator Montigney  
Representative Strauss  
Representative Markey  
File

BOH/ddf

# Action Item D 7

## Buzzards Bay Coalition's 17<sup>th</sup> Annual Watershed Ride on Sunday, October 1, 2023





January 27, 2023

Fairhaven Select Board  
Fairhaven Town Hall  
40 Center Street  
Fairhaven, MA 02719

BOARD OF DIRECTORS

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Kendra Medina  
Chris Neill  
Christine Parks  
Skylah Reis  
Laura Ryan Shachoy  
Hilary Prouty Vineyard

Dear Fairhaven Select Board,

We are writing to request approval for use of public roads for the Buzzards Bay Coalition's **17th Annual Watershed Ride on Sunday, October 1, 2023.**

This cycling event begins in Little Compton, RI at 7:30am with 400 riders making their way through 13 towns and over 100 miles to eventually end in Woods Hole. The Watershed Ride raises funds for clean water in Fairhaven, and all of Buzzards Bay.

The route is the same one we have taken for the last 16 years. As always, we will assign volunteers to the critical turns to ensure our cyclists pass safely and smoothly through the route. We expect cyclists to pass through town between the hours of 10:30am-12:00pm. Please see attached for the full route cue sheet.

I am copying the Police Chief Myers on this request and including the MASS DoT Event Notification form, which they request that you return to me once completed so I can submit it as part of our permitting process with the state.

Lastly, we're wondering if the Board would grant permission to post 4-6 18" x 24" signs about the Ride along the bike path route only for the month of September only.

We appreciate the opportunity to showcase the scenic beauty of Fairhaven during our Watershed Ride. Please let us know if you need additional information.

Sincerely,

Jonah Guerin, Event Manager  
[guerin@savebuzzardsbay.org](mailto:guerin@savebuzzardsbay.org)

cc: Police Chief Michael Myers, via email



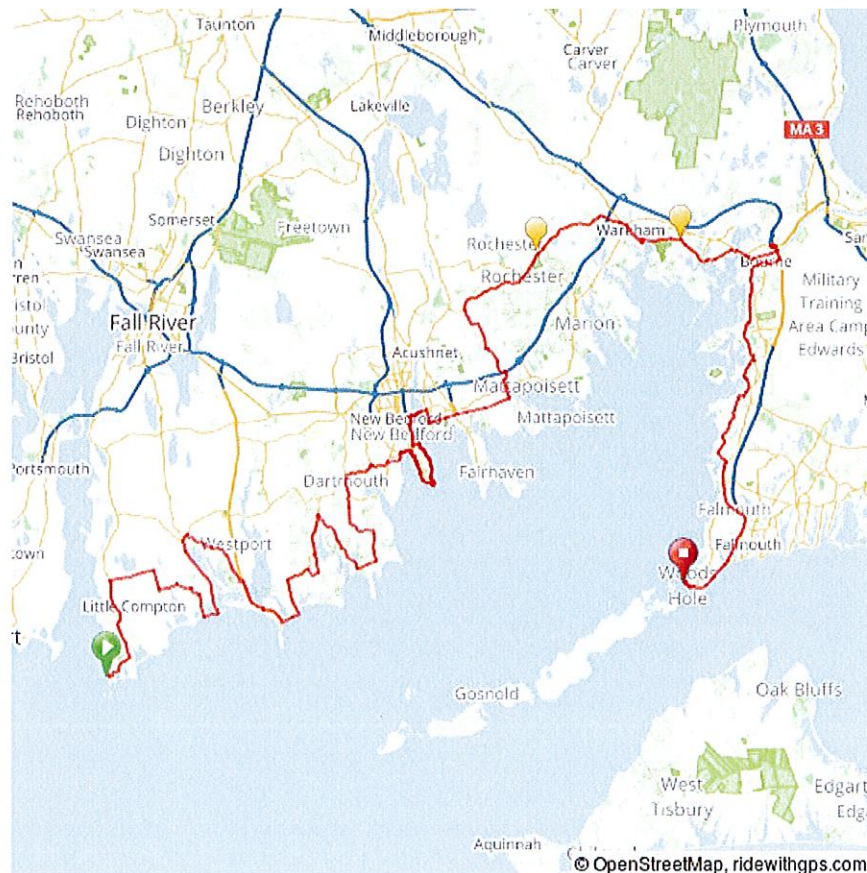
## Buzzards Bay Watershed Ride

Experience the beauty and spirit of southeastern New England in autumn from the seat of your bicycle at the annual Buzzards Bay Watershed Ride.

Choose from **three spectacular 100, 75, and 35-mile cycling routes** that wind through farmland, coastal villages, cityscapes, cranberry bogs, and the back roads of Cape Cod to end with a waterfront finish line party in beautiful Woods Hole. All riders are fully supported with local food and beverages all day, welcoming volunteers, and SAG wagons with ace bike mechanics and first aid. \$65 registration fee includes five water stops, a hearty food truck lunch, a dinner buffet with beer, wine, and live music, and prizes for top fundraisers and best team uniforms.

Each cyclist is required to **raise a minimum of \$300** to support the **Buzzards Bay Coalition's** work to protect our local environment. Team participation is welcome and encouraged!

Gather your friends, family, and coworkers to "bike for clean water" in October.



**Buzzards Bay Watershed Ride 2023**  
**100, 75, 35-mile routes    SAG support/helpline: (508) 999-6363**

Num	Dist	Type	Note
1.	0.0	🚩	Start of route – LITTLE COMPTON, RI
2.	0.0	🚩	100-mile START LINE Parking, check-in, restrooms, food, water available
			<b>100 MILES TO GO</b>
3.	0.1	←	L onto Sakonnet Point Rd. (RI route 77)
4.	5.4	→	R onto Peckham Rd – <i>Volunteer</i>
5.	7.6	→	R onto Long Hwy – <i>Volunteer</i>
6.	8.5	←	L onto Pottersville Rd
7.	9.4	→	Slight R on Mullin Hill Road
<b>WESTPORT, MA</b>			
8.	10.2	→	R onto Old Harbor Rd
			<b>90 MILES TO GO</b>
9.	10.8	→	R onto Howland Rd
10.	11.8	←	L onto Atlantic Ave
11.	12.6	←	L onto Acoaxet Rd
12.	12.8	↑	Continue onto River Rd
13.	16.0	→	Slight R onto Old Harbor Rd
14.	16.5	→	R onto Adamsville Rd
15.	18.9	→	R onto Main Road – <i>Volunteer</i>
			<b>80 MILES TO GO</b>
16.	22.5	←	L onto Hotel Hill Rd – <i>Volunteer</i>
17.	22.7	→	R onto MA-88 S
			<b>POLICE CRUISER HERE</b>
18.	23.4	🚧	Metal Drawbridge ahead - slow down, proceed with caution. Dismount bike and walk over if raining. – <i>Volunteer</i>
19.	23.9	↑	Continue onto John Reed Rd
20.	24.4	🍴	WATER/REST STOP. Food, water, restrooms
21.	24.4	🚩	75 MILE START LINE
22.	25.6	←	L onto E Beach Rd
23.	26.4	←	E Beach Rd turns slightly L and becomes Horseneck Rd
24.	28.1	→	R onto Horseneck Rd
<b>DARTMOUTH</b>			

25.	29.2	➔	R onto Allen Neck Rd	
26.	29.9	➤	L onto Barneys Joy Rd	
27.	32.7	➔	R onto Tannery Ln - <i>Volunteer</i>	70 MILES TO GO
28.	32.7	➔	R onto Rock O'Dundee Rd	
29.	33.6	➔	Slight R onto Potomska Rd	
Num	Dist	Type		Note
30	36.1	⬆	Continue onto Little River Rd	
31.	37.0	➤	L onto Smith Neck Rd	
32.	40.3	➔	R onto Gulf Rd	60 MILES TO GO
33.	40.8	➤	L onto Elm St - <i>Volunteer</i>	
34.	40.9	➔	R onto Prospect St	
35.	41.1	➤	Slight L onto Dartmouth Street	CHEER SQUAD (OSS)
36.	42.2	➔	R onto Rogers St - <i>Volunteer</i>	
<b>NEW BEDFORD</b>				
37.	42.7	➤	L onto Padanaram Ave	
38.	43.0	➔	R onto Cove Road	
39.	43.0	➔	R up onto sidewalk and on ramp to CoveWalk. Uneven ground, use caution. - <i>Volunteer</i>	
40.	43.9	➤	Slow down, take off ramp on L to leave CoveWalk - <i>Volunteer</i>	
41.	43.9	➔	R onto W. Rodney French Blvd.	
42.	44.3	⬆	Look for bike path on R, enter bike path again	
43.	45.1	⬆	Go thru the gate on to bike path - Fort Taber. Narrow gate, use caution. - <i>Volunteer</i>	
44.	45.5	⬆	Keep straight on bike path, follow coastline	
45.	45.9	➤	Follow bike path L around bend	
46.	46.0	➤	L, then an immediate R	
47.	46.0	➔	R to stay on path	
48.	46.1	🍴🚻	WATER/REST STOP - Water, food, restrooms available	
49.	46.2	➔	Bear R to stay on bike path	
50.	46.3	➤	Bear L to exit park	
51.	46.3	➔	R onto E. Rodney French Blvd.	
52.	47.4	➔	Take R to enter on-ramp to HarborWalk. Use caution. - <i>Volunteer</i>	

53.	48.0	□	SLOW DOWN, Take steep ramp off Harbor Walk on L
54.	48.0	←	L at bottom of ramp puts you on Gifford Street - <i>Volunteer</i>
55.	48.3	→	R onto South Front Street
56.	48.6	→	R onto Potomska Street
57.	48.8	↑	Continue on McArthur Drive
58.	49.3	←	At intersection, cross over bearing L to ENTER SIDEWALK immediately on your R. Use caution. - <i>Volunteer</i> <b>POLICE DETAIL HERE</b>
59.	49.3	→	R then immediately jog L to stay on brick sidewalk bike path.

Num	Dist	Type	Note
60.	49.5	↑	Jog R to stay on bike path and on-ramp up to highway
61.	49.5	↑	Straight to enter sidewalk on-ramp - <i>Volunteer</i>
62.	49.7	↑	Merge onto US-6E, stay on sidewalk
63.	49.9	↑	SLOW DOWN. <b>TRACKING AHEAD</b> . Call out bib number to volunteer at FISH ISLAND. <b>POPE'S ISLAND CHEER SQUAD</b> <b>50 MILES TO GO</b>
<b>FAIRHAVEN</b>			
64.	50.5	→	R onto Middle St - <i>Volunteer</i>
65.	51.1	←	L onto Ferry St
66.	51.2	→	R onto Main St
67.	51.2	←	L onto Bike Path/Phoenix Rail Trail
68.	55.1	←	L onto Mattapoissett Neck Rd
<b>MATTAPOISETT</b>			
69.	55.5	→	R onto US-6 E/Fairhaven Rd. Use caution. - <i>Volunteer</i> <b>POLICE DETAIL HERE</b>
70.	55.6	←	L onto River Rd - <i>Volunteer</i>
71.	56.3	←	L onto Acushnet Rd - <i>Volunteer</i>
72.	56.6	←	L to stay on Acushnet Rd
73.	58.1	←	L to stay on Acushnet Rd
<b>ACUSHNET</b>			
74.	58.3	→	R onto Long Plain Rd
75.	60.6	→	R onto Perry Hill Rd <b>40 MILES TO GO</b>
76.	64.0	→	Keep R to stay on New Bedford Rd

77.	64.0	➔	R onto Marion Road	
<b>ROCHESTER</b>				
78.	64.1	←	L onto Marys Pond Rd	
79.	65.4	🍴	LUNCH STOP/35-mile START LINE - 131 Hiller Road. Food, water, restrooms available.	
80.	67.4	↑	Continue on Fearing Hill Road	
<b>WAREHAM</b>				
81.	69.0	➔	R onto Main St	
82.	70.0	➔	R to stay on Main St	<b>30 MILES TO GO</b>
83.	70.3	➔	R onto Gibbs Ave	
84.	70.4	←	Slight L onto High St	
85.	71.4	←	L onto Cedar St	
86.	71.5	←	L onto Main St - <i>Volunteer</i>	
87.	71.6	➔	R onto US-6 E/Sandwich Rd	
88.	71.7	➔	R onto Narrows Road	
89.	72.1	↑	Continue onto Minot Ave	
90.	73.5	↑	Proceed straight through intersection	
91.	73.5	➔	R onto Onset Ave	<b>ONSET PIER CHEER SQUAD (Tabor Academy)</b>
92.	76.8	➔	R onto MA-28/US-6E/Cranberry Hwy	
<b>BOURNE (BUZZARDS BAY)</b>				
93.	77.3	↑	Continue straight through rotary to stay on Main St	
94.	77.5	➔	R onto Canal St and parking lot - <i>Volunteer</i>	
95.	77.6	➔	R toward Canal Service Rd/Bike Path - <i>Volunteer</i>	
96.	77.7	←	L onto Canal Service Rd and bike path: Slow down. Follow bike path etiquette. Yield to pedestrians.	
97.	78.9	←	L on to Andy Olivia Drive towards campground - <i>Volunteer</i>	
98.	78.9	↑	Straight up hill to stay on Andy Olivia through campground	
99.	79.2	←	L onto Main St/RT 6: must cross with light - <i>Volunteer</i>	
100.	79.3	➔	Take R up ramp to Starbucks Parking Lot	
101.	79.4	↑	Stay L as you proceed through parking lot cut through	
102.	79.4	←	L to exit parking lot	



103.	79.4	➔	R onto Bourne Bridge Approach/Old Bourne Bridge Approach	
104.	79.5	☐	SLOW DOWN. <b>TRACKING STATION</b> ahead, call out bib number. Dismount to cross bridge on foot.	
105.	79.5	🍴	WATER/ REST STOP: Food, water, restrooms available.	
106.	79.6	➔	Keep R to enter Bridge Sidewalk. Dismount to cross bridge on foot	
				<b>20 MILES TO GO</b>
107.	80.3	↑	Use Sidewalk to bear right around State Police Building. <i>Welcome to Cape Cod!</i>	
108.	80.4	➔	R onto Trowbridge Rd	
109.	81.0	↑	Continue onto Shore Rd	
110.	81.9	←	Left at fork at VFW to stay on Shore Rd	
111.	83.0	➔	R to stay on Shore Rd	
112.	84.8	☐	Metal drawbridge ahead, proceed with caution. USE SIDEWALK. <i>Volunteer, J. York 818 Shore Road, has his own sign, (774) 392-0111</i>	
113.	86.4	➔	R onto Red Brook Harbor Rd. Railroad tracks proceed with caution. – <i>Volunteer, Dave Dimmick: (508) 561-6812 , has his own sign: RR X-ING</i>	1
114.	87.4	↑	Straight on Squeteague Harbor Rd	
115.	87.5	➔	R onto Megansett Rd, becomes Garnet Ave.	
<b>FALMOUTH/WOODS HOLE</b>				
116.	88.4	↑	Straight across intersection at County Rd	
117.	88.4	➔	R onto Chester St - <i>Volunteer</i>	
118.	88.6	←	Keep L to stay on Chester St	
119.	89.3	↑	Straight onto Quaker Rd.	<b>10 MILES TO GO</b>
120.	92.1	↑	Merges into Nashawena Street	
121.	92.7	←	L onto Old Dock Rd	
122.	92.7	➔	R at train tracks onto Bike Path/Shining Sea Bikeway	

123.	95.0	↑	Stay on bike path all the way to end in Woods Hole	
124.	96.9	☐	Slow down. Prepare to use traffic light at crosswalk at Woods Hole Rd. <i>-Volunteer @ WH Rd crosswalk hits button for riders</i>	
125.	100.2	➔	R on Railroad Avenue – <i>Volunteer</i>	
126.	100.2	➔	L onto Water St. POLICE ASSIST at crossing. <b>POLICE DETAIL HERE</b>	
127.	100.3	☐	Metal drawbridge ahead, proceed with caution. Dismount bike and walk over if raining. – <i>Volunteer</i>	
128.	100.5	➔	R onto MBL St <b>POLICE DETAIL HERE</b>	
129.	100.6	☐	FINISH LINE. Congratulations! Bike Valet and Bag Check on your right.	

1/27/2023 10:46 AM

# **Action Item D 8**

**April Food Day  
Canned Food Drive  
Use of Town Hall  
Saturday, April 1, 2023  
from 9AM – 1PM**



Dear Selectboard,

The Rotary Club and The Belonging Committee would like to hold a Town Wide Canned Food Drive on Saturday April 1st 2023 from 9am-1pm outside of Town Hall. We would also ask for the Town Hall Building to be open during this event- in case of Rain as well as access to bathrooms & electricity.

The event is called "April Food Day" and we hope to help replenish local food pantries; The Shepherds Pantry & M.O. Life's Pantry. Both of these pantries service Fairhaven & local residents. The big collection day will be on April 1st but we will be asking any and all Fairhaven groups and businesses to also use their networks for us to make a substantial impact. Food scarcity is far to common for people of all ages today and generally speaking our pantries are needing donations and support like they receive in the holiday season all year long.

The Rotary Club will be reaching out to the Fairhaven PD to see if K-9 Blue can visit. They will also be reaching out to FUN 107 to see if they would be willing to be at the event as well. One of their members, Bob Mitchell, has also volunteered his truck to pick up collections if needed prior to the event and to transport goods at the end of the event.

The Belonging Committee asks to set up a collection box during the month of March (or longer if allowed) for the food drive at the town hall. We will also have information about Fairhaven resident's needs & statistics at the event. We will also be looking to invite community groups or at least pamphlets with information set up at a table with services to help with food insecurity. Our current thoughts is asking for a WIC, PACE, COA & Schools resources available. Anyone with more suggestions-please email the Belonging Committee.

The streets would not need to be closed for this event so people can drive and drop off goods. We can reach out to whomever for more permissions as the Selectboard recommends.

Thank you for the considerations and we hope to get your support and permissions in our request.

*(Attached would be potential flyers to pass out and collect for the event\* dependent on your approval of Town Hall use and final editing for corrections)*

-Jessica Fidalgo, Chair

# Fairhaven Rotary Club & Belonging Committee

# FOOD DRIVE

Please help us collect non-perishable foods for our "April Food Day" drive. This food drive serves many families in need within our community by donating to M.O. Life Food Pantry & Shepherd's Food Pantry.

## DROP-OFF LOCATION:

Town Hall: 40 Center Street, Fairhaven  
April 1st, 2023 9am-1pm



# Action Item D 9

## 2023 Select Board Meeting Calendar



Monday, February 6, 2023

# Action Item D 10

## New Water District Appointee



Monday, February 6, 2023



Town of Fairhaven  
Massachusetts  
Select Board Office  
40 Center Street · Fairhaven, MA · 02719

MEMORANDUM

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*To: Select Board Members*

*From: Angie Lopes Ellison, Town Administrator*

*Date: February 6, 2023*

*Re: Water District Appointee*

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In keeping with past practice, the Select Board has appointed the Chief Administrative Officer as the Select Board appointee to the Water District boards. As such, I am requesting to serve in that capacity.



# Action Item D 11

## Temporary Street Closure Policy



Monday, February 6, 2023



## TEMPORARY STREET CLOSURE POLICY

### General

It is the policy of the Town of Fairhaven to encourage activities by neighborhood and civic groups that promote the welfare, safety, and harmony of its citizens. The Town shall allow temporary street closures for such activities when those closures will not cause harm to or be a significant disruption to the general public.

### Purpose

It is the purpose of this policy to define parameters under which local or civic groups may request temporary road closures for community events. Except as otherwise provided by law, it shall be unlawful to close any public street or block traffic therefrom unless a Street Closure Permit has been issued by the Town of Fairhaven in accordance with this policy.

### Scope

This policy applies to all roads and streets in the Fairhaven road system.

- A. Administrative Approval: Community events that occur on an annual or routine basis, ~~or have been approved previously by the Fairhaven Select Board,~~ may be approved administratively by the Town Administrator. Town sponsored events may be approved administratively by the Town Administrator.
- B. Select Board Approval: Events of a non-routine nature ~~or that have not previously been approved by the Town or the Town Administrator, or events~~ lasting longer than 10-hours, must be approved by the Select Board.

### Policy

- A. No permit shall be issued for road closures on state-controlled, numbered highways without prior approval from the Massachusetts Department of Transportation. No permit shall be issued for road closures in the ~~business district area~~ Business District as defined by the Zoning Bylaws of Fairhaven\* unless sponsored by the Town or the local chamber of commerce or its equivalent.
- B. Disposition of Street Closure Requests is administrative in nature under the authority of the Town Administrator and the Select Board.
- C. The applicant shall submit a letter of request for street closure to the Fairhaven Town Administrator's office at least 30 days prior to the date of the proposed street closure. Applications submitted less than 30 days cannot be guaranteed a response for approval. The letter shall include all the relevant information requested in the application and any additional information requested by the Town Administrator.
- D. The Town Administrator shall notify the Police Chief of the proposed closure, and the Police Chief, or designee, shall determine whether a Police detail shall be required. Such detail shall be paid by the applicant.
- E. The applicant shall be responsible for notifying the owners and ~~tenants on the affected street at least seven (7) days prior to the proposed closure~~ and abutters as outlined in the public notification process.
- F. The temporary street closure shall be for a period less than ten (10) hours as stipulated by the Town Administrator, unless approved by the Select Board.
- G. Regardless of street closure, travel lane must be kept clear to accommodate emergency vehicles.

- H. Pedestrian access to all residences or businesses shall not be obstructed as well as an unobstructed path must be maintained for emergency vehicle access to the street.
- I. The applicant shall conduct all activities in such a manner that the health and safety of the public are not negatively impacted.
- J. Promptly following the conclusion of the event, the applicant shall ensure that the street is free of debris and rubbish.
- K. Approval of the request is subject to other conditions that may be specified by the Fairhaven Town Administrator or the Select Board.
- L. The Town of Fairhaven will not be responsible for any costs for establishing, running or maintaining the closure.
- M. The Town of Fairhaven maintains the right to cancel approval of the road closure at any time.

~~M.~~

\* waivers may be requested and can only be approved by the Select Board.

### **Barricade Equipment**

Barricade equipment, in the form of saw horses, is required and is provided by the Town at a fee of ~~twenty-five~~fifty dollars (~~\$25~~50). The applicant shall be responsible to pay the fee at least two (2) weeks prior to the event. Department of Public Works will be notified and coordinate the placement and timing of barricades with the Police and Fire Departments.

### **Public Notification**

The applicant is required to notify by certified mailing to all abutters and post notices in visible locations within the area to be closed. The postings and notifications to those affected by the notice of street closure may all residents/tenants affected by the street closure and direct them to contact the Town Administrator's office if they have any questions or concerns. The applicant shall attest that this requirement has been met. The applicant may obtain abutter addresses from the Assessor's office.

### **Additional Event Requirements**

- A. No stakes or penetrations may be made through the asphalt.
- B. No disposal of anything in storm sewers.
- C. Any marking on the street can be done in chalk or washable material. No paint or permanent markings can be used.
- D. No loud speaker system shall be used which is audible beyond the designated event location. Event organizers and guests shall be in compliance with state laws and local bylaws.
- E. If alcoholic beverages ~~or marijuana products~~ are dispensed, event organizers may be subject to criminal penalties if under-aged persons are consuming or possessing such beverages and products. Alcoholic beverages are prohibited from Town streets or public right of way unless the applicant has obtained a one day permit from the Town. Marijuana products shall not be dispensed.

### **Damages; Insurance**

Any person or persons to whom a Street Closing Permit has been issued shall be liable for any loss or damage to any Town of Fairhaven property arising out of the issuance use of the permit.

As a condition to the issuance of any Street Closing Permit, the permittee may be required to provide insurance to indemnify the Town from any and all damages and costs of litigation arising out of the issuance and use of such permit.



Town of Fairhaven  
Massachusetts  
Office of the Town Administrator  
40 Center Street  
Fairhaven, MA 02719

## TEMPORARY STREET CLOSURE/BLOCK PARTY APPLICATION

Date of function \_\_\_\_\_ Time of function \_\_\_\_\_

Road(s) to be blocked \_\_\_\_\_  
\_\_\_\_\_

Estimated number attending: \_\_\_\_\_ Age group \_\_\_\_\_

Have the all residents been notified? \_\_\_\_\_

Name, address and telephone number of 2 residents as point of contact besides applicant.

_____	_____
_____	_____
_____	_____

*By signing, I attest to having read, understand and will comply with the Temporary Street Closing Policy if this application is approved.*

Signature of person making request. \_\_\_\_\_

Print name: \_\_\_\_\_

Address. \_\_\_\_\_ Telephone# \_\_\_\_\_

E-mail: \_\_\_\_\_ Today's Date \_\_\_\_\_

-----  
Office use: Please sign off; provide any comments and/or modifications. Use back of sheet if needed.

DPW: \_\_\_\_\_

Fire: \_\_\_\_\_

Police: \_\_\_\_\_

Town Administrator: \_\_\_\_\_

# Action Item D 12

## Executive Session Minute Policy



Monday, February 6, 2023



F-1

Town of Fairhaven  
Massachusetts  
Office of the Selectmen

EXECUTIVE SESSION MINUTES

RELEASE POLICY

The following is the Town of Fairhaven Board of Selectmen policy with regard to the approval and release of executive session minutes:

**1. Approval of Minutes**

The Board of Selectmen will review, amend and finalize, and approve executive session minutes as soon as practicable after each respective executive session. The Board's office staff shall make a reasonable attempt to provide the Board Members a draft of executive session minutes on or before the Thursday following the Monday night meeting at which an executive session occurred. Prior to that meeting, the Board will review the draft minutes, make any proposed changes thereto, and vote on approval of the executive session minutes in open session.

**2. Release of Minutes**

The Selectmen's Office shall keep a notebook containing all executive session minutes, denoting which of the three (3) categories

1. Public – unrestricted
2. \*Public on a redacted basis
3. Closed for confidentiality purposes.

At each meeting, the Board of Selectmen shall review at least one set of executive session minutes (if available) of an executive session meeting(s) held three to six months prior, to determine if a need for confidentiality still exists. If no need for confidentiality still exists, the Board shall vote to release the Executive Session minutes. If a need for partial confidentiality exists, the Board will work with the Selectmen's Office staff, and/or Town Counsel, to produce a redacted copy for public release. If the minutes still reflect a need for confidentiality, no action shall be taken.

On a biannual or as-needed basis, the Board shall review the minutes in the notebook in executive session and shall determine whether the purpose of each executive session topic addressed therein still exists. Town Counsel may be invited to this session. This notebook shall contain all meetings from 2012 to the present and will denote each meeting's status for availability. Executive Session minutes held prior to 2012 shall be released on an "as requested" basis.

Any executive session minutes will be released in hard copy only. The Selectmen's Office reserves the right to charge for the cost of printing the pages of the executive session minutes requested. Executive session minutes will not be released in digital format. Executive session minutes will be released only with written signature of the Executive Secretary (or Town Administrator) and record will be kept of all executive session minutes released. The record shall include a signature of the Executive Secretary (or Town Administrator) and from the party requesting and accepting said minutes

Minutes of executive session meetings shall only be accessible by the method aforementioned. No Executive session minutes, be placed on the Town website for review, regardless of the category they fall into

Adopted April 27, 2015:

Geoffrey A. Haworth

Charles K. Murphy, Sr.

Robert J. Espindola

# Action Item D 13

## 2023 Goals and Objectives



Monday, February 6, 2023

**COMMITTEE LIAISON REPORT – Leon Correy III – February 6, 2023**

**MASSACHUSETTS BROADBAND INSTITUTE**

Hi Leon,

Thanks for taking the time to speak with us last week. Upon further reflection we are going to push your application forward as an individual municipality. We appreciate your openness to collaboration but this seems like the best way for Fairhaven to move forward on this work. You will hear from us again by next week with which consultants you may choose from.

Best,  
Ariana

**Ariana Sarmiento Fielding**

Digital Equity Planner  
[fielding@masstech.org](mailto:fielding@masstech.org)  
508-870-0312 x 275



--  
Leon E Correy III  
Town of Fairhaven  
Vice Chair Select Board



## Committee Liaison Report – Bob Espindola – February 6<sup>th</sup>, 2023

### Mass DOR / DLS Webinar

I attended the Mass Department of Revenue / Division of Local Services training on January 25<sup>th</sup>, that I mentioned at our prior meeting.

The summary below (in quotes) is from the MMA website following the webinar and includes links to the video and resources that I think you may find helpful.

“More than 500 members joined an MMA webinar to learn about the tools available from the Division of Local Services’ robust [website](#) and [YouTube](#) channel.

Panelists from DLS showcased the wide array of interactive and on-demand materials, and discussed how to use the wealth of publicly available municipal finance data to identify fiscal trends and craft informed financial policies.

Sean Cronin, senior deputy commissioner of Local Services, opened the session with an overview of DLS resources for appointed and elected officials across the Commonwealth.

Kirsten Shirer, director of the Data Analytics and Resources Bureau, gave a strategic overview of the DLS website, including bureau-specific services, staff contacts, and postings of upcoming municipal events. She also showcased “most requested” content, including the [Municipal Finance Training and Resource Center](#), which categorizes resources by topic, municipal role, and process. The [Municipal Databank](#) offers financial, demographic and economic data for each of the state’s cities and towns.

Director of Administration Dan Bertrand encouraged attendees to [subscribe to DLS Alerts](#) and highlighted [resources for new municipal officials](#). He also discussed specific resources for different municipal roles, as well as [visual municipal finance tools](#).

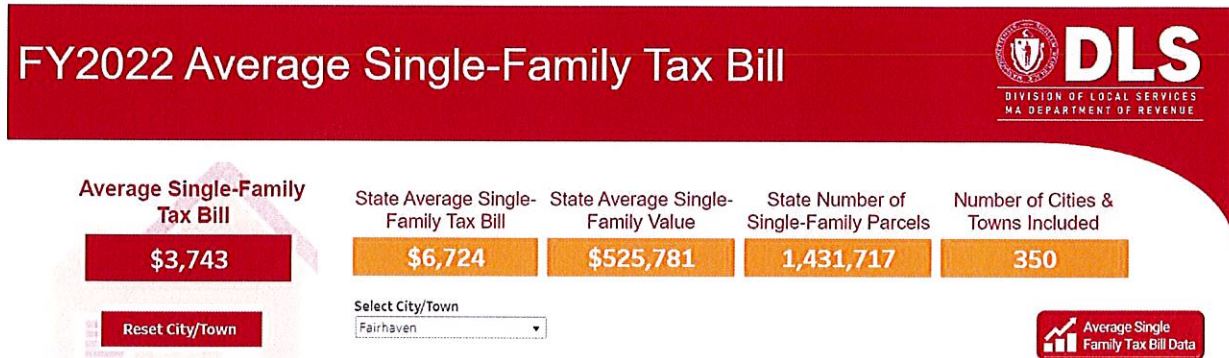
Financial Management Resource Bureau Chief Zack Blake highlighted municipal finance tools and templates by function, starting with the debt service calculator and the property tax calculator. Blake also highlighted the power of the financial forecasting template and community comparison report, which serve as a one-stop shop for local officials looking to benchmark different metrics.

Lisa Krzywicki, deputy director of the Data Analytics and Resources Bureau, discussed the division’s Cherry Sheet estimates, which are continually updated as the state budget process unfolds. The [Cherry Sheet web area](#) highlights local aid trends over the past 13 years, including Chapter 70 (education), Unrestricted General Government Aid, student transportation, charter school tuition reimbursements, and library aid.

MMA Senior Legislative Analyst Jackie Lavender Bird moderated a question and answer session, during which panelists offered real-time support and demonstrated how to use management tools and calculators on fiscal inquiries submitted by webinar attendees.

- [Division of Local Services Subscription and Bookmark Links](#) (2400K PDF)”

The training highlighted, among other things, a way to view how the average single family tax bill in Fairhaven compares with the state average.



DLS Bureau Chief Zachary Blake, described the three legged of a stool of sound Municipal Financial Management as having the following;

- 1) Financial Policies
- 2) Capital Planning
- 3) Long term Financial Forecasting (the basis for the forecasting tool highlighted in the webinar)

### **Broadband Study Committee.**

The Broadband Study Committee was scheduled to meet last Thursday night last week but the meeting notice was not posted in time so it needed to be postponed to a date to be determined.

### **Broadband Coalition**

The Broadband Coalition met on January 28<sup>th</sup> via Zoom. There were 10 different communities represented. There was a lively discussion and a very positive feeling among those who participated that there could be synergy in continued meetings of the Coalition. Education (consumers), advocacy (at the State and Federal level), sharing information and resources and potential regionalization are among the areas the group felt we could all benefit from.

The group plans to set up a website, to reach out to other communities to see which others may be interested in joining in the future. In the meantime, at the next meeting (date to be determined but

likely at the end of February) the group will be work to come up with a mission statement and a list of priorities to work on.

The meeting can be viewed at the following link. It's currently unlisted, but anyone with the link can view it"

[https://youtu.be/\\_GpzoAMM0H8](https://youtu.be/_GpzoAMM0H8)

Participants included the following

Community	Contact Responding
Chelsea	Karl Allen
Dartmouth	Peter Chasse
Dartmouth	Saul Raposa
Dartmouth	Kevin Estes
Fairhaven	Bob Espindola
Falmouth	David Isenberg
Falmouth	Courtney Bird
Falmouth	Art Gaylord
Milton	Joe Chamberlain
New Bedford	John Costa
New Bedford	Sean Gross
Quincy	Ian Cain
Taunton (TMLP)	Ken Bell
Taunton (TMLP)	Tom Worthington
Westport	David Cole
Wilbraham	Tom Newton

**SMMPO** - No meeting since the last Select Board meeting

**SRPEDD Commission** met last Wednesday night and on of the topics that was discussed in depth was the Title V regulations. SRPEDD summary informational Materials have been distributed to the Board prior to this meeting by Ms. Ellison.

**Fairhaven Bikeway Committee.** The committee met on January 26<sup>th</sup>. Among other things, the committee discussed the funds designated by the CPC for signage on the bike path. The funds need to be expended by the end of June or be returned. The committee will be reviewing potential wayfinding signs and signs to remind people about bike path etiquette, etc.