

Selectmen's Meeting – October 16, 2006

Mr. Manzone and Mr. Silvia were present. Mr. Eckenreiter was absent.

Also in attendance was Jeffrey Osuch.

Mr. Silvia called the meeting to order at 6:30 p.m.

MANJIRO FESTIVAL

Ayako and Gerald Rooney attended the first Manjiro Festival in Tosashimizu. They conveyed greetings to the Mayor from the Board of Selectmen and the Mayor returned the greetings. The Rooney's presented gifts to the Board from the Mayor of Tosashimizu.

Mr. Silvia reported that this past weekend, he met with the new owner of the Captain Whitfield house on Cherry Street.

OCTOBER 2, 2006 MINUTES

Mr. Manzone motioned to approve the minutes of October 2, 2006. Mr. Silvia seconded. It was so voted.

CUSHMAN PARK BLOCK GRANT HEARING

John Ryan, President of Breezeway Farm Consulting, Inc., summarized the report prepared by Breezeway Farm Consulting for the Town of Fairhaven Cushman Park Neighborhood Project Area. (See attached.) Discussion followed. Mr. Manzone motioned to vote in favor of and sign page 1 of the Block Grant Application. Mr. Silvia seconded. It was so voted. (See attached.)

TOWN PLANNER QUARTERLY REPORT

William Roth reviewed his Quarterly Report July 2006 to September 2006. (See attached.) Community Preservation Program and the Steamship Authority were also discussed. Mr. Manzone motioned to have Mr. Silvia sign the letter requesting the Steamship Authority facility improvement program be part of the State Enhanced Remedy. Mr. Silvia seconded. It was so voted.

WIDEMARSH BEACH ASSOCIATION

Mr. Manzone motioned to sign the License Agreement by and between the Town of Fairhaven and the Trustees of the Widemarsh Beach Association. Mr. Silvia seconded. It was so voted. (See attached.) The Association will prepare an article to be placed on the next Town Meeting Warrant for approval.

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EXECUTIVE SECRETARY'S REPORT

CORI investigations for the Recreation Director position were mailed and references have been requested.

Hoppy's Landing Committee will meet on October 16, 2006 at 6:30 p.m. at the Town Hall.

East Fairhaven School Job meeting is scheduled for October 18 and 23, 2006 at 10:00 a.m. at the site.

Mr. Manzone motioned to authorize payment to Agostini Construction Company, Inc., 243 Narragansett Park Drive, East Providence, RI in the amount of \$937,604.30. Mr. Silvia seconded. It was so voted. (East Fairhaven School Project)

Mattapoisett Waste Water Treatment Plant meeting is scheduled for October 19, 2006.

Finance Committee will meet at the Board of Public Works on October 19, 2006 at 7:00 p.m.

Regional Emergency Group will meet at the New Bedford Wastewater Treatment Plant on October 25, 2006.

Buzzards Bay Action Committee will meet at noon in Wareham on October 26, 2006.

Next meeting of the Board of Selectmen is scheduled for October 30, 2006.

BOARD OF APPEALS

Mr. Silvia read the letter from James Holmes, Chairman of the Board of Appeals, recommending the appointment of Francis J. Cox, Jr. Mr. Manzone motioned to appoint Francis J. Cox, Jr. and Associate member of the Board of Appeals. Mr. Silvia seconded. It was so voted. Term to expire May 31, 2009.

Application from Rene J. Fleurent, Jr. will be placed on file in the event an opening becomes available.

BUILDING DEPARTMENT

Construction report for September 2006 will be placed on file.

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PLANNING BOARD

Mr. Silvia read the memo from the Planning Board regarding Dickerson Development and reuse of the landfill. (See attached.)

BOARD OF PUBLIC WORKS

Mr. Manzone motioned to appoint G. Steven Riley to the Board of Public Works. Mr. Silvia seconded. It was so voted. Term to expire April 2, 2007.

RECREATION DEPARTMENT

Mr. Silvia read the memo from Tom Cooney, Acting Recreation Director, requesting permission to donate a surplus dumbbell set to the High School. (See attached.) Mr. Manzone motioned to approve the request. Mr. Silvia seconded. It was so voted.

COMMUNITY PRESERVATION FUNDS

Fairhaven will receive \$247,177.00 for FY 07 Community Preservation State Matching Funds.

ATLAS TACK

At the Selectmen's Meeting on October 12, 2006, permission was given to the EPA to access town property at the end of Church Street. (See attached letter from the EPA.)

GROVE STREET

Resident of 34 Seaview Avenue proposes to landscape Grove Street, a paper street, which abuts his property.

Mr. Silvia read the memo from the Planning and Economic Development Director regarding the proposal to landscape Grove Street. (See attached.)

Mr. Manzone motioned to request a legal opinion from Town Counsel on the issue. Mr. Silvia seconded. It was so voted.

NSTAR

Mr. Manzone motioned to approve the petition to install a new gas service at 149 Sycamore Street. Mr. Silvia seconded. It was so voted. (Approved by the Board of Public Works)

Selectmen's Meeting – October 16, 2006

Mr. Manzone motioned to approve the petition for gas line maintenance at 7 Hamlet Street. Mr. Silvia seconded. It was so voted. (Approved by the Board of Public Works.)

Mr. Manzone motioned to approve the petition for gas line maintenance at 347 Main Street. Mr. Silvia seconded. It was so voted. (Approved by the Board of Public Works.)

Mr. Manzone motioned to approve the petition for gas line maintenance at 512 Sconticut Neck Road. Mr. Silvia seconded. It was so voted. (Approved by the Board of Public Works.)

EMERGENCY MANAGEMENT AGENCY

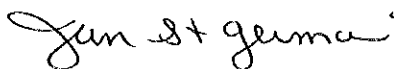
Mr. Silvia read a letter from Marc Jodoin, EMA Director, requesting several pieces of equipment be declared surplus. (See attached.) Mr. Manzone motioned to declare the items surplus and send them to the BPW for the auction. Mr. Silvia seconded. It was so voted.

HALLOWEEN PARADE

Mr. Silvia reported the North Fairhaven Improvement Association Halloween Parade is re-scheduled to Sunday, October 29, 2006 beginning at 6:00 p.m. at the Oxford School.

EXECUTIVE SESSION

At 8:10 p.m., Mr. Manzone motioned to go into executive session to discuss pending litigation (Seafood Services, Inc. d/b/a MacLeans Seafood), letter from CCI Energy on the proposed wind turbines in Fairhaven, issues in the Department of Finance, the hiring/funding of East Fairhaven School Consultants and not to reconvene in open session. Mr. Silvia seconded. It was so voted. Roll call vote 2-0.



Jan St. Germain
Secretary



Town of Fairhaven
Massachusetts
Office of the Selectmen

40 CENTER STREET
FAIRHAVEN, MA 02719

TEL: (508) 979-4023

FAX: (508) 979-4079

The Fairhaven Board of Selectmen find sufficient evidence of disinvestment and deterioration of buildings and infrastructure in the Cushman Park Neighborhood Project Area to find that the area meets the national objective of *activities that will address and lead to the elimination of blighting conditions in the neighborhood.*

The Town has found a substantial deterioration of the housing and buildings in the neighborhoods and its infrastructure of roads, sidewalks, sewer and water systems, and conditions of poor drainage to support this determination for the Project Area. The Cushman Park Neighborhood Project Area is the area outlined in blue on the attached map dated October 16, 2006. The conditions in this neighborhood are such that it has had an adverse impact on the economic development of the Cushman Park neighborhood, the Fairhaven community, and the region.

The Fairhaven Board of Selectmen hereby finds the conditions of the Cushman Park Project Area require the Town to seek funding assistance that will assist the Town to prevent open, blighted, and decadent conditions as defined under Chapters 121A and Chapters 121B, M.G.L. as amended. This assistance can help to retain and create job opportunities for the Fairhaven community and the region.

Voted this 16th day of October 2006.

Voting Yes: ✓

Voting No: _____

Abstaining: _____

Fairhaven Board of Selectmen

[Signature]
[Signature]

[Signature]
Attest: Clerk of the Board of Selectmen

Summary of Findings and Recommendations

The Town of Fairhaven's Cushman Park Neighborhood Project Area has been evaluated for compliance with the national objectives established by the Massachusetts Department of Housing and Community Development and the U.S. Department of Housing and Community Development according to CFR 24 570.483 (c). This refers to the national object that provides funding which involves "activities which aid in the prevention or elimination of slums or blight." In order to qualify for state and federal financial assistance for the Cushman Park Neighborhood Project, the Town must meet several conditions. The first is that the Town must determine the scope of the area under consideration - whether the location under consideration is an area made up of several buildings, in which case it must be evaluated on an "area-wide" basis; or if it is only a few buildings it could qualify on a "spot basis."

Proposed Project Area Must Meet One or More of the Following Criteria

CFR 24 570.483 (c) indicates that the Town must "*meet one or more of the following criteria, in the absence of substantial evidence to the contrary.*" The proposed area or activity can meet the condition of leading to the elimination of slums and blight on an *area wide* basis, a *spot basis* (2 or fewer buildings), or a *planning activity* which would lead to the elimination or prevention of blight.

Section (1) Activities to Address Slums or Blight on an Area basis:

The Town of Fairhaven, in consultation with the Board of Selectmen, the Planning Department, local business owners and property owners, home owners, and groups and individuals involved in housing services in the region, has defined that the building stock in this area and their associated infrastructure as the project area for inclusion in this evaluation. The Cushman Park Neighborhood Project Area, as outlined on the attached map, involves the area surrounding Cushman Park, including the downtown area of the Town. This area is made up of several streets bounded by the bay on one side, the buildings on the other side of Green Street; and both sides of Huttleston Avenue on the North and properties along both sides of South Street on the Southern edge of the Project Area. This area includes 310 buildings and Bucchianeri Management Services, Inc., an experienced housing rehabilitation firm, has determined that 79% of these buildings are in fair or poor condition. The area includes 49,508 lineal feet of streets and sidewalk infrastructure - 24,754 lineal feet of streets. Tibbetts Engineering has determined 95% of that infrastructure is in fair or poor condition.

Thus the Town has selected the condition of an *area wide basis*, rather than on a spot basis since the section involves numerous buildings and associated infrastructure.

Finding Must Meet A Condition of State or Local Law

(i) The area, delineated by the unit of general local government meets a definition of a slum, blighted, deteriorated or deteriorating area under state or local law (24 CFR Sec. 570.483 (c)(1)(i).

The Selectmen of the Town determined that the properties in the Cushman Park Neighborhood Project meet the definitions outlined in Chapters 121A and Chapter 121B, sufficient to have made a finding that the area was open, blighted, and decadent. (Attached) This finding was made in part because of the large number of properties in the project area that are in fair or poor condition and in need of improvements and the substantial deterioration of the infrastructure.

The second condition that must be met is a finding that the building or infrastructure conditions show signs of deterioration and that the Town and private sector are unable to combat them without state



HIGH SCHOOL

HUTTLESTON AVE.

PARK AVE.

BRIDGE ST.

COWEN ST.

CUSHMAN PARK

PEASE ST.

6553-5

MAIN ST.

SPRING ST.

MIDDLE ST.

WASHINGTON ST.

655

WASH

WATER ST.

WILLIAM ST.

WALNUT ST.

CENTRE ST.

UNION ST.

FERRY ST.

SOUTH STREET

GREEN

FAIRHAVEN TARGET AREA

— PROJECT AREA 10/16/06

assistance, thus warranting the investment of grant funds. The Commonwealth of Massachusetts requires that the Town quantify the conditions of the properties, identify vacant and/or abandoned storefronts, note open or vacant lots, and inventory the conditions of buildings, parking, playgrounds, sewer and water lines. The Town must find that a number of storefronts are vacant, that there is evidence of disinvestments in the upkeep of the properties, and that the infrastructure in the area requires substantial improvement in order to justify the investment of state funds. For example, the state would not invest in a neighborhood or a community where all of the storefronts were occupied and in good condition, or the water and/or sewer lines and streets had all been recently repaired.

Several conditions can exist that are beyond the ability of the private market or the resources of the community to remedy. Underutilized buildings and vacant lots reduce the confidence of private investment in commercial property in this neighborhood; particularly along the waterfront area. The fact that most of the commercial activity has been siphoned by large shopping malls less than a few miles from the Cushman Park Neighborhood Project makes it very difficult to justify private investment alone in the neighborhood. An inappropriate signage and façade treatment has led to the decline of this area and several of the buildings do not meet minimum accessibility requirements.

Substantial Number of Deteriorated Buildings or the Public Improvements are in a General State of Deterioration

DHCD has determined that more than 25% of the buildings in the project area must be deteriorated or deteriorating condition – with a rating of fair or poor. According to a building and infrastructure survey completed in October 2006:

- **79% of the buildings (265 of the total) were determined to be in fair or poor condition** through a property survey developed by Bucchianeri Management Services, Inc. according to the Building Conditions Guidelines developed by DHCD to inventory individual buildings in the East Street Corridor, which includes properties in the Project Area. It would take a combined investment of an estimated \$9.4 million to bring this building stock up to minimum sanitary code. Don Bucchianeri, a professional rehabilitation specialist, completed the building evaluation survey. This exceeds the 25% requirement of DHCD. In the proposed project area 265 of 310 buildings were classified as in fair or poor condition (79%) and in need of repair.
- **95% of all infrastructure in the Cushman Park Neighborhood Project Area was determined to be either fair or poor**, according to a survey completed for the Town using the guidelines outlined by DHCD. Tibbetts Engineering completed the infrastructure evaluation. This exceeds the 25% requirement of DHCD. The primary focus of the infrastructure inventory was structural deterioration. A greater emphasis was placed on structural deterioration in the scoring of all of the infrastructure and less weight given to “cosmetic” infrastructure elements. This included drainage problems, undersized water mains, insufficient lighting, and the presence of dangerous overhead wiring. Tibbetts estimates that it would require \$11.3 million of investment in this infrastructure – including roads, sidewalks, curbing, drainage, utilities, landscaping, sewer and water.

The Board of Selectmen found that sufficient evidence of deterioration and disinvestments was occurring along the East Street Corridor, and that the area selected as the Project Area was where most of the building blighting and infrastructure deterioration conditions were evident.

Therefore, the Fairhaven Board of Selectmen made a finding under Chapters 121A and B of open and blighted conditions for the area.

Map of Project Area

The project area is outlined in blue in the attached map and represents the area bounded by the property along both sides of the street beginning at Huttleston Avenue, down Green Street, thence along South Street to the foot of Main Street at the ocean; and along the bay to the point of beginning at Huttleston Avenue.

The map of the Project Area includes:

- The geographic area and boundaries designated by the Selectmen
- Identification of all buildings in the area on the map
- Identification and location of the conditions of the infrastructure
- Spreadsheet and tables that identify the number of commercial units, number of residential units and vacant residential units, number of industrial units, the building conditions (excellent, good, fair or poor), and the infrastructure condition at that building location.
- A summary table of building conditions for the project area by street and the building conditions for those located in the project area by street are attached.
- A summary table for infrastructure conditions is attached.

Rating criteria for Buildings and Infrastructure

For buildings and infrastructure, Fairhaven used the rating system required by DHCD and HUD for measuring physical conditions in the project area. A windshield survey was used to determine building conditions and infrastructure conditions, along with information from the Town's assessing offices and the Fairhaven Highway Department on the location and condition of streets, sidewalks, sewer and water lines, and drainage. For the exterior of the building, Don Bucchianeri, a professional rehab specialist, developed a checklist that rated the major building components (roof, foundation, siding, lead etc.) as well as cosmetic components of a structure (see attached). Tibbetts Engineering of Taunton, who is familiar with Fairhaven infrastructure, used the same evaluation system for the infrastructure components. A numerical score was assigned to the condition of the component based upon a poor to excellent scale (see attached).

Fairhaven used the DHCD categories of physical condition below as a guide in the completion of the inventory.

Excellent: Buildings that require no exterior or interior work. Buildings are in excellent condition can be of any age or style. They demonstrate consistent, planned maintenance and repair, systems meet current codes and the building appears to be energy efficient. In addition, this category includes infrastructure (streets, sidewalks, bridges, lighting, etc.) that is newer, meets current need and demand, is compliant with all state and federal codes and requirements and has no visual or physical evidence of deterioration or needed repair.

Good: This category covers buildings, infrastructure, and structures that are now showing the first signs of deterioration. Roofs may be aging but not yet leaking. Siding may need spot painting or repair. Building systems meet code by energy efficiency such as storm windows may be needed. Decorative features may need to be secured but items are in place. Materials do not need replacement but do need some care and repair. Infrastructure is in generally good

condition and do not show signs of wear. Surfaces do not have any cracks and are not heaving or displaced due to road damage or frost. Drainage systems are newer. Sewer and water lines are the correct size for the demand and in good repair. Trees are present and lighting is in good condition and not deteriorated.

Fair: Buildings, structures, and infrastructure with this designation show clear signs of deterioration indicative of a property or infrastructure that has not been maintained for 5 to 10 years. These may have at least 25% of their painted surfaces in a progressed state of peeling. In the case of brick surfaces, 25% of the surface requires repointing. Infrastructure is older and needs regular repairing. Streets and sidewalks are cracked, uneven and do not insure easy and safe pedestrian travel. Small wood and metal trim pieces of buildings or structures may be lifting away from primary surfaces. Exterior trim is no less than 50% intact. This category may have older facades with architectural features that have been covered with sheet metal and other like materials from renovations of earlier decades. These covering materials are now showing signs of significant deterioration. Roofing materials may be missing. Windows need to be re-conditioned for energy efficiency. Plaster/wallboard may be stained from leaks, but is still in place.

Poor: This category includes properties and infrastructure that appear not to have been maintained for at least 10 years. Facades are likely to have missing and broken siding, bricks, or masonry surfaces. At least 50% of the painted surfaces may show signs of advanced peeling. Exterior trim is missing altogether. Roofs may be actively leaking. Systems are inadequate or are in poor repair. Building foundation and sills may need replacement and shoring up. Structural work may be necessary. Streets/sidewalks and other paved surfaces are rutted, cracked and appear to require full reconstruction. Little, if any "reveal" remains on the curbing. Crosswalks and sidewalks are not accessible. Trees need replacement or installation and overhead wiring needs to be removed. Some surfaces are severely deteriorated and in general infrastructure is antiquated, undersized, or obsolete.

Level of Disinvestment

Building Conditions: A substantial number of the buildings in the project area are in fair or good conditions – 79% of the buildings are in this condition; 3% are in excellent condition, 18% are in good condition. In the project area 79% (245 of 310 buildings) are in fair or poor – 3% (8 buildings) were found to be in excellent condition, 18% in good condition (57 buildings), 71% in fair condition (221 buildings), and 8% (24 buildings) in poor condition.

Infrastructure Conditions: The infrastructure survey identified 95% of all infrastructure was found to be in a state of substantial deterioration and found to be in fair or poor condition. 5% of the infrastructure along East Street was determined to be in good condition. 0% was determined to be in excellent condition. This is due to the lack of investment by the community of general infrastructure repairs, the lack of investment by private companies in their parking maintenance, and the general lack of investment in businesses along the street. It is very difficult to find businesses willing to invest in an area where infrastructure is inadequate, and where traffic speeds by at unreasonable rates. This has made it unsafe for pedestrians and residents along East Street who have few crosswalks, lighting, and markings to encourage safe passage. The lack of trees and pedestrian lighting fosters the impression that the area is unsafe and does not encourage pedestrian foot traffic.

Public Improvements (Infrastructure) are in a General State of Deterioration

Tibbetts Engineering conducted an evaluation of each element of infrastructure, such that no single element was singled out as required by DHCD guidelines. The engineering firm evaluated all of the infrastructure elements at each building address. The evaluation included scoring the sidewalks, curb, drainage structure, road drainage condition, light poles, light fixtures, ADA and MAAB compliant cross walks, street surfaces, sewer lines, water lines, storm separation lines, whether or not utilities were underground, on and off street parking, and the condition of the trees. Cosmetic items such as trees, lights, and underground utilities were given less weight in the scoring than to structural elements such as streets, curbs, drainage, and curbing. This was achieved by giving at least a score of 2 to those elements considered to be cosmetic. The engineers noted work that was needed to fix some infrastructure elements most in need of repair and estimated the cost for each property. The infrastructure associated with a building was in “poor” condition if it has a total score of 0-20; 21-40 “fair”; 41-50 “good” arrived at a total score; and 51-60 was in excellent condition.

Planning and Organizational Capacity

The Town has a Planning Department with a full time planning director and administrative assistant. They rely on consultants to provide grant administrative services. The businesses in Fairhaven have assisted in the development of this plan along with housing and other LMI service organizations in the region. These groups actively promoted and attended the public forums and public hearings to their membership.

Project Must Address One or More of the Conditions Contributing to the Deterioration of the Area.

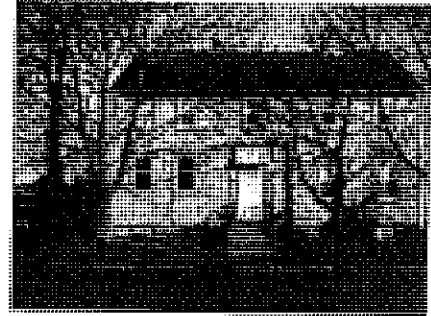
The Town and the Fairhaven intend to undertake several projects in the Project Area that will address the conditions of the deterioration and the conditions contributing to the deterioration. These projects include housing rehabilitation loans and grants, infrastructure improvements, sign and façade improvements, and assistance to social service agencies in the project area. These projects will also directly contribute to the elimination of blighted conditions by repairing and/or improving the building and housing stock of the neighborhood and the infrastructure and public improvements inventoried in the survey. These activities will lead to reinvestment in the Cushman Park neighborhood, which will retain and create job opportunities for the community and region. Activities that will be considered include:

- Infrastructure improvements projects funded by the CDBG program(s)
- PWED and CDAG assistance for neighborhood revitalization
- Microenterprise Assistance or Small Business Loan funds through the Ready Resource or CDF programs
- HDSP assistance for housing development
- Sign and Façade Projects
- Housing Rehabilitation Loans and Grants
- First Time Home Buyer Assistance
- Social Services – particularly with housing assistance and other human service needs

Fairhaven Slums and Blight Inventory Results

Completed for Breezeway Farm Consulting by Bucchianeri Mgt. Services, Inc.

Property Description	
x	Single Family
	Two Family
	Three Family
	Four or larger Family
	Mixed Use
	Commercial
	Institutional



Building Address:

95 Main Street

Case # 95M

Component	Rating	Description	Cost
1 Roof system	1	Install a new asphalt shingle roofing system	\$8,500
2 Waste Venting & Gutters	2	Install new gutes and downspouts	950
3 Building Siding and Trim	1	Install vinyl siding and coverage	10,500
4 Structural components	3		
5 Entranceways & Porches	1	install a new treated lumber rear stairs and lansding	4,500
6 Stairs & railings	0	Install new front entracne metal railings	1,700
7 Windows	3		
8 Doors	2	Install two new ext doors and storms	2,800
9 Masonry	3		
10 Footings & Foundations	3		
11 Electrical service	3		
12 Exterior Painting	3		
13 Federal lead protocol	0	Stablization and cleaning to pass fed protocol	3,500
14 Exterior condition of yard	3		

Total Score= 28

Subtotal Cost= \$32,450

Contingency: 3,245

Subtotal: \$35,695

Inflation: \$1,785

Total Estimated Cost \$37,480

This building is considered:

	Excellent Condition
	Good Condition
x	Fair Condition
	Poor Condition

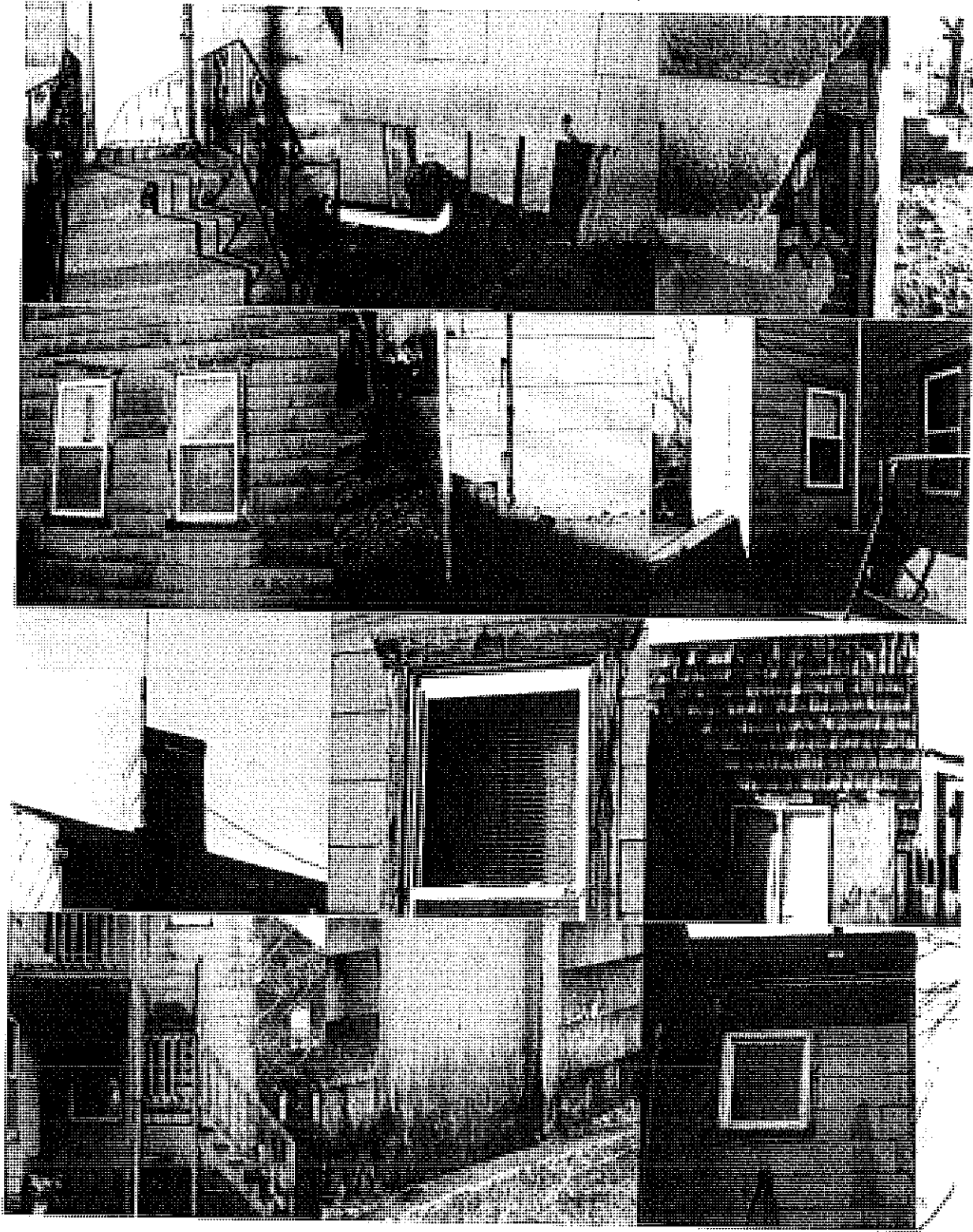
BUILDING COMPONENT EVALUATION SCORE

- * A Classification of 5 denotes a condition which is excellent and does not need repair
- * A classification of 3-4 denotes a condition which is good and in need of maintenance repair
- * A classification of 1-2 denotes a condition which is fair and in need of substantial repair
- * A classification of 0 denotes a condition which is poor and needs immediate repair

TOTAL SCORE OF THE BUILDING

- * A total score of 0-16 denotes a building is in poor condition and needs immediate repair
- * A total score of 17-32 denotes a building is in fair condition and in need of sustantial repair
- * A total score of 33-48 denotes a building is in good condition and in need of maintenance repair
- * A total score of 49-65 denotes a building is in excellent condition and does not need repair

95 Main Street



WINDSHIELD SURVEY
For The
TOWN OF FAIRHAVEN, MA

HOUSING REHABILITATION
September 30, 2006

By

Bucchianeri Mgt. Services, Inc.

5 Crystal Hill Circle, Atkinson, NH 03811

Phone (978) 621-1595

Fax (603) 362-9989

Don Bucchianeri, President

For

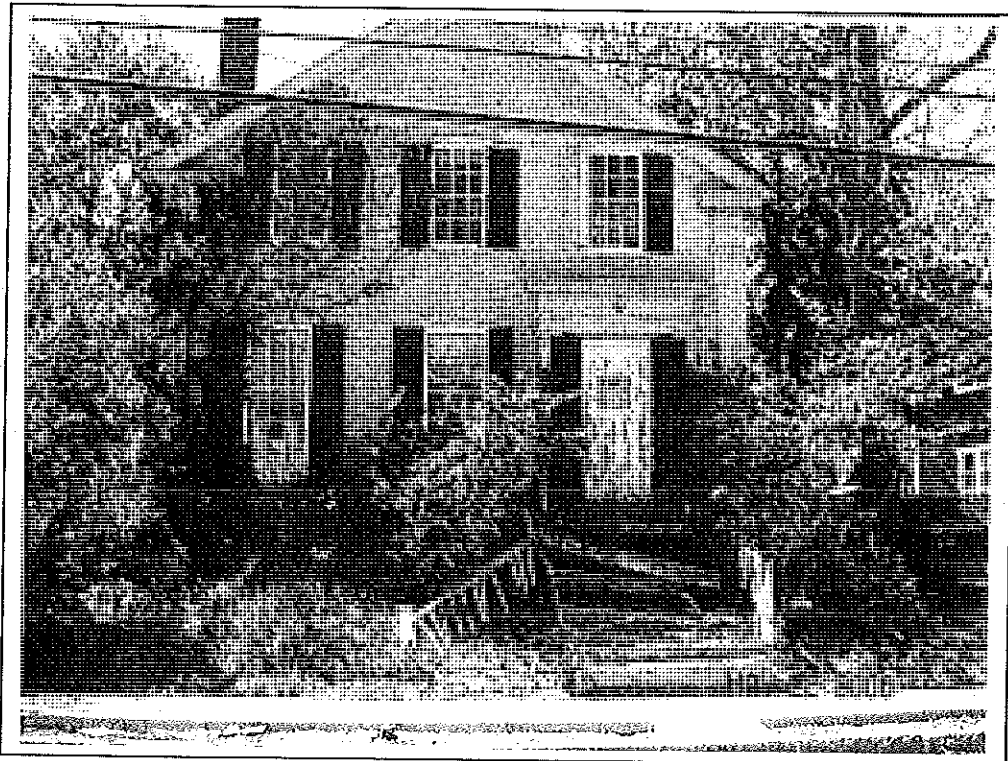
Breezeway Farm Consulting, Inc.

222 Wendell Road, New Salem, MA 01355

Phone (978) 544-8505

Fax (978) 544-7958

John Ryan, President



1.0 HISTORY OF THE DEVELOPMENT OF HOUSING IN FAIRHAVEN

The Cushman Park target area aligns with the census tract because both focus on the geographical area where the town was first organized and set off from New Bedford on February 22, 1812 when the town was incorporated.

¹ “Until the middle of the 18th century, the town’s economy was agricultural. Beyond that point there is a shift toward maritime activities such as shipbuilding, whaling and foreign trade focusing on the town’s wharves. By 1838, Fairhaven was the second busiest whaling port of the country and at its peak the town boasted 46 ships and 1,324 men engaged in bringing back over \$ 600,000 worth of whale products annually.

Discovery of oil in Pennsylvania coming on the heels of a national depression ended whaling and the town turned to such industries as tack making. In 1903, the American Tack company’s new plant was said to be the largest and best tack mill in the world. Prominent Fairhaven resident Henry Huttleston Rogers went to Pennsylvania to learn about the oil industry and after making himself an oil millionaire, Rogers re-made his home town. He donated the town hall, library, church, schools, streets and water system. The buildings make up the states finest collection of public buildings, almost all designed by Boston architect Charles Brigham. The community began taking on the character of a suburban town in the late 1870’s when the street railway connected Fairhaven to New Bedford. At the same time Fairhaven began to develop as a summer resort area.”

Today, Fairhaven has a land size of 12.15 square miles and has grown from a population of 3,338 in 1895 to the current population of 16,159. Demographics from ²HomeGain show a current population of 1,300 people per square mile, which means that the population in the target area has not grown significantly. The majority of original residential structures existing today in the target area have not had the benefit of being re-made like the public buildings donated by Henry Huttleston Rogers. A high contrast to the states finest collection of public buildings, the residential dwellings suffer from deterioration and lack of maintenance.

The target area has approximately 310 buildings and dwellings. The majority of these dwellings are in fair to poor condition. The original field stone foundations have poor mortar joints and cracks that over time have weakened the structure and allowed infiltration of the elements and in some cases pests, animals and insects. The exterior chimneys show signs of crumbling mortar that no longer bind the bricks adequately allowing rain to penetrate into the structure and down into the interior living areas of the dwellings. Original dwellings that have been converted into multifamily units in many cases do not have a second means of egress required by law. Original single pane true light divided windows have flaking paint and lack energy efficiency. Asbestos siding with many broken pieces have become friable. Cedar shingles and clapboard siding have suffered incipient weather conditions that produce cupping and cracking. Front and rear egress door systems have failed to keep the water from rotting sub-floor framing and sills. Vinyl siding has aged and become brittle, as well as brick entry stairs, landings and railings have broken pieces, cracked joints and rusted railings. Through the available grant funding, there is a unique opportunity to revitalize the infrastructure and dwelling

¹ Narrative compiled by the Massachusetts Department of housing and Community Development (DHCD).
² www.homegain.com/local_real_estate/MA/fairhaven

units in the target area to match the beauty of the public buildings that were built to last many generations. ³ The U.S. Census show the three largest industries in Fairhaven today are Manufacturing, Retail trade, and Tourism, all of which are centered in the target area. Revitalization of this target area will boost the economy and create a better standard of living and quality of live for the residents as well as a more enriching experience for visitors to the seaport of Fairhaven.

³ 1997 Economic Census, Summary statistics for Bristol County, MA.,
www.census.gov/epcd/ec97/ma/MA005.HTM

2.0 APPROACH TO EVALUATING PROPERTIES

This following section summarizes the on-site investigations of deterioration and blighted conditions within the Fairhaven Cushman Park target area of 26 cases with a mixture of single family and multifamily unit dwellings. The grant study has identified these 26 cases as LMI units. The building condition was established through field observation of exterior physical conditions documented with digital pictures to clearly illustrate the degree of deterioration and blight. Each building evaluation page is accompanied by a page of digital pictures showing examples and details of the building evaluation components.

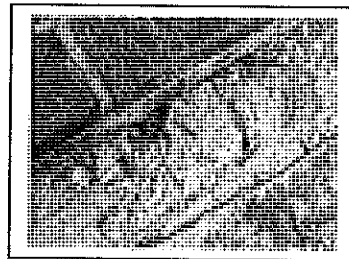
The exterior building component deterioration and blight rating criteria considered included the following 14 components:

	Component	Rating
1	Roof system	3
2	Drainage & Gutters	3
3	Building Siding and Trim	3
4	Structural components	3
5	Entranceways & Porches	0
6	Stairs & railings	2
7	Windows	3
8	Doors	1
9	Brick Masonry	0
10	Footings & Foundations	1
11	Electrical service	1
12	Exterior Painting	1
13	Federal lead protocol	0
14	Exterior condition of yard	1

Total Score= 22



Case: B50 Front View



Brick Masonry Stairs

Each of the 14 building components was scored using the rating table shown below. Components are scored on a scale of 0-5, and the resulting score places the component in a classification of either: excellent, good, fair or poor. For example, in case B50 shown above, the brick masonry stairs shown above received a rating of zero because the condition is poor and in need of immediate repair.

BUILDING COMPONENT EVALUATION SCORE RATING

- * A Classification of 5 denotes a condition which is excellent and does not need repair
- * A classification of 3-4 denotes a condition which is good and in need of maintenance repair
- * A classification of 1-2 denotes a condition which is fair and in need of substantial repair
- * A classification of 0 denotes a condition which is poor and needs immediate repair

Each of the 14 building component ratings are added together to derive the total score of the building using the table shown below. For example, in case B50 shown above, the total score for the building condition is 22. Case B50 is in fair condition and in need of substantial repair.

TOTAL SCORE OF THE BUILDING CONDITION

- * A total score of 0-16 denotes a building is in poor condition and needs immediate repair
- * A total score of 17-32 denotes a building is in fair condition and in need of substantial repair
- * A total score of 33-48 denotes a building is in good condition and in need of maintenance repair
- * A total score of 49-65 denotes a building is in excellent condition & does not need repair

The evaluation goes beyond scoring the building condition to describe and estimate the cost of repairs needed corresponding to the components.

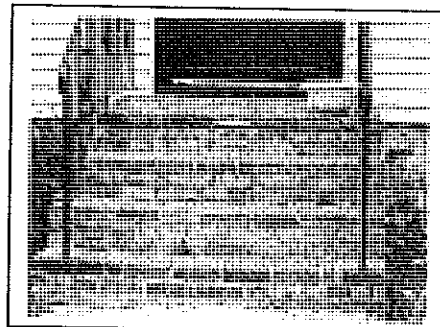
Component		Rating	Description	Cost
1	Roof system	3		
2	Drainage & Gutters	3		
3	Building Siding and Trim	3		
4	Structural components	3		
5	Entranceways & Porches	0	Install 2 new front brick stairs and landings	6,400
6	Stairs & railings	2	Install new rear stairs and landings	4,300
7	Windows	3		
8	Doors	1	Install 2 new pre-hung energy star front doors	1,800
9	Brick Masonry	0	Rebuild the exterior brick chimney	1,500
10	Footings & Foundations	1	Re-point the exterior foundation walls	1,200
11	Electrical service	1	Install third common area service and meter	1,500
12	Exterior Painting	1	Scrape and paint ext painted wood & win trim	1,300
13	Federal lead protocol	0	Stabilization and cleaning to pass fed protocol	4,500
14	Exterior condition of yard	1	Remove debris from the rear yard	350
Total Score=		22	Subtotal Cost=	\$22,850

For example:

Reference line #5:

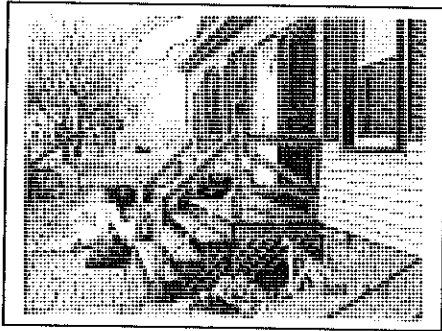
5	Entranceways & Porches	0	Install 2 new front brick stairs and landings	6,400
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See the brick front entrance stairs and landing pictures below showing the failed mortar joints and bricks that are missing. The estimated cost for these repairs is \$ 6,400.



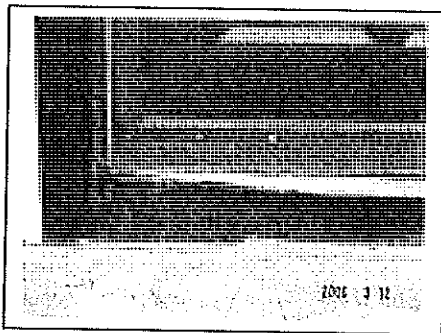
Reference line #6:				
6	Stairs & railings	0	Install new rear stairs and landings	4,300

See the picture below showing the deterioration of the rear treated lumber stairs and the instability of the railings that are not constructed to code. The cost for these repairs is estimate at \$ 4,300.



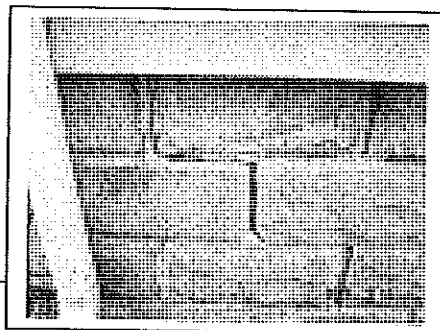
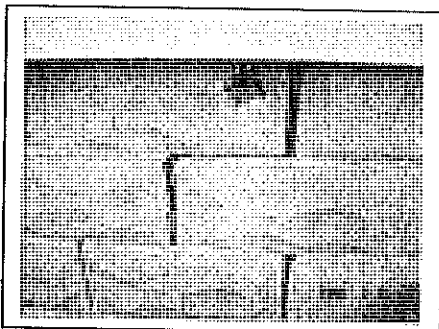
Reference line #8:				
8	Doors	1	Install 2 new pre-hung energy star front doors	1,800

See the picture below showing the deterioration of the front door threshold and the crack where water is leaking down behind the flashing casing damage to the double plate and sill. The cost for installing two new doors is estimated at \$1,800.



Reference line #10:				
10	Footings & Foundations	1	Re-point the exterior foundation walls	1,200

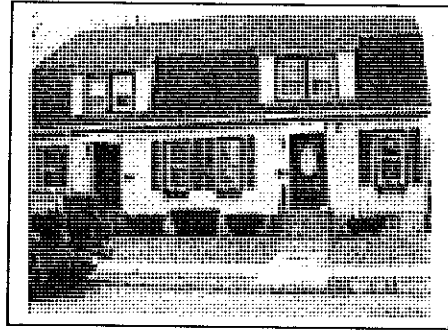
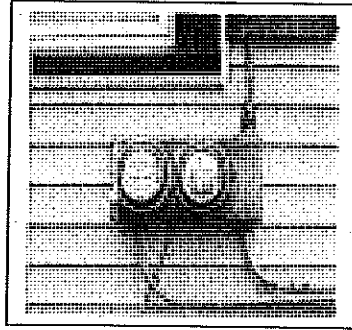
See the cracked foundation wall picture below showing the exterior cracked foundation walls needing re-pointing to prevent the incipient condition where freezing water expands the cracks in the foundation wall causing movement and additional structural damage. The cost for re-pointing the exterior foundation walls is estimated at \$ 1,200.



Reference line #11:

11	Electrical service	1	Install third common area service and meter	1,500
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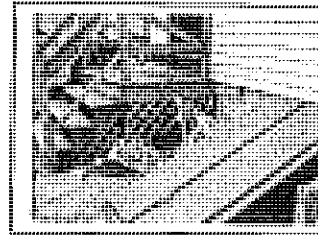
See the pictures of the electric service meters and the front view of the building revealing that the number and age of the service meters and feed line as well as the two separate entrances to the building indicate that this two family dwelling will need an updated 100-amp third basement common area service panel to bring the electrical up to code.



Reference line #12:

12	Exterior Painting	1	Scrape and paint ext painted wood & win trim	1,300
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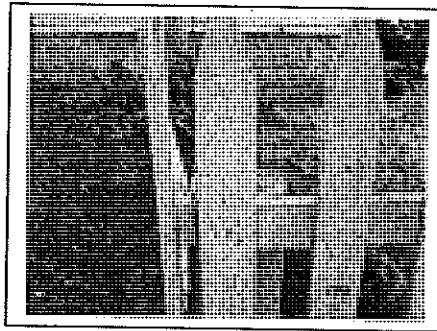
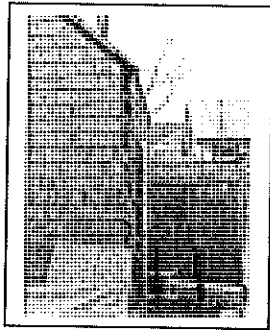
See the pictures below showing loose and flaking painted surfaces that must be addressed on the dwelling to prevent deterioration and damage from the elements on the building. The window shown in this picture is presumed to be fixed and not operable. However, if windows in a dwelling are operable, Federal protocol for operable window sashes with lead paint would require full lead abatement giving the window component line item a score of zero. This would indicate that the window line component is in poor condition in need of immediate repair.



Reference line #13:

13	Federal lead protocol	0	Stabilization and cleaning to pass fed protocol	4,500
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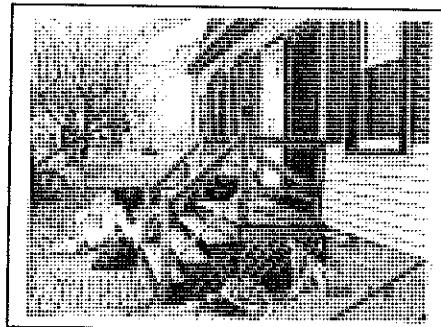
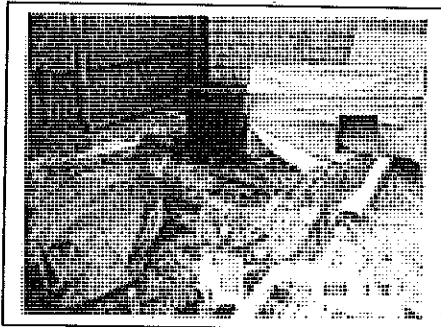
See the pictures below showing loose and flaking painted surfaces on outbuildings and fences. An assumption is made at the time of this evaluation that the building was constructed prior to 1978 and a Federal Risk Assessment or Lead Determination will reveal hazardous lead painted surfaces. CDBG Grant requirements would also assume that at least one of these units is occupied or may be rented to a family that has at least one child that is 6 years old or younger. If so, this would require achieving compliance according to Mass law and CLPPP requirements. In either case, at a minimum this evaluation assumes that at least Federal Lead Protocol will be required for paint stabilization. This Federal Lead Protocol Component is included in the scoring of the building condition because the exterior painting to prevent deterioration of the building included in the #12 exterior painting component above does not include outbuildings, fences or other hazardous lead painted surfaces. In addition, a building of this age will be apt to have at least some element or portion of the building testing positive for lead hazards. Federal Protocol requires extensive heper vacuum and TSP cleaning of interior surfaces of the house to pass dust wipes and receive federal clearance.



Reference line #14:

14	Exterior condition of yard	1	Remove debris from the rear yard	350
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See the pictures below showing debris and waste material in the yard area. Conditions such as these are indicative of blighted areas and deteriorated dwellings.



The evaluation of each building also includes an estimate of the repairs required for each component. The repair costs are subtotaled with a contingency being added for hidden conditions revealed during the renovations. An inflationary factor is added to make the estimate more current with the cost of construction by the time the program is implemented following the grant awards, state signing of the contract, and environmental reviews.

Component		Rating	Description	Cost
1	Roof system	3		
2	Drainage & Gutters	3		
3	Building Siding and Trim	3		
4	Structural components	3		
5	Entranceways & Porches	0	Install 2 new front brick stairs and landings	6,400
6	Stairs & railings	2	Install new rear stairs and landings	4,300
7	Windows	3		
8	Doors	1	Install 2 new pre-hung energy star front doors	1,800
9	Brick Masonry	0	Rebuild the exterior brick chimney	1,500
10	Footings & Foundations	1	Re-point the exterior foundation walls	1,200
11	Electrical service	1	Install third common area service and meter	1,500
12	Exterior Painting	1	Scrape and paint the ext painted wood & win trim	1,300
13	Federal lead protocol	0	Stabilization and cleaning to pass fed protocol	4,500
14	Exterior condition of yard	1	Remove debris from the rear yard	350

Total Score= 22

Subtotal Cost= \$22,850

Contingency: 2,285

Subtotal: \$25,135

Inflation: \$1,257

Total Estimated Cost \$26,392

The evaluation sheet for each building has a table shown below that indicates the result of the evaluation and the condition of the building. The evaluation for Case B50 shown below indicates that the building is considered in Fair Condition.

This building is considered:

	Excellent Condition
	Good Condition
x	Fair Condition
	Poor Condition

The evaluation sheet for each building also has a table shown below that identifies the building as a single family unit, a two family unit, a three family unit, or a four or larger

family unit dwelling. The evaluation for Case B50 shown below indicates that the building is considered a two family unit dwelling.

Property Description	
	Single Family
x	Two Family
	Three Family
	Four or larger Family

The summary page for all of the 26 cases evaluated within the Fairhaven Cushman Park Target area have tables shown below that total the number of single family and multifamily units showing the distribution throughout the 26 cases.

Total of Property Descriptions	
7	Single Family
13	Two Family
3	Three Family
3	Four or larger Family

26 Total cases in this evaluation

Total of Building Evaluation Ratings			
0	Excellent Condition		
1	Good Condition		
15	Fair Condition		
10	Poor Condition		

26 Total cases in this evaluation

3.0 SUMMARY OF ESTIMATED COSTS

The summary of component repairs for the 26 cases evaluated is shown below in the table. The total costs for all of the component repairs with the added contingency and inflation factors estimates that \$ 857, 830 dollars will be spent on the 26 cases. This equates to an average cost of \$32,993 dollars for each case. Because the building conditions were established through field observation of exterior physical conditions only, the cost for interior sanitary code repairs and remediation for achieving compliance will increase the cost per unit for renovations. Because the Fairhaven Rehab Program will have access to a commitment from GTLO funding for up to \$30,000 dollars per unit and the available cap per unit for available CDBG funding is \$30,000, cases with extensive combined interior and exterior repairs will have access to funds to achieve compliance as well as address sanitary code violations.

Summary of Component Repairs	Cost
Roof system	136,900
Drainage & Gutters	5,820
Building Siding and Trim	111,500
Structural components	14,500
Entranceways & Porches	41,150
Stairs & railings	32,350
Windows	93,250
Doors	38,600
Brick Masonry	46,090
Footings & Foundations	37,400
Electrical service	42,100
Exterior Painting	61,050
Federal lead protocol	76,100
Exterior condition of yard	5,900

		Total Cost=	\$742,710
Contingency	10.0%	Contingency:	74,271
Inflation		Subtotal:	\$816,981
Factor	5.0%	Inflation:	\$40,849
		Total Estimated Cost	\$857,830

**FAIRHAVEN CUSHMAN PARK NEIGHBORHOOD
Infrastructure Inventory Results
INFRASTRUCTURE EVALUATION RATING**

Street Address:

Assessors Map/Lot:

Property Frontage: LF

Component	Rating (0-4)	Description of Condition Found	Cost
1 Sidewalks			
2 Curb			
3 Drainage Structure			
4 General Road Drainage Condition			
5 Light Poles			
6 Light Fixtures			
7 ADA Compliant Crossings/Corners			
8 Street Surface			
9 Sewer Line			
10 Water Line			
11 Storm Separation Line			
12 Utilities Located Underground			
13 On-Street parking			
14 Off-Street Parking			
15 Presence of Trees; condition			

Total Score=

Total Cost=

Infrastructure condition is considered:

	Excellent condition
	Good condition
	Fair condition
	Poor condition

IFRASTRUCTURE COMPONENT EVALUATION SCORE:

- A classification of NA means that infrastructure is not present but not needed
- A classification of 4 denotes a condition which is "excellent" and recently installed; does not need repair
- A classification of 3 denotes a condition which is "good" and in need of repair
- A classification of 2 denotes a condition which is "fair" and in need of substantial repair
- A classification 1 denotes a condition which is "poor" and needs immediate repair
- A classification of 0 denotes infrastructure that is not present and is needed at this location

TOTAL SCORE OF THE INFRASTRUCTURE CONDITION:

- A total score of 0-20 denotes infrastructure in poor condition
- A total score of 21-40 denotes infrastructure in fair condition
- A total score of 41-50 denotes infrastructure in good condition
- A total score of 51-60 denotes infrastructure in excellent condition

**FAIRHAVEN CUSHMAN PARK NEIGHBORHOOD
Infrastructure Inventory Results
INFRASTRUCTURE EVALUATION RATING**

**Street Address: 95 Main Street
Assessors Map/Lot: 11/048**

Property Frontage: 61.75 LF

Component	Rating (0-4)	Description of Condition Found	Cost
1 Sidewalks	1	INSTALL 52' CONC SW	\$ 1,235
2 Curb	2	INSTALL 14' GRANITE	
3 Drainage Structure	3		
4 General Road Drainage Condition	2	PUDDLING	
5 Light Poles	3		
6 Light Fixtures	2		
7 ADA Compliant Crossings/Corners	NA		
8 Street Surface	1	CRACKS/PATCHES/HOLES	
9 Sewer Line	4		
10 Water Line	4		
11 Storm Separation Line	4		
12 Utilities Located Underground	1		\$ 4,631
13 On-Street parking	2		
14 Off-Street Parking	3		
15 Presence of Trees; condition	0	2 TREES ON PROPERTY	\$ 700

Total Score=

Total Cost=\$6,566

Infrastructure condition is considered:

	Excellent condition
	Good condition
29	Fair condition
	Poor condition

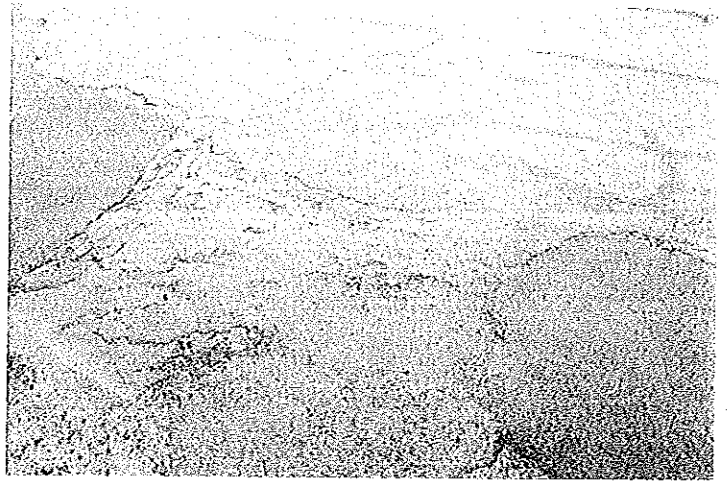
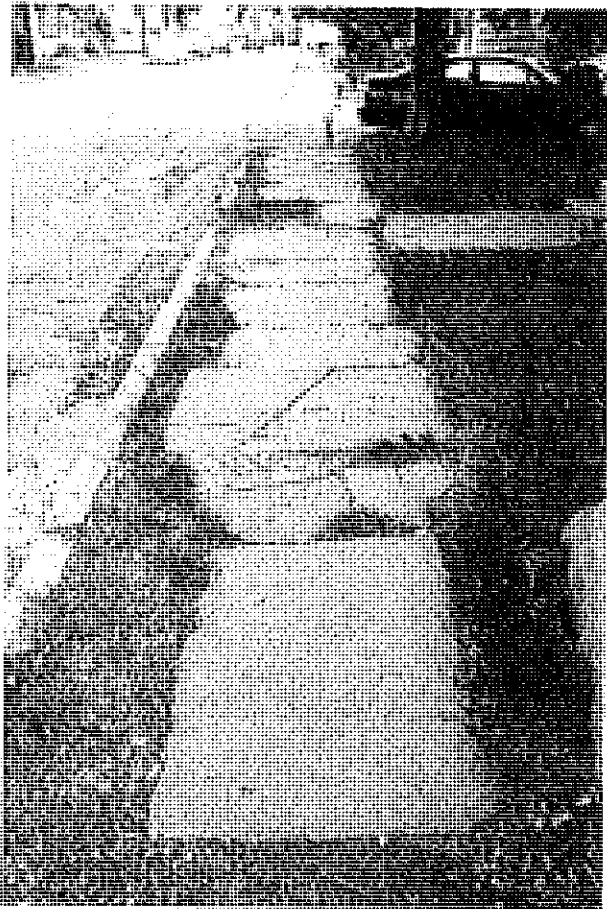
IFRASTRUCTURE COMPONENT EVALUATION SCORE:

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- A total score of 51-60 denotes infrastructure in excellent condition

Street Address: 95 Main Street





Town of Fairhaven

2C

Department of Planning and Economic Development

Town Hall 40 Center Street Fairhaven, MA 02719

Telephone (508)-979-4082 FAX (508) 979-4087

William D. Roth, Jr.
Director

Quarterly Report July 2006 – September 2006

RECEIVED
2006 OCT -2 A 11:17
BOARD OF SELECTMAN
FAIRHAVEN MASS

Planning Board:

Planning Board met four times this quarter. We processed or are currently processing the following applications:

Form A:

- BankFive – Adjusting lot lines with neighbor. Approved 8/22/06

Special Permits:

- Alden Buick – added entrance to Bridge Street. - Approved 7/18/06
- Condos @ Park Motors – proposing 30 condo units – Approved 9/26/06

Subdivisions:

- Washburn Ave (Pinto) – Sub for road standard – Application withdrawn 9/26/06
- Mariner Estates – Welcome Street – 10 lot sub. – Continued until 11/14/06
- Roger Farm Estates – 249 Main St. – 4 lot sub. - Continued until 10/24/06

Zoning Board of Appeals:

I worked with the ZBA to write and get approved Procedural Rules for Comprehensive Permits (40B). I am also working on their general Procedural Rules for Variances and Special Permits.

- Special Permit – 199 Main St. – proposed 18-unit condo development. I have been helping the processing of the application because the ZBA rarely processes Special Permits.

Community Preservation Committee (CPC):

I have been working with the CPC to write the Town's Community Preservation Plan, which is required by the Community Preservation Act and attended the 9/6/06 meeting. I also helped get their web page up and running. Applications for next years round of funding are due 11/13/06.

Grants:

- Hoppy's Landing Dock & Pier Design – The design is complete and the bidding phase may start in late Fall, provided funding is in place. I am also working on a grant to help fund the construction.
- CDBG 2005 –(Planning Grant \$100K) – Continued work on surveys and supervising intern, learning new computer reporting system and working with consultant on the Design Guidelines task of the grant.

- CDBG 2006 – (Housing Rehab and Bridge Street – \$600K) – Award letter was issued. Have been working on getting contract signed and clearing special conditions. A part of this grant will pay the balance to make my secretary, Marie Ripley, full time for 18 months. I will prepare the necessary paper work for the Board of Selectmen to act on this request.
- Ft. Phoenix – \$60K(Mass Historic) & \$40K (budget earmark) – Architect contract has been executed and final construction plans are being prepared to be sent to Mass Historic. Once this is done, Mass Historic will send the contract. I have also been working with DCR to get the contract for the \$40 earmark.
- Seaport –Dredging Phase II – Engineering - \$175K – We have contracted with the HDC to utilize their consultant engineer. Our kick off meeting was August 23. The grant is to prepare the necessary engineering to dredge four areas on the Fairhaven side of the harbor.

SRPEDD – JTPG:

No July meeting. Attended the August and September meetings. Topics discussed. TIP Amendments, Commuter Rail Funding –Cabral proposal, Regional Transportation Plan,

Southeastern Mass Commuter Rail Task Force:

No July or August meetings. September meeting topics were: Evaluations and recommendations on the proposed eight station locations, General community recommendations on growth management, discussion of local mitigation, status of MBTA Strategic Environmental Permitting Program, and Commuter Rail Funding –Cabral proposal.

Hoppy's Landing Committee:

Met 9/5/06 discussed existing dock conditions, status of design and funding for construction. Sent out site plan to get ideas for master plan of property. Next Meeting is 10/17/06.

General Meetings:

Attended the Vivierous Farm Press Conference 7-6
 Portfields meeting @ HDC & EPA 7-10, 8-24
 MEPA Windmills meeting 7-12
 Fairhaven/NB Bridge meeting 7-18
 Paul Downey Re: AT&T property 8-14
 CDBG 2007 meeting in Franklin – 9-28

Town Meeting

LICENSE AGREEMENT

Agreement made this th 10 day of October, 2006, by and between the Town of Fairhaven, a municipal corporation having a principal place of business at 40 Centre Street, Fairhaven, Massachusetts (hereinafter the "Licensor") and the Trustees of the Widemarsh Beach Association, c/o 6 Wildacre Lane, Barrington, RI 02806 (hereinafter the "Licensee").

RECITALS

Whereas, Licensor is the record title holder of a certain 1 foot x 40 foot strip of land at the southerly end of Shore Drive in Fairhaven, Massachusetts, being shown on Fairhaven Assessors Map 29C as Lot 612 (the "Fairhaven Parcel"); and

Whereas, Licensee is the record title holder of a certain parcel of land being described in Certificate of Title #3607 filed in the Bristol County Southern Registry District of the Land Court and shown on Fairhaven Assessors Map 29 as Lot 33A (the "WBA Property") and

Whereas, the Licensor and Licensee's parcels of land abut; and

Whereas the Licensee has requested of Licensor the permission to allow Licensee and the members of Widemarsh Beach Association to access Shore Drive over the Fairhaven Parcel for purposes of (1) allowing emergency vehicles pass and repass upon the Fairhaven Parcel to access the WBA Property; (2) to allow members of the Widemarsh Beach Association to haul their boats from the WBA Property to the Goulart Boat Ramp via Shore Drive; and (3) to allow the Widemarsh Beach Association to install a sewer extension line from the southerly end of Shore Drive under the Fairhaven Parcel to provide sewerage service to the properties situated on the WBA Property; and

Whereas, the Licensor can not grant Licensee an easement for the purposes set forth hereinabove without Town Meeting approval; and

Whereas, Licensor will be unable to secure Town Meeting approval for Licensee's purposes until its annual Town Meeting of 2007; and

cc: Town Clerk 10/17/06
Town Clerk
Marc Deshaies
Widemarsh Beach

Whereas, Licensor is agreeable to allowing Licensee the right to utilize the Fairhaven Parcel for the purposes of the passing and repassing of public safety vehicles; for utilizing Shore Drive for boat hauling; and the extension of municipal sewerage to the properties within the Widemarsh Beach Association on the terms and conditions set forth hereinafter.

AGREEMENT

NOW THEREFORE, for and in consideration of good and valuable consideration, the sufficiency of which is hereby acknowledged, the parties hereby agree as follows:

1. Licensor hereby grants to Licensee a license to: (a) allow public safety vehicles to pass and repass across the Fairhaven Parcel for all purposes; (b) to allow members of the Widemarsh Beach Association to access Shore Drive by passing and repassing over the Fairhaven Property for purposes of hauling boats to the Goulart Boat Ramp; and (c) to allow the Widemarsh Beach Association to install a sewer extension line under the Fairhaven Parcel to service the properties within the Widemarsh Beach Association in accordance with paragraph 2 herein.
2. Licensee hereby agrees, as a condition precedent to the grant of this License by the Licensor to the Licensee, that Licensee shall erect a gate upon the WBA property that will restrict access from Shore Drive to the WBA for boat hauling purposes only and not as a means of access to the residents of Widemarsh Beach.
3. Licensor hereby agrees that Licensee shall be permitted to extend the current sewer line situated in Shore Drive to the WBA Property under the Fairhaven Property strictly in accordance with plan approval by the Fairhaven Board of Public Works in a good and workmanlike manner returning any area of the Fairhaven Property disturbed by said construction to its previous condition as near as possible.
4. Licensee agrees that any hauling of boats from the WBA Property over the Fairhaven Property shall take place only between the hours of 8:00 a.m. to 5:00 p.m., Monday through Saturday but not on Sunday.
5. Licensee shall prepare a plan of the Fairhaven Property in recordable form to allow Licensor to submit a Warrant Article to Town Meeting to grant Licensee an easement for the purposes contemplated by this License.
6. Licensor agrees that upon receipt of the plan contemplated in paragraph 5, to move an Article at the next Annual Town Meeting which shall call for the execution by the Licensor of a permanent easement for the purposes set forth herein.
7. Licensee agrees that Licensor may revoke and terminate this license at any time but only upon three hundred sixty-five (365) days prior notice to the Licensor or its successor in interest.

Executed in duplicate as a sealed instrument this 16th day of October, 2006.

LICENSOR:

Town of Fairhaven
Board of Selectmen

ACTING [Signature]
Chairman

[Signature]
Member

Member

LICENSEE:

Widemarsh Beach Association

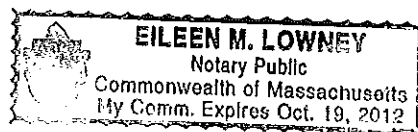
[Signature]
By: Head Trustee
duly authorized

COMMONWEALTH OF MASSACHUSETTS

Bristol, ss.

On this 16th day of October, 2006, before me, the undersigned notary public, personally appeared the above-named members of the Board of Selectmen, proved to me through satisfactory evidence of identification, which were Massachusetts driver's licenses, to be the persons whose names are signed on the preceding or attached document, and acknowledged to me that they signed it voluntarily for its stated purpose.

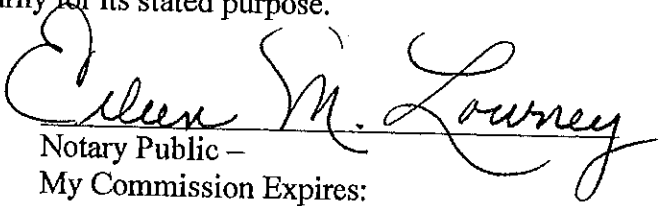
[Signature]
Notary Public -
My Commission Expires:

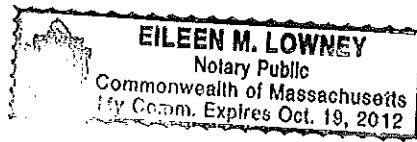


COMMONWEALTH OF MASSACHUSETTS

Bristol, ss.

On this ~~16th~~ day of October, 2006, before me, the undersigned notary public, personally appeared DAVID SMALL, Trustee of the Widemarsh Beach Association, proved to me through satisfactory evidence of identification, which were Massachusetts driver's license, to be the person whose name is signed on the preceding or attached document, and acknowledged to me that he/she signed it voluntarily for its stated purpose.


Notary Public –
My Commission Expires:





Fairhaven Planning Board

Town Hall • 40 Center Street • Fairhaven, MA 02719
Telephone (508) 979-4082 • FAX (508)-979-4087

Memorandum

Date: October 10, 2006
To: Board of Selectmen
Jeff Osuch, Executive Secretary
From: Raymond Fleurent
Chairman, Planning Board
RE: Landfill Reuse – Dickerson Development

BOARD OF SELECTMAN
FAIRHAVEN MASS

2006 OCT 10 P 4: 05

RECEIVED

The Board reviewed and discussed the above referenced request to evaluate the reuse of the landfill. The Board did not have an objection to having a free and non-binding evaluation of the reuse of the landfill.

However, the Board has significant concerns with the surrounding infrastructure, such as the roads, access and the Alden/Bridge intersection, would not be able to support such a reuse. Also, the Board feels there's likely not sufficient right-of-way to mitigate the potential traffic problems.

c: Planning Board

9.

PERRY, HICKS, CROTTY AND DESHAIES, LLP

ATTORNEYS AT LAW
388 COUNTY STREET
NEW BEDFORD, MASSACHUSETTS 02740-4992

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(1965-2002)

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ELLYN H. HURD
MICHAEL J. KENNEFIGK
AMY S. MELLO*

E-MAIL: info@perryhicks.net
www.perryhicks.net

*ALSO ADMITTED IN R.I.

October 10, 2006

VIA FAX AND U.S. MAIL

Ronald A. Gonzalez
Senior Enforcement Counsel
EPA Office of Environmental Stewardship
1 Congress Street
Boston, MA 02114

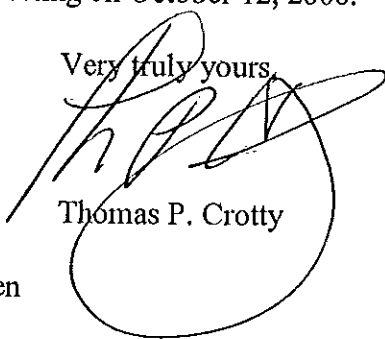
Re: Request to Access Property
Fairhaven Assessors Map 6, lots 155, 156, 157, and 158

Dear Attorney Gonzalez:

I am in receipt of a letter dated October 4, 2006 from Elaine Stanley, Remedial Project Manager of the Massachusetts Superfund Section. The letter requests permission from the Selectmen for the EPA to access property located at the end of Church Street, shown on Assessors Map 6 as lots 155, 156, 157, and 158.

The letter requested a response by Monday, October 9, 2006. However, I did not receive this letter until Friday, October 6, 2006, and, due to the observance of Columbus Day, the Fairhaven Board of Selectmen did not have a meeting on Monday, October 9, 2006. Although this letter is not on their agenda, the Selectmen may be able to act on this request at their next scheduled meeting on October 12, 2006.

Very truly yours,



Thomas P. Crotty

cc: Fairhaven Board of Selectmen

BOARD OF SELECTMEN
FAIRHAVEN MASS

2006 OCT 11 A 11:45

RECEIVED

9.

PERRY, HICKS, CROTTY AND DESHAIES, LLP

ATTORNEYS AT LAW
388 COUNTY STREET
NEW BEDFORD, MASSACHUSETTS 02740-4992

DANIEL C. PERRY
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(1065-2002)

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ELLYN H. HURD
MICHAEL J. KENNEFIGK
AMY S. MELLO*

E-MAIL: info@perryhicks.net
www.perryhicks.net

*ALSO ADMITTED IN R.I.

October 11, 2006

VIA FAX AND U.S. MAIL

Board of Selectmen
Town of Fairhaven
40 Center Street
Fairhaven, MA 02719

Re: EPA Request to Access Property
Fairhaven Assessors Map 6, lots 155, 156, 157, and 158

RECEIVED
OCT 12 A 11:59
BOARD OF SELECTMEN
FAIRHAVEN MASS

Dear Members of the Board:

I have reviewed the letter dated October 4, 2006 from Elaine Stanley, Remedial Project Manager of the Massachusetts Superfund Section. The letter requests permission from the Selectmen for the EPA to access property located at the end of Church Street, shown on Assessors Map 6 as lots 155, 156, 157, and 158.

The Town is the owner of the Property by virtue of an instrument of taking recorded in the Bristol County (S.D.) Registry of Deeds in Book 2875, Page 203 and a tax title deed dated February 18, 2004 recorded in Book 6806, Page 26. The previous owner of the Property was Eli Braley G. Hathaway Machinery Co., Inc.

The EPA is authorized to enter the Property for the purpose of conducting remedial activities associated with the Atlas Tack Corporation Superfund Site remedial action. The Town's failure to comply may result in civil penalties assessed against the Town in the amount of \$32,500 for each day of non-compliance. For this reason, the Town should consent to the EPA's request to enter the land.

With respect to the Town's liability under CERCLA (Comprehensive Environmental Response, Compensation and Liability Act - 42 U.S.C. §9600 et seq.), it is my opinion that the Town would not be liable for any costs incurred by the EPA associated with a removal or remedial action, unless the Town actually caused or contributed to the release or threat of release. This is because, although an "owner and operator" of a facility is liable for such EPA costs, 42 U.S.C. §9601 defines the term "owner or operator", in pertinent part, as:

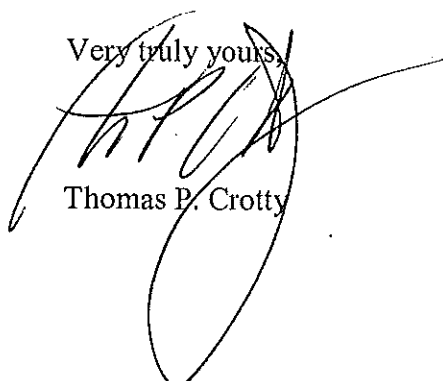
“in the case of any facility, title or control of which was conveyed due to bankruptcy, foreclosure, tax delinquency, abandonment, or similar means to a unit of State or local government, *any person who owned, operated, or otherwise controlled activities at such facility immediately beforehand.*”

Because the Town acquired title to the Property due to a tax delinquency, the “owner or operator” for the purposes of CERCLA is the owner immediately before the tax taking – Eli Braley G. Hathaway Machinery Co., Inc.

It is unclear at this point whether the EPA would nevertheless be authorized to place a lien on the Property. It is arguable that the tax taking eliminated any right the EPA may have had to recover against the Property. We can look into this issue further if necessary, but it may be of no consequence to the Town as the Property was deemed land of low value in 2003.

Please do not hesitate to call me if you have any further questions in this regard.

Very truly yours,



Thomas P. Crotty



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

REGION 1

1 CONGRESS STREET, SUITE 1100
BOSTON, MASSACHUSETTS 02114-2023

URGENT LEGAL MATTER -- PROMPT REPLY NECESSARY
BY FACSIMILE AND U.S. MAIL

October 4, 2006

Mr. Jeffrey Osuch, Executive Secretary
Town of Fairhaven
Fairhaven Town Hall
40 Center Street
Fairhaven, MA 02719

Re: **REQUEST FOR ACCESS TO PROPERTY**

Dear Mr. Osuch:

The United States Environmental Protection Agency ("EPA") respectfully requests permission from the Town of Fairhaven Board of Selectman for EPA, its agents, contractors, and other authorized representatives to have access to property owned by the town located at the end of Church Street, beginning October 10, 2006. The property is more specifically defined as Lots 155, 156, 157 and 158 on Town Assessors Map No. 6 (collectively "Town Property"), Fairhaven, Massachusetts.

EPA requests access to the Town Property to conduct remedial activities associated with the Atlas Tack Corporation Superfund Site ("Site") remedial action. Based on recent analytical data, contamination may extend into the Town Property which is located adjacent to and west of the Commercial and Industrial Dump ("CID"). The CID is within the Solid Waste and Debris Area ("SWDA"), or fill areas of the Site consistent with the Record of Decision ("ROD") issued for the Site. EPA is currently performing remedial action for the SWDA. A remedial action is necessary to address the potential danger to public health and/or the environment posed by the release or threat of release of hazardous substances at or from the Site. The type of activities which EPA may to perform in the Town Property include:

- (1) surveying the extent of contamination found and soil sampling points;
- (2) sampling soil, groundwater, sludge, sediment, and debris and monitoring air;
- (3) erecting adequate erosion and sedimentation controls;
- (4) maintaining site security including any repair of security structures such as the perimeter fence;
- (5) mobilizing the necessary equipment and structures to conduct the remedial action including but not limited to, the construction of: an access haul road to the property and exclusion zones (areas restricted to certain personnel due to hazards);
- (6) excavating contaminated soils and debris;
- (7) post excavation sampling to confirm cleanup levels have been met, with further excavation where contamination is detected;
- (8) off-site disposal of contaminated soils and debris from the property;
- (9) backfilling excavation area(s) with clean soil and grading of the excavation area(s) to provide adequate drainage;
- (10) surveying final grades,

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BOARD OF SELECTMAN
FAIRHAVEN MASS

2006 OCT -5 P 12: 25

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Request for Access Letter

Page 2

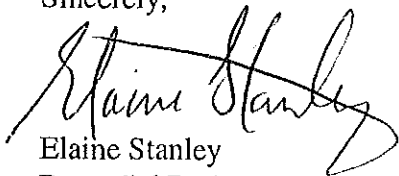
and (11) inspecting and monitoring the Town Property after completion of the work to ensure restoration measures are successful.

EPA is authorized to conduct such response activities on your property pursuant to Sections 104(a)(1) & 104(e)(1) of the Comprehensive Environmental Response, Compensation, and Liability Act ("CERCLA"), as amended 42 U.S.C. §§ 9604(a)(1) & 9604(e)(1). This authorization provided by CERCLA includes access to private property for the purpose of determining the need for response actions, performing response actions, and/or enforcing CERCLA. 42 U.S.C. § 9604(e).

Compliance with this request shall be enforceable pursuant to Section 104(e)(5) of CERCLA, 42 U.S.C. § 9604(e)(5) and may subject you to civil penalties of up to \$32,500 for each day of noncompliance with this request, as provided in Sections 104(e)(5) of CERCLA, 42 U.S.C. § 9604(e)(5), and the Civil Monetary Penalty Inflation Adjustment Rule, 61 Fed. Reg. 69360. Nothing herein shall preclude EPA from taking such other actions as may be necessary to protect the public health or welfare or the environment and recovering the costs thereof.

Please signify your consent to access by signing the enclosed access agreement and returning it to me at the above address. The access agreement must be signed by all owners of the property, or someone authorized to consent to this request for access. Your cooperation in assisting with the performance of activities at the Site is appreciated. If you have any questions, please let us know. Please submit the signed access agreement to me on or before Monday, October 9, 2006. If we do not receive your signed access agreement on or before Monday, October 9, 2006, EPA will assume that you do not consent to this request for access. My direct telephone number is (617) 918-1332. All communications from your legal counsel should be directed to Ronald Gonzalez, Senior Enforcement Counsel of the EPA Office of Environmental Stewardship at (617) 918-1786.

Sincerely,



Elaine Stanley
Remedial Project Manager
Massachusetts Superfund Section

Attachment

cc: Ronald Gonzalez
Bob Cianciarulo
Donald Frankel
Town of Fairhaven Board of Selectman
Thomas P. Crotty, Esq.

CONSENT FOR ACCESS TO PROPERTY

NAME: Town of Fairhaven
ADDRESS OF PROPERTY: Church Street, Fairhaven, Massachusetts, defined as Lots 155, 156, 157 and 158, Assessors Map No. 6, Fairhaven, Massachusetts.

I (We) consent to the officers, employees, agents, contractors, subcontractors, consultants, and other authorized representatives of the United States Environmental Protection Agency ("EPA") entering and having continued access, beginning on October 12, 2006, to the above-referenced property for the following purpose(s):

- (1) surveying the extent of contamination found and soil sampling points;
- (2) sampling soil, groundwater, sludge, sediment, and debris and monitoring air;
- (3) erecting adequate erosion and sedimentation controls;
- (4) maintaining site security including any repair of security structures such as the perimeter fence;
- (5) mobilizing the necessary equipment and structures to conduct the remedial action including but not limited to, the construction of: an access haul road to the property and exclusion zones (areas restricted to certain personnel due to hazards);
- (6) excavating contaminated soils and debris;
- (7) post excavation sampling to confirm cleanup levels have been met, with further excavation where contamination is detected;
- (8) off-site disposal of contaminated soils and debris from the property;
- (9) backfilling excavation area(s) with clean soil and grading of the excavation area(s) to provide adequate drainage;
- (10) surveying final grades, and
- (11) inspecting and monitoring the Town Property after completion of the work to ensure restoration measures are successful.

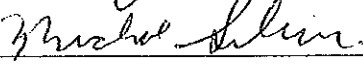
CONSENT FOR ACCESS TO PROPERTY
Page 2

I (We) realize that these actions by EPA are undertaken pursuant to EPA's response and enforcement authorities under the Comprehensive Environmental Response, Compensation and Liability Act of 1980, as amended, 42 U.S.C. § 9601 et seq.

I (We) give this written permission voluntarily with knowledge of my (our) right to refuse and without threats or promise of any kind.

October 12, 2006

Date



Signature of Property Owner or
Owner's Authorized Representative
Ronald Manzone
Michael Silvia

Name: _____

Title: Fairhaven Board of
Selectmen

Address: 40 Center Street

Fairhaven, MA 02719

Phone: 508-979-4023

CONSENT OF ADDITIONAL PROPERTY OWNER(S)

Date

Signature of Property Owner or
Owner's Authorized Representative

Name: _____

Title: _____

Address: _____

Phone: _____

**LEGAL DESCRIPTION
HATHAWAY BRALEY WHARF CO., INC.
ASSESSORS'S MAP 6, LOT 46**

Two certain parcels of land shown as Parcel A and B located in Fairhaven, Bristol County, Massachusetts shown on a Plan of Land entitled "Plan of Land located in Fairhaven, MA prepared for Hathaway Braley Wharf Co., Inc." dated April 25, 2003, are further bounded and described as follows:

PARCEL A

Beginning at a point which is the intersection of the southerly sideline of Church Street and the easterly sideline of South Tripp Street;

Thence by said sideline of Tripp Street North $04^{\circ} 01' 44''$ West, One hundred seventy-eight and $89/100$ (178.89) feet to a corner and land or formerly owned by Atlas Tack Corp.;

Thence still by land of said Atlas Tack, North $86^{\circ} 14' 58''$ East, Two hundred seventy-six and $54/100$ (276.54) feet to a corner;

Thence still by land of said Atlas Tack, South $15^{\circ} 19' 30''$ East, One hundred thirty-one and $18/100$ (131.18) feet to an angle;

Thence still by land of said Atlas Tack, South $23^{\circ} 02' 55''$ East, Ninety-four and $20/100$ (94.20) feet to a corner and land of the Town of Fairhaven;

Thence by said land of the Town, South $67^{\circ} 29' 53''$ West, Six hundred forty-nine and $42/100$ (649.42) feet to a corner and the easterly sideline of South Hitch Street;

Thence by said sideline, North $00^{\circ} 34' 53''$ West, Two hundred forty-five and $92/100$ (245.92) feet to the southerly sideline of Church Street;

Thence said sideline, South $85^{\circ} 45' 12''$ East, Two and $54/100$ (2.54) feet to an angle and North $86^{\circ} 03' 18''$ East, Two hundred sixty-six and $14/100$ (266.14) feet to a corner and the point of beginning.

Containing 3.167 acres more or less.

PARCEL B

Beginning at a point on the southerly sideline of land owned by the Town of Fairhaven, said point being South $24^{\circ} 50' 26''$ East, One hundred forty and $63/100$ feet from the southeast corner of Parcel A described above;

Thence by land now or formerly owned by Atlas Tack Corp., and by land of the Town of Fairhaven, South $24^{\circ} 50' 16''$ East, Three hundred thirty-one and $22/100$ (331.22) feet to a corner and right of way;

Thence by land of said right of way whose owners are unknown, South $89^{\circ} 31' 28''$ West, Eight hundred eighty-one and $81/100$ (881.81) feet to a corner and land owned by the Town of Fairhaven;

Thence by said land owned by the Town, North $67^{\circ} 29' 53''$ East, Eight hundred three and $95/100$ (803.95) feet to the point of beginning.

Containing 3.054 acres more or less.



10 B.

Town of Fairhaven

Department of Planning & Economic Development

Town Hall · 40 Center Street · Fairhaven, MA 02719
Telephone (508) 979-4082 · FAX (508)-979-4087

Memorandum

Date: October 10, 2006

To: Board of Selectmen
Jeff Osuch, Executive Secretary

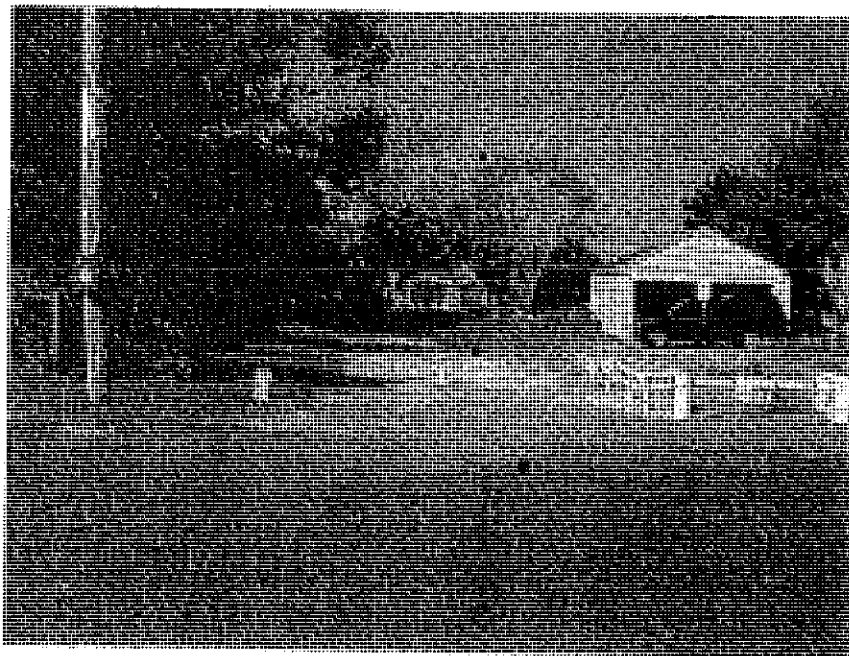
From: William D. Roth, Jr., AICP *WR*
Planning and Economic Development Director

RE: Grove Street – Bromberg 9/20/06 Letter
Map 29C

RECEIVED
2006 OCT 10 P 1:05
BOARD OF SELECTMAN
FAIRHAVEN MASS

I recommend that the Board forward this issue to the Town Attorney for the following reasons.

- The issue of Paper Streets and surrounding property owners right is vague and confusing in state law.
- The paper street in questioned is a partially developed gravel way that is currently being use to go between Seaview Avenue and Holiday Drive.
- The BPW plows the paper street, confirmed by John Charbonneau, Highway Supervisor.
- The Town Clerk's records indicate that it is not an accepted Street.
- In the past when paper street issues have come up, the Town Attorney has stated that the issue is a civil matter between property owners. However, since we plow it, the Town may have some authority over the street.



cc: Town Counsel 10/18/06



TOWN OF FAIRHAVEN
MASSACHUSETTS
OFFICE OF EMERGENCY MANAGEMENT
P.O. BOX 223, FAIRHAVEN, MASSACHUSETTS 02719



Town of Fairhaven
Board of Selectmen
40 Centre St.
Fairhaven, MA 02719

RECEIVED
2006 OCT 16 A 11:55
BOARD OF SELECTMAN
FAIRHAVEN MASS

October 16th, 2006

RE: Surplus Equipment

Honorable Board Of Selectmen:

At this time, I would like to declare several pieces of equipment surplus.

1. 20ft Tripp Angler fiberglass boat, in very poor condition, with an 85HP outboard motor that is not running, and trailer. At this time it is located at DPW in preparation for the town auction.
2. 1988 GMC van. Runs good, however it has large amount of body rot. It is also located at DPW in preparation for the town auction.
3. 1993 Ford van. Does not run. Needs to be towed. This truck is in such poor mechanical condition the head mechanic at the DPW recommends this truck be scraped and not sent to town auction.

Thank you for your attention in this matter.

Respectfully,

Marc N. Jodoin
Director
Fairhaven E.M.A.