

CPC PROJECT APPLICATION FORM – FY24

Applicant: Buzzards Bay Coalition

Submission Date: September 30, 2022

Applicant's Address, Phone Number and Email

Purpose: (Please select all that apply)

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- ☒ Open Space
- ☐ Community Housing
- ☐ Historic Preservation
- ☒ Recreation

Town Committee (if applicable):

Project Name: Salt Winds Conservation Project

Project Location/Address: West Side of Sconticut Neck Road

Amount Requested: \$50,000

Project Summary: In the space below, or attached sheets if necessary, provide a detailed summary of the project citing the elements of the Review and Recommendation Criteria found in the Application Guidelines and checklists below (p. 4-8)

The Salt Winds Conservation Project will permanently protect nearly 9 acres that will conserve important wildlife habitat and prime agricultural soils, provide buffer to critical wetlands, ensure open space for future saltmarsh adaptation as a result of climate change and sea-level rise and enable public access for passive recreational activities, including access to the shoreline of Buzzards Bay. Buzzards Bay Coalition (BBC) is working with the Town of Fairhaven (Town) to secure a conservation result for this farm field on Sconticut Neck which is threatened with multiple house lots and, thus, negative impacts to the land, the adjacent saltmarsh and Buzzards Bay. The project creates a connection between existing conservation land at Shipyard Farm and Monondach Marsh. The project involves the Town acquiring a conservation restriction (CR) over the northern 5.6 acres (to be owned by BBC and opened to the public) while BBC will hold a CR over the adjacent 3.3 acres owned by a private landowner.

Much open space/conservation work has occurred over time on Sconticut Neck (see open space map). BBC, along with the Town and other conservation partners like Fairhaven-Acushnet Land Preservation Trust (FALPT), has been working to protect critical habitats and working agricultural lands and prevent residential development from sensitive areas so that these lands can be made publicly accessible for passive recreational exploration and enjoyment and at the same time remain undeveloped and intact thereby providing nature-based resilience solutions for Sconticut Neck in the face of increasingly likely impacts from sea-level rise and climate change, water quality impacts and natural disturbance. This project is a continuation of that effort. Such efforts are part of the Town's intent to make progress on goals specified in its current planning documents including the Community Preservation Plan as well as the Master Plan, OSRP and MVP that guide development and its attendant impacts away from coastal areas of Fairhaven, like Sconticut Neck and the coastal areas along the Bay.

The project meets many of the CPC Review and Recommendation Criteria (detailed below) and builds on the prior investment of Fairhaven CPA funds in the area. If the project request is recommended by the Community Preservation Committee (CPC) and is supported by Fairhaven Town Meeting, BBC will direct the funds to the Town to be applied to the purchase of the CR on the northern 5.6 acre component and overall project costs.

Estimated Date for Commencement of Project: Spring 2023

Estimated Date for Completion of Project: July, 2023

Project Narrative

The goal of this project is the permanent protection of the locus property through the Town's purchase of a CR that will remove the possibility of future additional subdivision and development while protecting natural resources and important agricultural soils and strengthening resilience to the effects of climate change. In addition, the CR will enable public access for compatible passive recreation providing access to, and expansive views of, Buzzards Bay.

This envisioned strategy of the Town holding a CR on BBC-owned land, is a continuation of a partnership already in place on other lands in Fairhaven (Shaw Farm Trail, Carvalho Farm and New Boston Conservation Area). The permanent protection and appropriate public access afforded by the CR ensures the long-term benefits of doing the project will remain in place protecting natural resources, water quality, providing public access and allowing for saltmarsh adaptation and migration.

BBC will oversee the CR drafting and work with the Town to finalize the protection. BBC will also lead the EEA review process as well as getting all local approvals completed and coordinate the closing process. Concurrent with this work, BBC will be seeking additional fundraising, including private funds, to fully fund the project.

The principal expected environmental benefit of the project will be that, over time, the existing saltmarsh will have an undeveloped area into which it can migrate as sea-level rise begins to flood adjacent low gradient, low elevation areas. Saltmarshes provide many benefits (i.e. habitat for myriad species of fish, shellfish and other wildlife that depend on them for food and shelter, protection from the effects of storm waves or hurricane surge) that would be lost if the ability to migrate and adapt were not available. In addition, as more than half of the property is state-recognized Critical Natural Landscape and contains prime agricultural soils, the benefit of protection is evident. The project protects important wildlife habitat and benefits water quality by preventing subdivision and residential development.

With the CR preventing further development, the additional benefits of not having new and additional impacts from different land use are considerable. The overall property could be developed with up to three (3) additional houses which would mean additional impervious surface (the house, accessory buildings, paved driveway) and associated stormwater, wastewater and other disturbance along with the elimination of the existing farm fields with high quality soils. This project will provide benefits to the Bay by preventing these impacts.

Community Preservation Benefits

Protecting these lands supports a variety of relevant Fairhaven planning efforts. The Town's Open Space and Recreation Plan (OSRP) specifically identifies the goals of protecting 1) "critically located parcels of land for trails, public access and habitat and to prevent development in inappropriate (e.g. coastal) areas in Fairhaven" along with 2) "important agricultural soils/working agricultural landscapes" and 3) "partner[ing] with other groups, organizations and agencies such as the Buzzards Bay Coalition" to protect 4) "lands that are significant to state recognized Core Habitat, Critical natural Landscapes, and climate change resilient land". Additionally, in reference to recreational goals, the OSRP calls to "increase the points of access to the waterfront for canoes, kayaks and other recreational users" like swimmers, fisherfolk and sunbathers. These stated goals are echoed in the Town's most recent Master Plan emphasizing their importance to Fairhaven. That this project supports all of those goals speaks to the application's fit for support from the CPC. The project's fit is further bolstered in light of the Town's FY2024 Community Preservation Plan (CPP).

The Town's CPP includes many of the same open space preservation and recreation goals that the Town seeks to support through the use of monies awarded by the CPC. These goals are supported by the Salt Winds Conservation Project as highlighted below (references to CPP goals are in **bold**).

- First and foremost, by holding a CR over the property, the Town helps preserve **critically located parcels of land for trails, public access and habitat and to prevent development in**

inappropriate (e.g. coastal) areas in Fairhaven and preserve important agricultural soils/working agricultural landscapes.

- This project would protect lands that **are significant to state recognized Core Habitat, Critical Natural Landscapes and climate change resilient land.**
- It continues **partner[ing] with the Buzzards Bay Coalition to protect land in Fairhaven.**
- It would **increase the points of access to the waterfront for canoes, kayaks, and other recreational users.**

The project is thus clearly supportive of the goals of the CPP. Further, the project provides positive **fiscal impact** in that it will leverage other funding, thereby minimizing the **financial impact on taxpayers** and resulting in an **uncomplicated** acquisition.

This project, through the CR, would improve the resilience of this coastal area. The Town, through its preparation of its Municipal Vulnerability Plan (MVP), pointed to concern over its coastal ecosystems as being among "its greatest strengths as well as its greatest vulnerabilities" and that they were "greatly exposed and sensitive to long-term changes in climate conditions – *especially sea level rise* (emphasis added)". Preservation of such features, like proposed via this project, is a "critical action for the community to undertake in order to improve its resilience to climate change." The fact that this project proposes a nature-based solution (preventing land use change in a sensitive area and removing the threat of development) for improving resilience is seen as far preferable to other solutions that involve infrastructure or other hardening techniques.

The MVP also noted that one of the "most concerning environmental vulnerabilities" was "potential loss of coastal salt marsh habitat caused by an inability of marsh accretion to keep pace with sea level rise" which was "compounded by limited opportunities for landward marsh migration." This project provides just such an opportunity and given the potential for flooding or hurricane surge inundation associated with the property, preventing additional development of the property equates to strengthening Fairhaven's resilience by avoiding unnecessary risk of development in vulnerable areas.

Summary

Protection of these project lands is an opportunity to help meet a number of open space, recreation and resilience goals that the Town has set for itself. Fairhaven has benefited from the long term conservation efforts of the Town and its partners, such as BBC, and this project adds to the growing block of protected open space in the area. It also adds to the lands that are publicly accessible and, in fact, is immediately across Sconticut Neck Road from FALPT's Shipyard Farm which provides public access to Nasketucket Bay and adjacent to FALPT's Monondach Marsh conservation area. The property's existing fields will continue to be in active production (currently in hay) and BBC will develop a trail that runs along the northern edge of the hayfield/property line, cuts through the buffering forest, crosses the saltmarsh on an existing berm and leads to the beach on Buzzards Bay. BBC's land stewardship staff will regularly monitor the property for issues with inappropriate use and address them as needed.

The Town has shown by past performance that it understands the importance of protecting such coastal land and the relative economic sense of leveraging Community Preservation Act funds to provide such protection along with public access. There are no known issues that would prevent a smooth and timely completion of the purchase and recording of the CR. BBC looks forward to working with the CPC to take advantage of this opportunity in advancing the protection of this land and its natural resources and making this conservation land open and available to the community.

Checklist

General Criteria for All Projects – Check off and address each criterion as it applies:

☒ Is the project consistent with the goals of the Town of Fairhaven *Community Preservation Plan*?

Yes, as noted in the Narrative above, the project helps protect critically located parcels of land for trails, public access and habitat, protects important agricultural soils, protects land that is state-recognized Core Habitat, Critical Natural Landscape and climate change resilient land, continues working with the Buzzards Bay Coalition and conserves parcels for publicly accessible passive recreation.

☒ Does the project have other sources of funding? If so, indicate percentage.

Yes, we are requesting 7% of the overall \$750,000 project cost. Buzzards Bay Coalition has committed \$675,000, while the Town has a pending application for \$25,000 to the Buzzards Bay National Estuary Program's Municipal Mini-grant program. See Project Scope/Cost Estimate below for details.

☒ Does the project leverage additional or multiple sources of public and/or private funding?

Yes, as noted above, Buzzards Bay Coalition has committed private funds while the Town has a pending grant application for funding.

☒ Does the project preserve a threatened resource?

Yes, state designated Critical Natural Landscape, prime agricultural soils and it strengthens resilience of a coastal area of Fairhaven.

☒ Is the project consistent with existing Planning Documents such as the Master Plan and Open Space Plan?

Yes, as noted in the Narrative above, the project supports the Town's Master Plan, OSRP, MVP and CPP.

☐ Does the project comply with the zoning regulations? NA

☒ Does the project have a means of support for maintenance and upkeep?

Yes, both Buzzards Bay Coalition will manage the acquired land in a similar fashion to their existing holdings keeping the property safe for public use and monitoring for inappropriate activity or use and addressing any such instances appropriately.

☐ Does the project involve currently owned municipal assets? NA

☒ Does the project serve underserved populations or address more than one focus area of the CPA?

Yes, the project land is within easy access to existing Environmental Justice populations in Fairhaven (along with EJ populations in adjacent communities).

☐ Does the project reclaim abandoned or previously developed lands? NA

☐ Does the project require a Special Permit, NOI, Building Permit or other permitting? Please list all local and State permits you are aware of that the project will need. NA

☒ Does the project have community support? Does the project provide a positive impact to the community?

Yes, BBC has been working with the Town, in particular the Planning Department, on a conservation result for the property as it was initially presented to the Town as a multi-lot residential development and a successful conclusion would prevent additional development in a sensitive area of Fairhaven, protect important natural

resources, provide climate change resilience and enable public access for passive recreation (including direct access to the shoreline of Buzzards Bay).

☒ Does the project have sufficient supporting documentation?

Yes, see attached.

☒ Has the applicant/ team demonstrated the ability and competency to implement the project as proposed?

Yes, Buzzards Bay Coalition owns over 1,550 acres in the Buzzards Bay watershed as open space (including 72 acres in Fairhaven) and has participated in 7 projects that received CPA funding (FY2007 – Viveiros Farm, FY2009 – Nasketucket Woods, FY2010 – New Boston Road, FY2012 – Wolf Island Well Site, FY2014 – Nasketucket Bay, FY2017 Mattapoisett Valley, FY2020 – Boys Creek) and all went smoothly and achieved the proposed results and Buzzards Bay Coalition is well-versed in land protection having completed, or assisted, in dozens of projects protecting some 10,000 acres in the Buzzards Bay watershed.

☒ Does the applicant have site control, or the written consent by the property owner to submit an application?

Yes.

Recreation Criteria - Check off and address each criterion as it applies:

☒ Will more than one age group use the project?

Yes, once acquired, the property will be publicly accessible to people of all ages for appropriate passive recreation, environmental education and study/research, exploration and enjoyment.

☒ Can the project be used by more than one activity (multi-use)?

Yes, passive recreation includes, walking/hiking, fauna/flora observation, fishing, swimming, sunbathing, picnicking and the like.

☒ How many participants will normally use the project at once?

The public will be able to access and use the property at will. Buzzards Bay Coalition anticipates using the property to support its group environmental education and experiential programming.

☒ Is this project the first of its kind in the Town or County?

This project builds on the successes of prior projects that used CPA funding to protect critical lands for open space purposes and furthers the partnership of working with Fairhaven to achieve protection of important natural resources.

☒ Can participants be unsupervised by an adult use the project?

Yes, the property will be publicly accessible to people of all ages, including minors.

☐ Are grants available to help pay for the construction? If so, has application been made for the grant? NA

☒ Does the project include considerations for additional parking?

Yes, as Buzzards Bay Coalition develops its land management plan for the property, parking will be a consideration.

X Can the project be used more than 1 of the 4 seasons per year?

Yes, the property will be publicly accessible year round.

X Does the project match the character of the surrounding area?

Yes, the property will result in protected open space that will help maintain the existing character and feel of forest, fields and wetlands involved.

X Does the project include all normal safety considerations?

Yes, Buzzards Bay Coalition will regularly monitor their acquired lands to ensure safe conditions are maintained. As is their practice, if needed, Buzzards Bay Coalition will notify the proper public safety officials if a situation warrants it.

☐ Does the project meet all building and safety codes? NA

X Is the project accessible by pedestrians, bicycles, transit?

Yes, with the project lands being publicly accessible, neighboring residents will be able to walk to the property and the acreage is within a short bike ride or car trip for Fairhaven residents and other members of the public.

Open Space Criteria for Parcel Selection - Check off and address each criterion as it applies:

☐ Is the project within the Nasketucket Watershed Area? NA

X Is the project with 100 feet of wetlands? Is the project with 200 feet of a river?

Yes to wetlands, and the protection of these lands will provide important buffer to wetlands and prevent activities that would otherwise harm or impact them.

X Is stream and bank protection an issue? Is vernal pool protection a consideration?

Yes and the conservation restriction to be held by the Town will provide setback protection for wetlands and should any vernal pools be on the project lands, consideration will be taken to have them documented.

X Would this proposal enhance protection of any FEMA designated floodway?

Yes, this project would prevent development of a vulnerable High Risk Coastal Area designated by FEMA.

☐ Does the project include any Area of Critical Environmental Concern? NA

X Would this proposal contribute to preservation and/or creation of forested land?

Yes, forestry activities would be limited to those that address the health of the forest or maintain safety for public access or as part of habitat restoration. No commercial cutting would be permitted by the conservation restriction.

X Will this proposal protect other parcels? Will this proposal impact other parcels?

Yes, this project proposes to directly protect almost 9 acres and in addition to the CR to be held by the Town on the northern 5.6 acres (to be owned by BBC), BBC is concurrently working on a CR to protect the southern 3.3 acres and that protection will benefit abutting parcels of existing conservation land by removing gaps in the growing block of open space on Sconticut Neck, including the adjacent Shipyard Farm and Monondach Marsh.

☒ Does this parcel abut protected land? Does this parcel support a significant wildlife habitat?

Yes to both, see attached open space and natural resource maps.

☒ Is this parcel at risk for development? Did this parcel have a past proposal for development? Is it for sale?

Yes, Buzzards Bay Coalition and the Town are actively working on a conservation result for the property. The vast majority of the property is upland and the property was proposed for multi-lot residential development until BBC and the Town got involved.

☒ Are grants available? If so, has application been made?

Yes, see the Project Scope/Cost Estimate below for details.

☐ Does the property or structures have historic significance? NA

☒ Are there and stonewalls, old foundations, roads, trails, cart paths or scenic vistas?

Yes, there are many of those elements associated with the property that Buzzards Bay Coalition will acquire and as the land management plan is developed, incorporating them into the long-term use of the property will be considered.

☒ Are there any active or passive recreation possibilities associated with this parcel?

Yes to passive recreation. Active recreation (ball fields, courts, gyms, arenas and the like) will not be permitted under the conservation restrictions.

☒ Is this parcel suitable for a community garden or farm?

Yes for the property being acquired by Buzzards Bay Coalition. Portions of the project lands are in active agricultural use (currently in hay) and have good agricultural soils. Agricultural use will be included in the conservation restriction as a reserved right and is expected to continue.

☒ Is this parcel suitable for nature observation and educational programs?

Yes, the property will be publicly accessible for passive recreation such as nature observation and Buzzards Bay Coalition would incorporate its lands into its thriving environmental education programming for adults and children.

Site Control

Buzzards Bay Coalition has control of the northern component and has an agreement in place with the owner of the southern component to complete a CR.

Project Scope/Cost Estimate/Feasibility

The proposed project is for the protection of almost 9 acres on the of undeveloped land on the west side of Sconticut Neck Road in an area where much open space land conservation has been realized (via fee acquisition and CRs). The requested CPA funds would be leveraged with a mix of other funds. Purchase of the CR could occur shortly after Town Meeting approval with the conservation restriction on the southern component potentially being completed sooner.

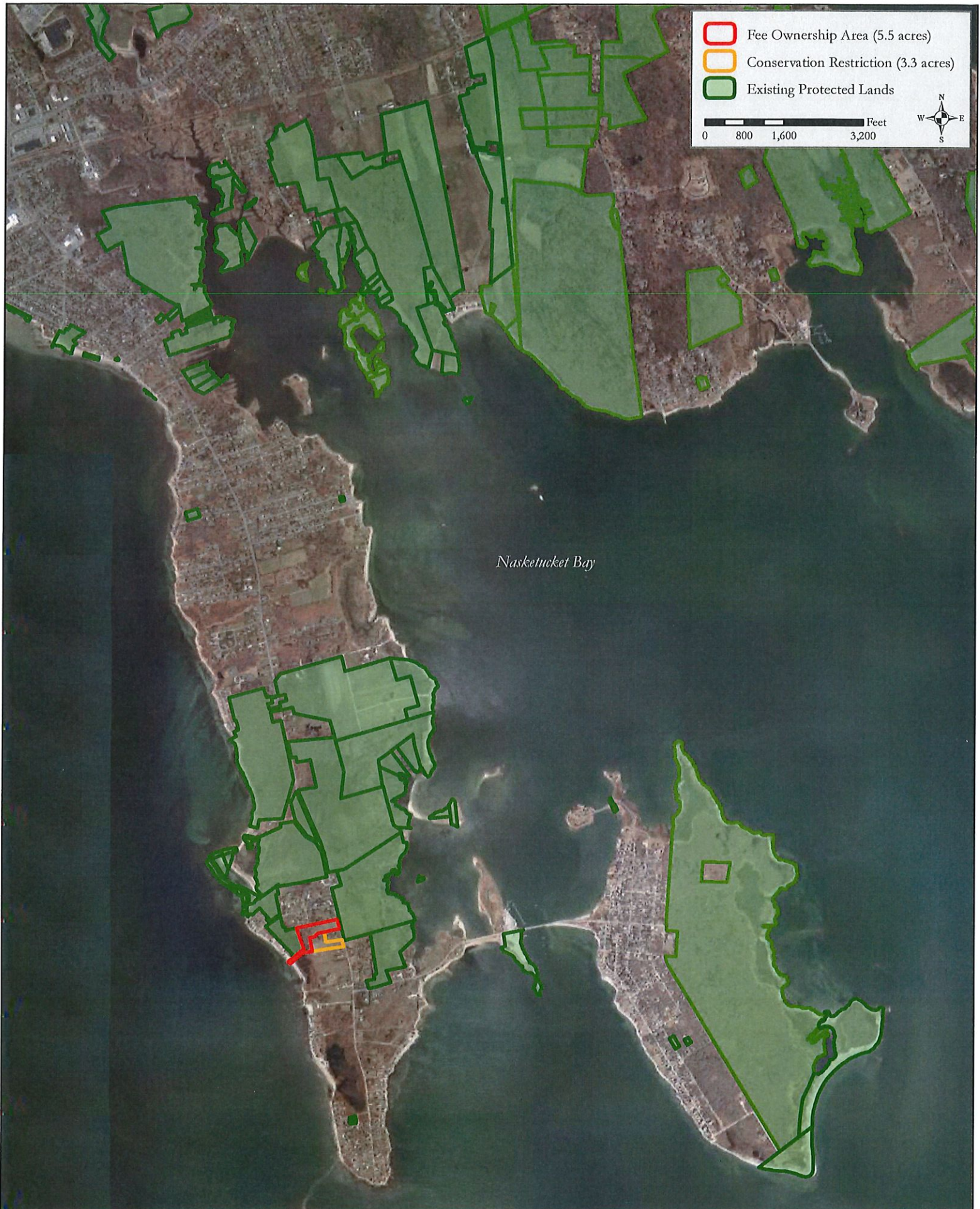
The cost estimate is as follows:

<u>Item</u>	<u>Cost</u>
Acquisition of 9 acres	\$ 710,000
Project costs	<u>\$ 40,000</u>
TOTAL PROJECT COST	\$ 750,000
 CPA FUNDING REQUEST	 \$ 50,000
State BBNEP Minigrant (Pending)	\$ 25,000
Buzzards Bay Coalition (Committed)	<u>\$ 675,000</u>
 TOTAL FUNDING	 \$ 750,000

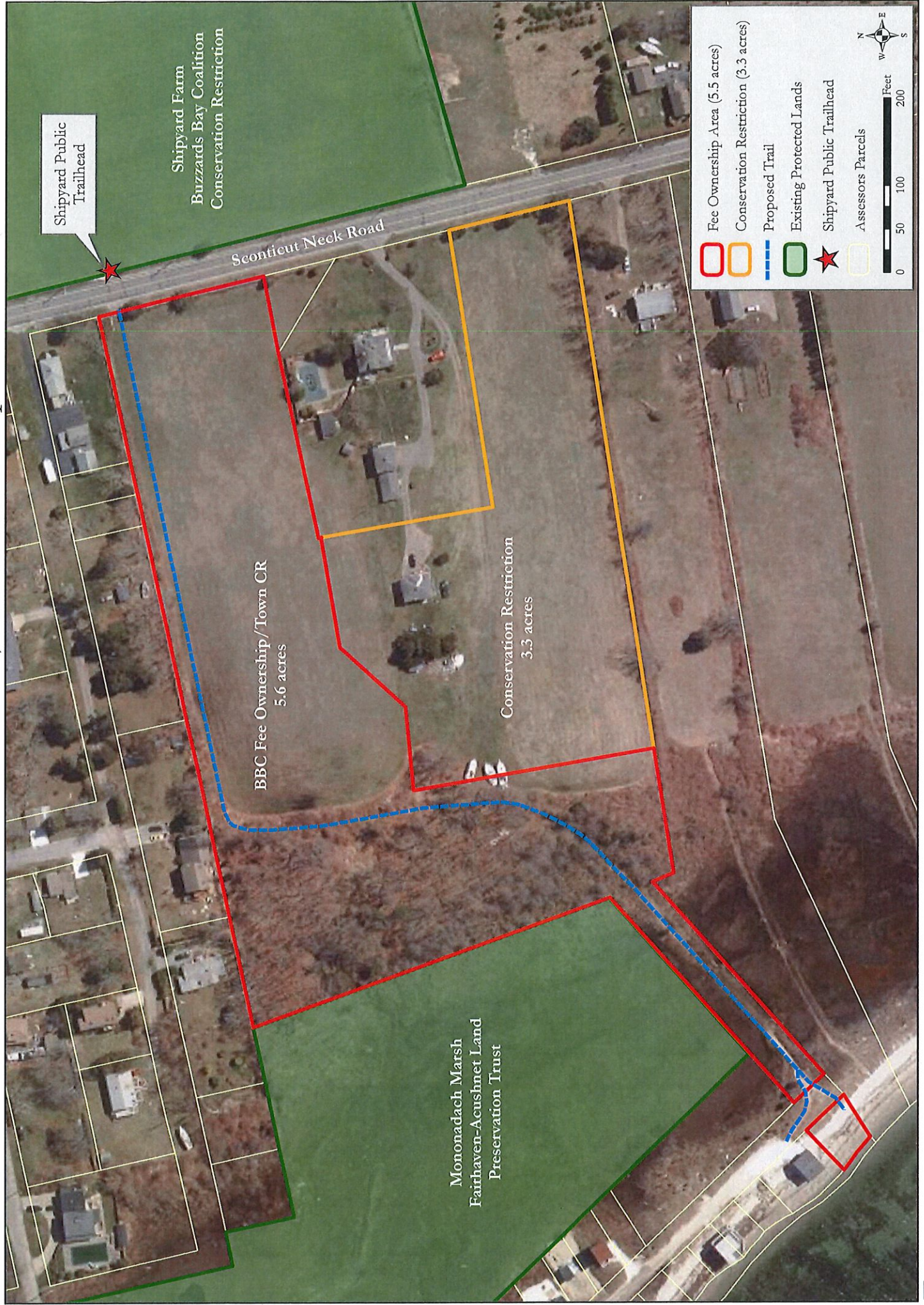
Maps

A series of maps concerning the project area are attached.

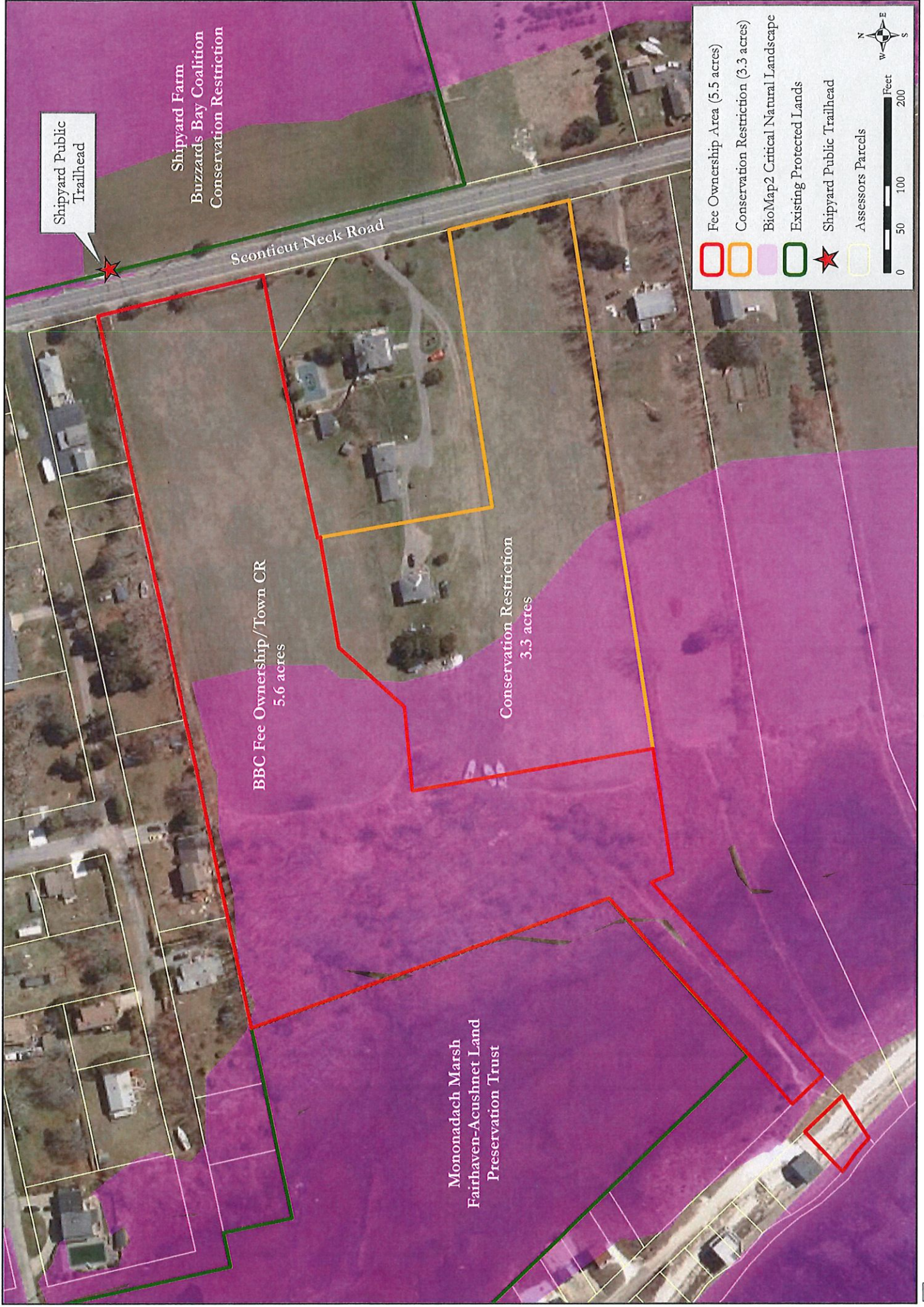
Salt Winds Conservation Project, Fairhaven - Open Space Context



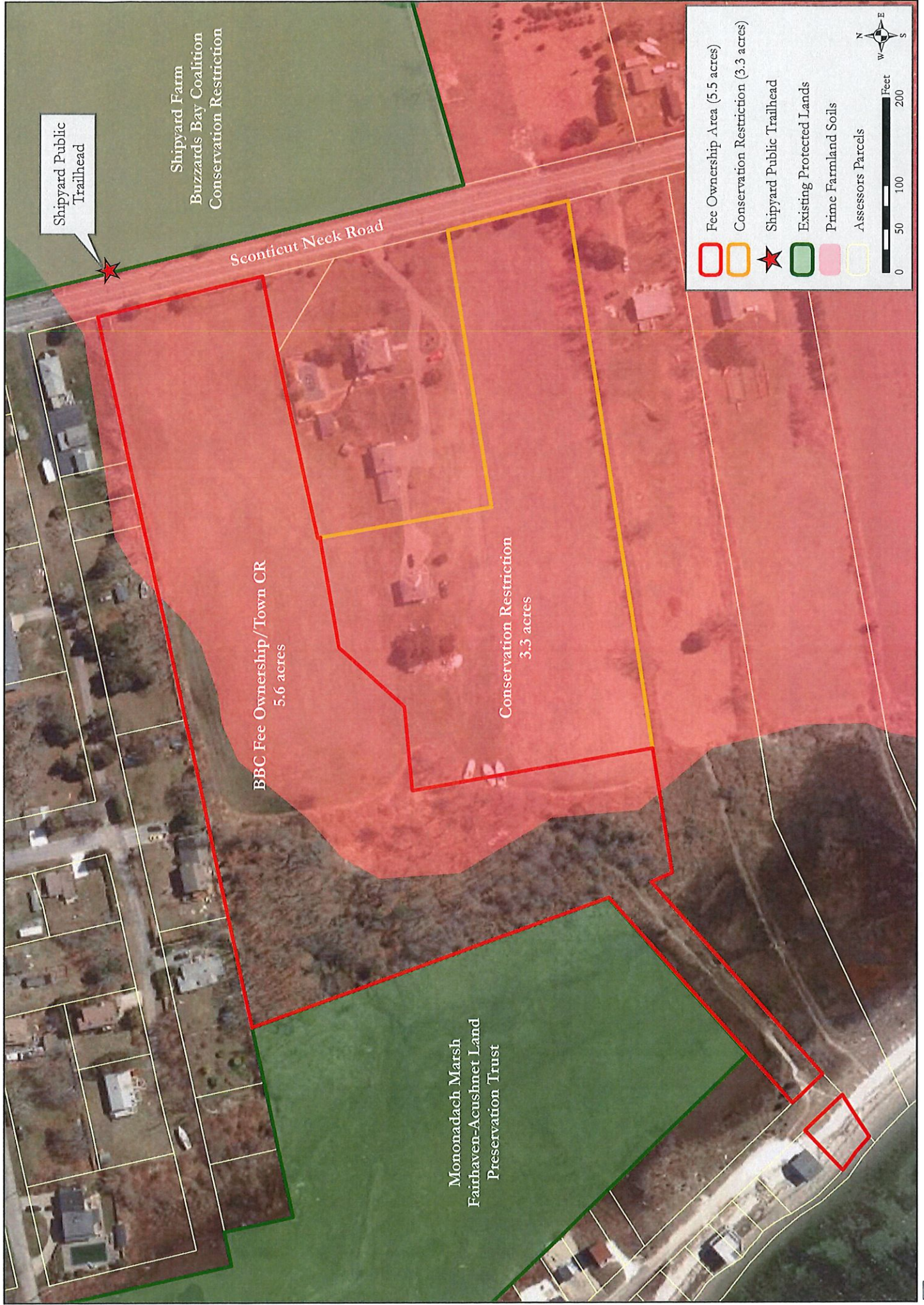
Salt Winds Conservation Project, Fairhaven - Proposed Trail



Salt Winds Conservation Project, Fairhaven - NHESP BioMap2



Salt Winds Conservation Project, Fairhaven - Prime Farmland Soils



Salt Winds Conservation Project, Fairhaven - Wetlands and Upland Buffer Adjacent to Coastal Habitat

