



# Fairhaven Board of Selectmen

## September 17, 2012 Meeting Minutes

**Present:** Selectman Brian Bowcock, Selectman Charles Murphy, Selectman Bob Espindola, and Administrative Assistant Anne Kakley.

**Also Present:** Mali Lim of the *Fairhaven Neighborhood News*, Peggy Aulisio of The Advocate, John Nunes, Bill Roth, Chief Michael Myers, Sergeant Matthew Botelho, and others.

Chairman Brian Bowcock called the meeting to order in the Town Hall Banquet Room at 6:33 p.m.

### MINUTES

- The Board voted to accept the minutes of the **September 4, 2012** meeting, **open** session. Mr. Murphy motioned. Mr. Espindola seconded. Vote was unanimous. (3-0).
- The Board voted to accept the minutes of the **September 4, 2012** meeting, **executive** sessions. Mr. Murphy motioned. Mr. Espindola seconded. Vote was unanimous. (3-0).

### EXECUTIVE SECRETARY'S REPORT

Mr. Osuch was not present to deliver his report.

### NEW SCHOOL REQUISITION

The Board reviewed a requisition for the New School in the amount of \$779,837.00. Mr. Murphy motioned to approve and sign the requisition. Mr. Espindola seconded. Vote was unanimous. (3-0).

### STATE SEWER FUND RELIEF

The Board reviewed a request from John Nunes to approve and sign an application to the State's Sewer Relief Fund for 2013. This will be the eighth year that the Town has applied, and the money is used to offset the upcoming overhaul of the Wastewater Treatment Plant. The Board voted to approve and sign; Mr. Murphy motioned. Mr. Espindola seconded. Vote was unanimous. (3-0).

### CITATION FOR GEORGE GRACIA

The Board recognized the retirement of Wiring Inspector George Gracia. Mr. Gracia retired on September 14, 2012, after over a decade of work for the Town. The Board thanked Mr. Gracia and wished him well in his retirement. A citation from the Board was issued to Mr. Gracia at his retirement party the week prior.

### **COMMISSION ON DISABILITY APPOINTMENTS**

Mr. Murphy said that there were two vacancies on the Commission on Disability, and that two residents – Eugene Robert and Maria DeOliveira – were interested in serving on the Commission. Both residents are regular attendees, Mr. Murphy said. Mr. Espindola motioned to appoint Mr. Robert and Ms. DeOliveira to the Commission on Disability. Mr. Murphy seconded. Vote was unanimous. (3-0).

### **DEPUTY SHELLFISH APPOINTMENT**

The Board reviewed an application from Antoinette O’Leary to be a Deputy Shellfish Warden for the Natural Resources department, pending the results of a CORI check. Mr. Murphy motioned to appoint Ms. O’Leary to Deputy Shellfish Warden. Mr. Espindola seconded. Vote was unanimous. (3-0).

### **DISPATCHER APPOINTMENT**

The Board read a memo from the Police Chief requesting the appointment of Maureen Best to the position of full-time police dispatcher. Chief Myers informed the Board that Ms. Best had been a part-time dispatcher and that she would be filling a vacancy.

Mr. Murphy motioned to appoint Ms. Best to the position of a full-time Police dispatcher. Mr. Espindola seconded. Vote was unanimous. (3-0).

### **MILLICENT LIBRARY APPOINTMENT**

The Board read a letter from Library Director Carolyn Longworth asking the Board to reappoint the Library Board of Trustees President Myra Lopes to another four-year term. Mr. Murphy motioned to appoint Ms. Lopes. Mr. Espindola seconded. Vote was unanimous. (3-0).

### **ONE-DAY, ALL-ALCOHOL LICENSE – ICE CHEST**

The Board reviewed a letter from the Ice Chest asking for a one-day, all-alcohol license for the Ice Chest for the Fifth Annual Chest Fest to benefit the Matty Oliveira Memorial Fund. The event will take place on Sunday, September 30, 2012 from 10:30 a.m. to 9:00 p.m.

Mr. Murphy motioned to approve the one-day all alcohol license for Ice Chest. Mr. Espindola seconded. Vote was unanimous. (3-0).

### **NSTAR GAS PERMITS**

The Board reviewed the following NSTAR gas permit applications:

- A gas permit application for 120 Green Street between Washington and Center Streets. The permit had been previously approved by the Board of Public Works. Mr. Murphy motioned to approve. Mr. Espindola seconded. Vote was unanimous. (3-0).
- A gas permit application for 27 and 28 Hamlet Street between Babbit and Stephen Streets. The permit had been previously approved by the Board of Public Works. Mr. Murphy motioned to approve. Mr. Espindola seconded. Vote was unanimous. (3-0).
- A gas permit application for the intersection of Church and Pleasant Streets. The permit had been previously approved by the Board of Public Works. Mr. Murphy motioned to approve. Mr. Espindola seconded. Vote was unanimous. (3-0).
- A gas permit application for 21 South Street between Fort and Green Streets. The permit had been previously approved by the Board of Public Works. Mr. Murphy motioned to approve. Mr. Espindola seconded. Vote was unanimous. (3-0).
- A gas permit application for 37 Pleasant Street between Farmfield and Cottage Streets. The permit had been previously approved by the Board of Public Works. Mr. Murphy motioned to approve. Mr. Espindola seconded. Vote was unanimous. (3-0).
- A gas permit application for 120 Green Street between Mill Road and the dead end. The permit had been previously approved by the Board of Public Works. Mr. Murphy motioned to approve. Mr. Espindola seconded. Vote was unanimous. (3-0).
- A gas permit application for 120 Green Street between 333 Huttleston Ave on the Hamlet Street side. The permit had been previously approved by the Board of Public Works. Mr. Murphy motioned to approve. Mr. Espindola seconded. Vote was unanimous. (3-0).

### **ANTIL'S PACKAGE STORE LICENSE**

The Board reviewed a memo from Selectmen's Office Senior Clerk Lori Pina calling attention to an active, but unused, Package Store/Beer and Wine license that is currently held by Robert Antil, of Antil's Market. Antil's Market will not be reopening after a fire destroyed the business in 2011. Ms. Pina requested that the Board schedule a hearing and notify Mr. Antil that the license will be revoked or rescinded. Mr. Murphy motioned to send the notification to Mr. Antil and begin the process of a public hearing. Mr. Espindola seconded. Vote was unanimous. (3-0).

### **POLICE SERGEANT APPOINTMENT**

At 6:45 p.m., the Board met with Matthew Botelho to reconfirm his appointment to Police Sergeant in open session. In front of Mr. Botelho's family, friends and colleagues, Mr. Murphy motioned to appoint Mr. Botelho to Police Sergeant. Mr. Espindola seconded. Vote was unanimous. (3-0).

### **CUSHMAN PARK EASEMENT**

Dr. Bowcock provided an update on the easement that Town Meeting members had voted to grant to Town resident Bradford Souza at the Annual Town Meeting on May 5, 2012. The

legislation passed the House and Senate and was deemed viable, with the understanding that a parcel of land of equal or greater size be donated to the Town for conservation purposes. (See Attachment A).

As a segue, Dr. Bowcock noted that a memo from Bill Roth indicated that a property owner in the Washburn Avenue area would like to donate a lot of land for conservation restriction to satisfy the conditions set forth by the Planning Board for a Washburn Ave subdivision. Dr. Bowcock said that it was possible that the parcel could qualify as a conservation parcel to offset the easement granted to Mr. Souza at 188 Green St.

To finalize the easement for Mr. Souza's property, the Board will have to make an official vote, outlining a conservation restriction, at a later date. Mr. Roth stated that if the Washburn Ave donation did not pan out for any reason, there were other potential land-locked parcels in the New Boston Road area that could qualify for conservation restriction for the sake of Mr. Souza's easement.

### **2013 CDBG COMMUNITY DEVELOPMENT STRATEGY**

The Board met with Bill Roth to discuss a 2013 CDBG Community Development Strategy.

In an overview of the project, Mr. Roth said that a project at the corner of Park and Main Street is currently underway. The application for the 2013 CDBG is due on December 14, 2012. The process will require eight public meetings, Mr. Roth said, including four Board of Selectmen hearings and four neighborhood meetings.

This year, the Town will be able to apply for a grant of no more than \$480,000. Mr. Roth said that the Town would likely continue to pursue the "winning formula" of housing rehabilitation and infrastructure for the upcoming year. Mr. Roth distributed a Community Development Strategy to the Board (see Attachment B).

Mr. Roth explained that the Town would start to consider regionalizing the CDBG grant in order to improve the Town's score and standing. The Town is currently considering a joint application with the Town of Middleboro. Mr. Roth said his main goal was to maintain Fairhaven's status as a "lead community" to complete the administrative end of the grant.

Mr. Roth answered a series of questions from the Selectmen regarding the future of the CDBG program. The Board thanked Mr. Roth for his presentation.

### **WASHBURN PARK LAND DONATION**

The Board voted to accept a land donation in the area of Washburn Ave, subject to all taxes being paid. Mr. Murphy motioned. Mr. Espindola seconded. Vote was unanimous. (3-0). (See Attachment C).

### **TOWN FINANCE COMMITTEES SEMINAR**

The Board received an invitation to the 2012 Annual Meeting of the Association of Town Finance Committees. The Board agreed to forward the invitation onto the Finance Committee.

### **FREEDOM OF INFORMATION ACT**

The Board read a letter from Richard Dussault requesting a copy of the unredacted resignation letter from former Board of Appeals member Joseph Morra. Dr. Bowcock said that the Board would authorize the Selectmen's Office to release the letter to Mr. Dussault.

### **TAYLOR SEAFOOD DONATION**

The Board read a letter from Rod Taylor of Taylor Seafood offering a donation of oyster seed to the Town. The Board read the letter and voted to accept the donation. Mr. Murphy motioned. Mr. Espindola seconded. Vote was unanimous. (3-0).

### **SAFETY CONCERN – ADAMS STREET**

The Board read a letter from Lisa Marie DeMello, parent of a Fairhaven student who was hit and injured by a car in September when crossing Adams Street. Ms. DeMello's letter requested the Board to consider reducing the speed limit or place a school zone sign in the area of her son's accident, between Bellevue Street and Plymouth Avenue. The Board agreed to forward the letter to the Police department for the Safety Officer's review.


### **OTHER BUSINESS**

In other business:

- Mr. Murphy said that he would like to invite Sumul Shah to a future Selectmen's meeting to receive an update on how the wind turbines are functioning.
- Mr. Murphy said that the Town raised \$8,649.00 at an auction held at the BPW on September 15, 2012. He thanked Charlene Paulson and Kim Nogueira and the rest of the staff of the BPW for their help in the auction.
- Mr. Espindola said that he had attended a regionalization seminar recently and looked forward to using the information he acquired there for future Town endeavors.
- Dr. Bowcock noted that the Town Hall recently held a successful food drive. He thanked all involved in the food drive.
- Mr. Murphy recused himself at 7:30 p.m. Mr. Espindola reminded the public that there would be a Memorial Walk for Katie Brienzo on September 29, 2012, at the Our Ladies of Angels feast grounds, 7 Jesse Street, starting at noon. Registration fee is \$10 and the funds benefit M.O.L.I.F.E. in Ms. Brienzo's memory. Mr. Murphy returned to the meeting at 7:31 p.m.
- Dr. Bowcock noted the death of longtime Town resident Joe August. He sent condolences from the Board to Mr. August's family.

At 7:33 p.m., Mr. Murphy motioned to enter into Executive Session to discuss a neighborhood dispute on Middle Street not to reconvene into open session. Mr. Espindola seconded. Vote was unanimous. Roll call vote: Mr. Murphy in favor. Dr. Bowcock in favor. Mr. Espindola in favor. (3-0).

Respectfully,

A handwritten signature in cursive script that reads "Anne Kakley".

Anne Kakley

Selectmen's Secretary

(Minutes approved 10/01/2012)



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**CHAPTER 229 AN ACT AUTHORIZING THE TOWN OF FAIRHAVEN TO GRANT AN EASEMENT OVER CERTAIN LAND.**

PREV NEXT

*Be it enacted by the Senate and House of Representatives in General Court assembled, and by the authority of the same as follows:*

SECTION 1. The town of Fairhaven, acting by its board of selectmen, may grant to Bradford G. Souza, the owner of property at 188 Green street and more fully described in a deed from George Souza to Bradford G. Souza dated February 5, 2002 and recorded with the Bristol county southern district registry of deeds in book 5370, Page 335, and the succeeding owners of the property, an easement over and across a portion of park land known as "Cushman park" and shown as lot 61 on Fairhaven assessors map 11. The portion of Cushman park which shall be subject to the easement authorized by this act is shown as a triangular parcel on a plan entitled "Plan to Accompany Taking by the Town of Fairhaven under chapter 106 of Acts of the year 1903" recorded with the Bristol county southern district registry of deeds in plan book 6, page 8. The easement shall be in such form and subject to such conditions as determined by the board of selectmen for the town of Fairhaven, subject to the action of the special town meeting held on May 5, 2012. The grant of easement authorized in this section shall be subject to paragraphs (a), (b) and (g) of section 16 of chapter 30B.

SECTION 2. As a condition of the conveyance authorized in section 1, the town of Fairhaven shall transfer a parcel of land dedicated for general municipal purposes to the conservation commission for conservation purposes. If no suitable parcel can be transferred for conservation purposes, the town shall acquire a parcel of land or a conservation easement, as defined in section 31 of chapter 184 of the General Laws. Such land or easement shall be dedicated to conservation purposes and shall be placed under the jurisdiction of the conservation commission. The parcel dedicated pursuant to this section shall be of equal or greater size and value for conservation purposes to the parcel described in section 1, as determined by the conservation commission.

SECTION 3. This act shall take effect upon its passage.

Approved, August 6, 2012.

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## 2012-2013 FAIRHAVEN COMMUNITY DEVELOPMENT STRATEGY

**BACKGROUND:** Fairhaven is situated on Buzzards Bay in the southeastern corner of Bristol County 56 miles south of Boston and 35 miles southeast of Providence. Fairhaven is a seaside community on the shore of Buzzards Bay and shares its harbor with the City of New Bedford. The Town has an Executive Secretary/Board of Selectmen form of government with six precincts. Fairhaven has 18.41 square miles of land area, 29.4 miles of shoreline and significant rural areas that are still home to a number of working farms. The Town land use makeup consists of a dense downtown area clustered around the harbor uses, the Town Hall, and Library. Commercial uses are mainly strip mall-style retail establishments and residential densities are typical of suburban and rural neighborhoods.

**PLANNING TOOLS:** The Town of Fairhaven has many tools available for Community Planning that was used in developing the CDS that are community based and have been developed with input received at numerous public meetings.

- The Fairhaven Master Plan, by Planners Collaborative Inc. – completed 1996
- 2008 Fairhaven Open Space and Recreation Plan, by Fairhaven Planning Department – completed 2009
- A Strategy for Fairhaven's Economic Future, by Mt. Auburn Associates, Inc. – 1996
- New Bedford/Fairhaven Harbor Plan, by VHB – 2002
- Fairhaven Affordable Housing Strategy – 2007
- Fairhaven Housing Needs Assessment - December 2009
- Fairhaven Housing Action Plan - March 2010
- Board of Public Works Capital Improvements Plan - ongoing

**HOUSING:** *The goals in this category are consistent with the sustainable development principle of #1, Concentrate Development and Mix Uses by increasing housing density at existing Housing Authority sites that are within walking distance of transit, the downtown, schools, or a retail, service or employment center and by identifying Town owned properties for potential redevelopment as affordable housing. Additionally, #6, Expand Housing Opportunities through increasing the number of units available to low/moderate income residents.*

Out of the Town's population of 16,159, almost 6,600 or 40.8% of the total residents meet the low/moderate income criteria. The Town had a total of 7,266 housing units as of the 2000 census at which time 6,622 units were occupied. 644 were vacant. 413 of the vacant units were identified as seasonal/recreational units. Of the total occupied housing units, 72.5% were owner occupied and 27.5% were renter occupied. Fairhaven's Affordable Housing Strategy identified that single family housing sale prices had increased by 210% between 2001 and 2007 and condominium sale prices had increased by 510% while median average income had not kept up, making home ownership for low/moderate income individuals almost impossible. The US Census, (2000), showed that the median family income in Fairhaven was \$41,696, much lower than the state median family income of \$65,200. The recently completed Housing Needs Assessment and Action Plan identified four areas of need: Non-elderly Rental housing for those earning less than 50% of AMI, First Time Homeownership, Senior Housing for those earning 80% of AMI and Special Needs Housing.

To combat this rise in un-affordability as detailed in the Needs Assessment, the Town and Fairhaven Housing Authority will actively work on a comprehensive strategy identified in the Town Master Plan to provide housing options for low/moderate income individuals by:

- Inventorying all Town owned properties and reviewing them for potential new uses as affordable housing. Who: Fairhaven Planning Board, Local Partners. Cost: \$50,000 Funding: CDBG, Town, MHP, CPA When: Ongoing – completed 2013-2014

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- Working on providing Non-elderly Rental Housing for those earning less than 50% AMI. Who: Town, FHA, private developers. Cost: \$6 to 8 million. Funding – LIHTC. When: over the next 3-5 years.
- Working on providing Special Needs Housing. Who: local service providers, Town, FHA. Cost: \$1 to 2 million. Funding: MA-DDA and DMH. When: over the next 2-5 years.
- Encouraging the Housing Authority to create new housing on their existing sites, thereby increasing capacity/density, and limiting sprawl by not consuming existing open space. Who: Fairhaven Housing Authority Cost: \$6 - 8 million Funding: MHP, foundations, banks, HUD-202, CPA, When: ongoing – complete 2016
- Participating in the Soft Second Loan Program. Who: Town, Fairhaven Cost: \$10,000 Funding: DHCD, MHP, banks When: ~~2012~~ On going with local bank participation
- Seeking funding support from private, state and federal agencies to develop additional affordable housing. Who: Town, Planning Dept. Cost: \$50,000 feasibility study; \$5 million permanent Funding: DHCD, MHP, banks, CPA When: ongoing – feasibility study; ~~2013-2015~~ project
- Encourage the retention and improvement of existing affordable housing stock. Who: Town, Planning Dept., DHCD, Housing Authority. Cost: \$200,000 annually. Funding: DHCD, CDBG, MHP, CPA, Housing Authority, banks When: ongoing
- Seek an inclusionary zoning bylaw. Who: Planning Board and Town Meeting. When: ~~2012~~ 2014

**PLANNING:** *The goals in this category are consistent with the sustainable development principle of #1, Concentrate Development and Mix Uses by facilitating infill development and providing better utilization of existing infrastructure.*

Fairhaven has a full-time Planning and Economic Development Director who works with the Planning Board to review all development projects and assists in re-writing the zoning bylaws. The Planning Board, in 2007, completed a re-write of the subdivision regulations. Some of the new elements of the re-write are: reduced road widths to facilitate infill development and secondary roads and new construction cross-sections and details. The Board is also working on bylaw amendments such as cluster zoning, senior residential zoning, and inclusionary zoning. All of these projects will address the state Office of Commonwealth Development smart growth principles. The Board, in 2008 conducted a Town wide survey on planning and growth and the Final report was released in 2009. The information will be used to help guide the Planning Board and other policy makers with such issues as growth, zoning, affordable housing and help increase support to update the Town's 1996 Master Plan. An area of planning in which the Town is lacking is neighborhood planning. There are several neighborhoods which would benefit from such planning. The Master Plan looks at the entire Town and makes general recommendations; however, there are several neighborhoods that should be studied in more detail:

1. Cushman Park Neighborhood - The neighborhood north and west of Town Hall abutting Cushman Park where there is a mix of marine industrial, tenement housing, vacant properties and neglected homes with ageing infrastructure. This already is the Town's primary Target Area.
2. East Fairhaven - It is composed of several old neighborhoods, with housing stock that is generally neglected and in some cases lacks adequate infrastructure such as paved roads, water and sewer. If a neighborhood plan were prepared for these areas it could assess these issues, identify needs and confirm perceived need.
3. North Fairhaven and adjacent neighborhood - The commercial district is old and dated and has had little investment in upkeep and maintenance. Revitalization of businesses and infrastructure in this area is long overdue. The adjacent neighborhood is a mix of many early 20th century multi-family/tenement homes with early 20th century single-family homes scattered throughout.

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The Town's neighborhood planning goals will:

- Facilitate infill development in neighborhoods. Who: Town, Planning Dept., Planning Board, ZBA. Cost: \$0: When: ongoing
- Concentrate development by creating new zoning bylaws. Who: Town, Planning Dept., Planning Board, RPA, Consultants Cost: \$20,000 Resources: EOE, Town. When: ongoing
- Provide a targeted public planning process to residents of specific neighborhoods involved within their neighborhood. Who: BOS, Planning Board, Planning Dept., other Town Depts. Cost: \$75,000 Resources: Town, DHCD, EOE, Town. When: Ongoing
- Provide the Town with a detailed plan that assesses needs, and sets goals and objectives. Who: Town Depts., Consultants Cost: \$50,000 Resources: Town, State, other grants When: Ongoing –
- Help to make decisions on where to direct Town resources and/or other available resources to address needs. Who: Town Depts., Consultants Cost: \$10,000 Resources: Town, State, other grants When: Ongoing –
- Fulfill several smart growth principles.
  - Principle #1 – *Concentrate Development and Mix Uses*: Town, Planning Board, and ZBA, \$0 Resources: local, ongoing; and the Town is working with the RPA on Smart Growth zoning. Town, Planning Board, RPA Cost: \$20,000, EOE, Town, underway – complete 2013;
  - Principle #4 – *Protect Land and Ecosystems*: Town is actively working with others on land purchases and conservation restrictions. Town, Land Trust, State, Coalition for Buzzards Bay Cost: \$2,000,000, Town, Land Trust, State, CPA, APR and ~~Coalition for Buzzards Bay Coalition~~, Underway – ongoing as new project arise;
  - Principle #5 – *Use Natural Resources Wisely*: Town partnered with a developer to install 2-3 windmills on Town land. Town, MTC, Community Wind, Inc. Cost: \$10,000,000 Resources: Town, MTC, Community Wind, Inc. When:–Being Negotiated, Special Permit issued June 2008; the Town has issued an RFP to install Solar Panels on the Town's Landfill. Town Meeting approved an Article authorizing the Selectmen to negotiate a contract for the project. The Selectmen are in have completed negotiations with a developer and if approved the project could be installed in is anticipated to start before the end of 2012 and up and running by the middle of 2013.
  - Principle #6 – *Expand Housing Opportunities*: Town has a Housing Rehab program, Housing Authority has a P&S to purchase 2 acres adjacent to their Main Street facility and have funding from the CPC. The Housing Authority with funding from the CPC has completed a Housing Needs Assessment and Action Plan. The Town is working on zoning to encourage affordable housing. Town, Fairhaven Housing Auth., \$300,000; Town, DHCD, MHP, CPA, ongoing.

**INFRASTRUCTURE:** *The goals in this category are consistent with the sustainable development principle of #1, Concentrate Development and Mix Uses by rehabilitating existing road infrastructure in an effort to revitalize the target neighborhood, by improving existing high-traffic street intersections and by making improvements to the existing wastewater treatment plant. Additionally; #4 Protect Land and Ecosystems and #10, Plan Regionally by combining resources with neighboring towns to improve infrastructure and local and regional wastewater treatment facilities.*

Fairhaven has well-developed infrastructure systems fully capable of supporting projected future development. Access to the regional transportation system is quite good via Routes I-195, I-495, State Route 240, and U.S. Route 6. A number of neighborhood roads are in fair or poor condition due to their age and conditions. Other areas suffer from overuse and trees that have been allowed to encroach onto sidewalks. However, state and local budget cuts have reduced the Town's ability to keep up with normal repair and maintenance, and larger capital improvement road projects have been deferred maintenance. This has resulted in a backlog of road projects, which have not been funded. Several are located in the Cushman Park Target Area that need substantial repair or rebuilding such as Bridge

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(CDBG 2006 project), Green (CDBG 2009), Main (CDBG 2008), Spring (CDBG 2011), Middle (CDBG 2007, 2010), Park Avenue and the lower end of Main Streets (CDBG 2012), Water, Ferry, Elliot Streets and the lower end of Main Streets. Sconticut Neck Road and most streets within the historic Poverty Point neighborhood also have significant deferred maintenance. The village center (Cushman Park Target Area) was identified in the Strategic Economic Development Plan as an area in which to focus revitalization efforts so that it can become a more focal point of Town life. Storm Drainage within the Target area is critical due to the significant amount of flooding that occurs. The Pease Park pump Station Renovation Project (CDBG 2009) was greatly needed. The Town, in 2011, recently used Chapter 90 funds to replace a 24" clay drainage line across the former Park Motors property with a 3' x 5' box culvert. That pipe caused a significant backup of water and acted like a funnel for the surrounding neighborhood. The box culvert eliminates that restriction and will allow a greater volume of water to flow to the newly renovated pump station. Another needed storm drainage project within the Target Area is, a new pump station for the outfall at the Acushnet River Boating Club marina. Other major improvements that are needed are traffic control changes in commercial locations where there has been significant vehicle traffic growth in recent years, including Route 6 signals at Middle, Main and Green Streets, which are all within the Target Area. Commercial developers have helped with some of these improvements recently, but there are still several signalized intersections in need of upgrade. To address this, the BPW, Police Dept., Planning Board and SRPEDD have been working together and SRPEDD has produced a report identifying safety issues and the various needs. As development occurs, the Town requires developer's pay for their proportional share of the improvements. In addition, the Town has dedicated a portion of their Chapter 90 funds to initiate design on the various Route 6 signals, which has resulted in MassDOT funding the reconstruction of these signals. The project is anticipated to be bid in 2012 under construction.

Fairhaven's wastewater treatment plant on Arsene Street processes an average of 2.5 million gallons of wastewater each day, including a quarter of a million gallons from Mattapoissett. The Board of Public Works (BPW) converted to ultraviolet disinfection and is seeking funds to upgrade the odor control system. In 2007, Town Meeting approved \$600,000 for a Comprehensive Wastewater Management Plan, \$1,500,000 for Wastewater Treatment Facility Improvements and \$150,000 (2008 Town Meeting added \$500,000) for Treatment Plant Hydraulic Remediation. In 2008, Town Meeting approved \$225,000 for investigation and repairs to sewer system caused by inflow and infiltration. These projects require extensive studies and permitting and are currently in process. In 2009 the Town was awarded \$7,000,000 of federal stimulus money to build an Anaerobic Digester, which will take the methane created by the sewer plant and turn that into electricity. That project is currently under in the final stages of construction and is anticipated to be operational in 2012 early part of 2013. As of Fall 2011-2012 there were 5,806 sewer connections to the main plant. This figure will increase over the next few years because two sewer projects, a portion of Sconticut Neck and the Nancy/Marguerite Sewer Projects have come on line. These two projects account for 590 new sewer connections, of which 481 have already connected. Other sewer improvements currently involve repair work to address inflow and infiltration problems that have been identified. In addition, to the Arsene Street facility, there is a Rotating Biological Contactor (RBC) on West Island with 380 sewer connections. The leeching/injection wells had problems and the Town spent in excess of \$100,000 by 2006 on drilling new wells and working with DEP to fix the problem. Fairhaven's water system currently has 6,519 metered accounts and shares a well field with the Towns of Marion and Mattapoissett, each of which holds title to its own wells. After seeing the mutual benefit in combining resources, the towns of Fairhaven, Marion, and Mattapoissett created a regional water district in 2004, which is responsible for building and maintaining a regional water treatment plant. That plant has been fully operational since the summer of 2008. Fairhaven draws approximately 1.4 million gallons of water per day from its five wells. The Town owns and operates two water towers that maintain adequate residential use pressure in high service areas. A third water tower is planned for the East Fairhaven area in the next several years to improve water pressures needed

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for fire-fighting purposes in that area. The Water Department is in the process of developing a water system capital improvement plan. This plan will address system improvements needed to meet the existing and anticipated future water needs of the Town. In addition, the Town, through a Smart Growth Technical Assistance Grant from Executive Office of Environmental Affairs, completed a Water Conservation Plan that is consistent with DEP guidelines.

To address these infrastructure issues, the Board of Public Works (BPW) has created a capital improvements program to assess each project and prioritize them so funds can best be spent. Funding comes from such sources as Chapter 90, Town Meeting appropriations, betterments, water and sewer enterprise funds, and user fees. The Town needs to seek grants and loans from state, federal, as well as, CDBG funds to help minimize the cost and local tax burden for users.

The Town's infrastructure goals will:

- Rehabilitate existing road infrastructure. Who: BPW, Town Cost: \$200,000 maintenance, Resources: \$500,000 CDBG, Town, Ch. 90, PWED. When: ongoing.
- Improve traffic controls along US Route 6. Who: SRPEDD, Town, BPW Cost: \$2,000,000 Resources: Town, Ch. 90, RPA, MassDOT, HSP. When: ~~2008-12~~ Under Construction
- Combine resources with neighboring Towns to improve wastewater infrastructure. Who: Sewer/Water District Cost: \$3.5 million Resources: District, Towns When: ongoing
- Combine resources with neighboring towns to improve drinking water infrastructure. Who: District, DEM, Town Resources: EOE, EPA, Town Cost: \$3.5 million Resources: District When: operation ongoing

**ECONOMY:** *The goals in this category are consistent with the sustainable development principles of #1, Concentrate Development and Mix Uses through the redevelopment and rehabilitation of the semi-vacant AT&T complex. Additionally; #8, Increase Job and Business Opportunities by preserving the working waterfront and #2, Advance Equity by streamlining the zoning/permitting process to create new or changed uses.*

Fairhaven's economy is driven primarily by the following industries: marine repair and construction, fishing, winches and fishing machinery, hospitality, retail, agriculture, and other small industrial concerns. These industries, with the exception of retail, have been hit hard by the economic downturn Massachusetts has seen over the last few years. The Town's ~~8.58.1%~~ unemployment rate in ~~August~~ July 2011-2012 is higher than the state average of 76.6%, (Source ~~Division of Employment and Training~~ Department of Labor and Workforce Development). The fishing and manufacturing base that once made up the largest part of Fairhaven's economy has been replaced by lower paying retail jobs that do not offer sufficient benefits to employees. Fairhaven has also been negatively impacted by the decline in the telecom industry. AT&T, formerly the Town's largest employer, sold their building in 2005 and has move 95% of their operation to Texas. The Acushnet Company, makers of Titleist golf balls, corporate headquarters are located within Town, has also been experiencing layoffs because of the current economic downturn. In July of 2011, a consortium led by Fila Korea, Ltd. and Mirae Asset Private Equity, purchased the company, which has led to speculation on the future status of the corporate headquarters in Fairhaven.

To address these issues the Town will:

- Encourage the redevelopment of the former AT&T complex and adjacent vacant property to the north through streamlined permitting that would allow mixed-use, multi-tenant reuse. Who: Town, Planning Board Cost: \$3 million Resources: Tax Credits, PWED, private When: ongoing

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- Revise the zoning bylaws, (Town and Planning Board), to help preserve the working industrial waterfront, as is expressed in the Town Master Plan and the Harbor Plan. Who: Town and Planning Board Cost: \$0 Resources: Town, CDBG, DHCD, RPA When: ongoing;
- Work with local economic development groups to secure available funds for loans, training, technical assistance from state, federal and private sources, as well as CDBG funding. Who: Town, Partnership, local business groups Cost: \$50,000 Resources: CDBG, Planning grants, DEM, Business Association When: ongoing
- The Town will create an Economic Development Committee to help guide the Town on economic development issues. Who: Selectmen, COST: \$0 When: ongoing.

**OPEN SPACE & RECREATION:** *The goals in this category are consistent with the sustainable development principles of #1, Concentrate Development and Mix Uses by creating a walkway/bike path along the existing railroad right-of-way and developing and improving existing recreational fields. Additionally; #4, Protect Land and Ecosystems and #5 Use Natural Resources Wisely by preserving open and space and #3, Be Fair by making recreational areas ADA compliant.*

The 2008 Open Space and Recreation Plan has been approved by the State. The Planning and Economic Development Department, in conjunction with SRPEDD, our regional planning agency worked on the project. New priorities and areas to set aside for recreation were identified and included in the new plan. The Town's Open Space & Recreation goals are as follows:

- Preserve and protect open space resources. Who: Planning Board, Selectmen, Town Mtg. Cost: \$500,000 Resources: DEM, APR program, Town When: ongoing
  - Acquire specific critically located parcels of land to prevent development in inappropriate areas.
  - Continue participation in farmland and forestry preservation programs.
  - Protect inland and coastal wetlands and wildlife habitats.
- Promote environmental awareness and appropriate conservation oriented use of natural resources Who: Planning Board, Town Commissions/Boards Cost: \$20,000 Resources: Town, DEM, When: on-going
  - Develop multi-purpose trails and paths.
  - Prepare information including signs and brochures that encourage appropriate use.
  - Designate 'Scenic Roads'
- Protect Fairhaven's water supply and marine resource areas. Who: Town, SRPEDD, Bay Committee Cost: \$5 million Resources: DEM, Towns, State When: on going
  - Continue regional work with neighboring towns to protect the Mattapoissett River aquifer.
  - Administer provisions of the Water Protection Overlay Zoning District.
  - Encourage responsible land management within all water and marine related resource areas.
- Provide properly located, sized and equipped recreational and athletic facilities, accessible to all citizens. Who: Towns, Rec. Commission Cost: \$500,000 each project; Resources: Town, DEM, DCR When: ongoing
  - Develop and improve access to recreational and athletic fields.
  - Build a multi-purpose trail along the railroad right-of-way.
  - Upgrade boat launching and mooring facilities.
  - Develop pocket parks particularly in the village center.
  - Request earlier environmental clean-up of the Atlas Tack site.
  - Meet ADA requirements for access to all recreational and athletic facilities.
- Provide for adequate management of recreational and open space facilities and areas, allowing for Town recreational programs, appropriate safety standards, and upgrading and care of equipment and lands. Who: Town, Rec. Commission Cost: \$50,000 Resources: Town When: ongoing
  - Schedule facility use to allow for best growing conditions for grass, shrubs and trees.

## DRAFT

- Prepare overall management plan for equipment and facility maintenance and replacement.
- Insure adequate supervision of activities to prevent inappropriate use.

**CULTURAL:** *The goals in this category are consistent with the sustainable development principle of #1: Concentrate Development and Mix Uses by promoting preservation of historic buildings.*

The Town's Cultural goals as defined in the 1996 Master Plan are as follows:

- Continue to identify and preserve historic buildings.
- Limit rehabilitation requirements to promote preservation of historic buildings.
- Continue to sponsor events such as fishing tournaments, fairs, theatrical performances, and concerts to attract tourism and to provide residents a sense of community.
- Increase the number of and visually coordinate direction and point of interest signs.
- Propose a demolition delay bylaw.

Who: Cultural Council, Tourism Council, Chamber Cost: \$50,000 Resources: Mass Cultural Council, Cultural Council Grants When: ongoing

### COMMUNITY DEVELOPMENT STRATEGY PRIORITY GOALS:

1. Neighborhood planning, in particular look at North Fairhaven as a second Target Area: Planning Board, Selectmen, Planning Dept., \$100,000; CDBG & Town funds; 2013.
2. Maintain and foster harbor and marine uses and undertaking projects that sustain the viability of the harbor area such as dredging, business development of marine uses, and land use planning: Town, Planning Dept., \$5 million, EPA grants, Seaport Advisory Council grants, Town Funds.
3. Provide ongoing infrastructure projects throughout neighborhoods, particularly in the Cushman Park neighborhood; priority streets are Main, Park and Elliot, Water and Ferry Streets, and a new pump station for the outfall at the Acushnet River Boating Club marina; promote Town funded infrastructure improvements in this area: Selectmen, Planning Dept., \$500,000 annually; CDBG, Town funds, ongoing, 2015.
4. Foster reinvestment in neighborhood housing stock: Town, MHP, \$200,000 CDBG housing rehab annually; explore regional housing rehab grant -- Ongoing.
5. Provide affordable housing for all residents of the community; continue the efforts of the Housing Rehabilitation program: Selectmen, Planning Board, \$200,000 annually, CDBG, ongoing 2014, MHP.
6. Safe neighborhoods: \$35,000, Police, DARE, Town funds, ongoing.
7. Continue to provide adequate municipal services: Town, \$1 million per year; ongoing.
8. Redevelopment and reuse of the former AT&T complex through tax incentives and/or streamlined permitting that would allow for new uses, revising the zoning bylaws to help preserve the working industrial waterfront, and seeking training funds for town residents: Planning & Economic Development, \$100,000 RRF, PWEDMassWorks, Grant, ongoing.
9. Support efforts to provide human and social services to residents: Planning, Social Service agencies; \$50,000 CDBG, ongoing – first application for social services in ~~2013~~2015.
10. The Town and Fairhaven Housing Authority will actively work on a comprehensive strategy to provide housing options for low/moderate income individuals. \$100,000, Town, MHP, CPA, ongoing.
11. Open Space & Recreation strategies include improving existing sites for recreational and athletic access: Recreation Committee, Open Space group, Planning Board, \$150,000 from Town, DEM, APR program, and CPA; Ongoing.

DRAFT

12. A continued preservation effort of historic buildings is the cornerstone of the Cultural and Historic strategy: Historic Commission, Tourism Committee, Planning Board, Board of Selectmen, \$300,000 from CPA, ongoing.






**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: September 7, 2012

To: Board of Selectmen  
Conservation Commission

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

RE: Land Donation - Washburn Avenue Subdivision  
Map 4, Lots 29 & 29P

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The property owner for the above referenced lots was required as part of a subdivision condition to place a conservation restriction on what is now Lot 29P. Instead of a conservation restriction, the property owner would rather donate the land to the Conservation Commission. I have reviewed the subdivision condition and feel that the land donation meets the intent of what the Planning Board required; therefore, it would satisfy the condition.

Town Counsel has reviewed the deed. Therefore, I am requesting that the Board of Selectmen, at their September 17, 2012 meeting, and the Conservation Commission, at their September 24, 2012 meeting, vote to accept the land donation subject to all taxes being paid.

Drafts of the deed and subdivision plan are attached.

## MASSACHUSETTS QUITCLAIM DEED

I, **Todd L. Eisenberg, Trustee of The Raymond Eisenberg Revocable Trust -2002** established under a Declaration of Trust dated November 27, 2002, having an address of 700 Pleasant Street, New Bedford, Bristol County, Massachusetts 02740, for **no consideration but as a gift**, grant to the **Town of Fairhaven**, a Massachusetts Municipal Corporation with offices at 40 Center Street, Fairhaven, Bristol County, Massachusetts 02719, with *quitclaim covenants*, land on Washburn Avenue in Fairhaven, Bristol County, Massachusetts, described as follows:

The land, with any buildings thereon, shown as Parcel A on that certain plan entitled "Definitive Subdivision Plan of Land Washburn Avenue in Fairhaven, Massachusetts" prepared for Todd Eisenberg, dated February 26, 2010, and revised August 26, 2010; October 18, 2010; December 5, 2010; and May 3, 2012, drawn by SITEC, Inc. of 449 Faunce Corner Road, Dartmouth, Massachusetts 02747, and filed with the Bristol County (S.D.) Registry of Deeds in Plan Book 169, Page 54.

Said premises are shown as being a portion of the premises shown as being Map 4, Lot 29 on Fairhaven Assessors' Maps containing 0.88 acres of land, more or less, according to said plan.

Being a portion of the premises conveyed to Raymond Eisenberg by Confirmatory Deed dated July 16, 2012 and recorded with said Registry in Book 7769, Page 319. See also Estate of Raymond Eisenberg, Bristol County Probate Court, Docket No. 03P2110EP.

See also, Judgment of February 2, 2007, recorded in said Registry in Book 8524, Page 328. See also, Instrument of Redemption date February 8, 2007, and recorded in said Registry in Book 8544, Page 90.

Grantor hereby releases any rights of homestead previously declared in the property.

This parcel is conveyed to the Town of Fairhaven Conservation Commission for conservation purposes pursuant to M.G.L. c. 40§8C.

WITNESS my hand and seal this \_\_\_ day of \_\_\_\_\_, 2012.

The Raymond Eisenberg Revocable Trust -2002  
u/d/t dated November 27, 2002

\_\_\_\_\_ By: \_\_\_\_\_  
Witness: Laura E. Dadagian-O'Rourke                      Todd L. Eisenberg, Trustee

COMMONWEALTH OF MASSACHUSETTS

COUNTY OF BRISTOL

On this \_\_\_ day of \_\_\_\_\_, 2012, before me, the undersigned notary public, personally appeared Todd L. Eisenberg and proved to me through satisfactory evidence of identification, to be the person whose name is signed on the preceding document, and acknowledged to me that he signed it voluntarily for its stated purpose. The satisfactory evidence of identification was:

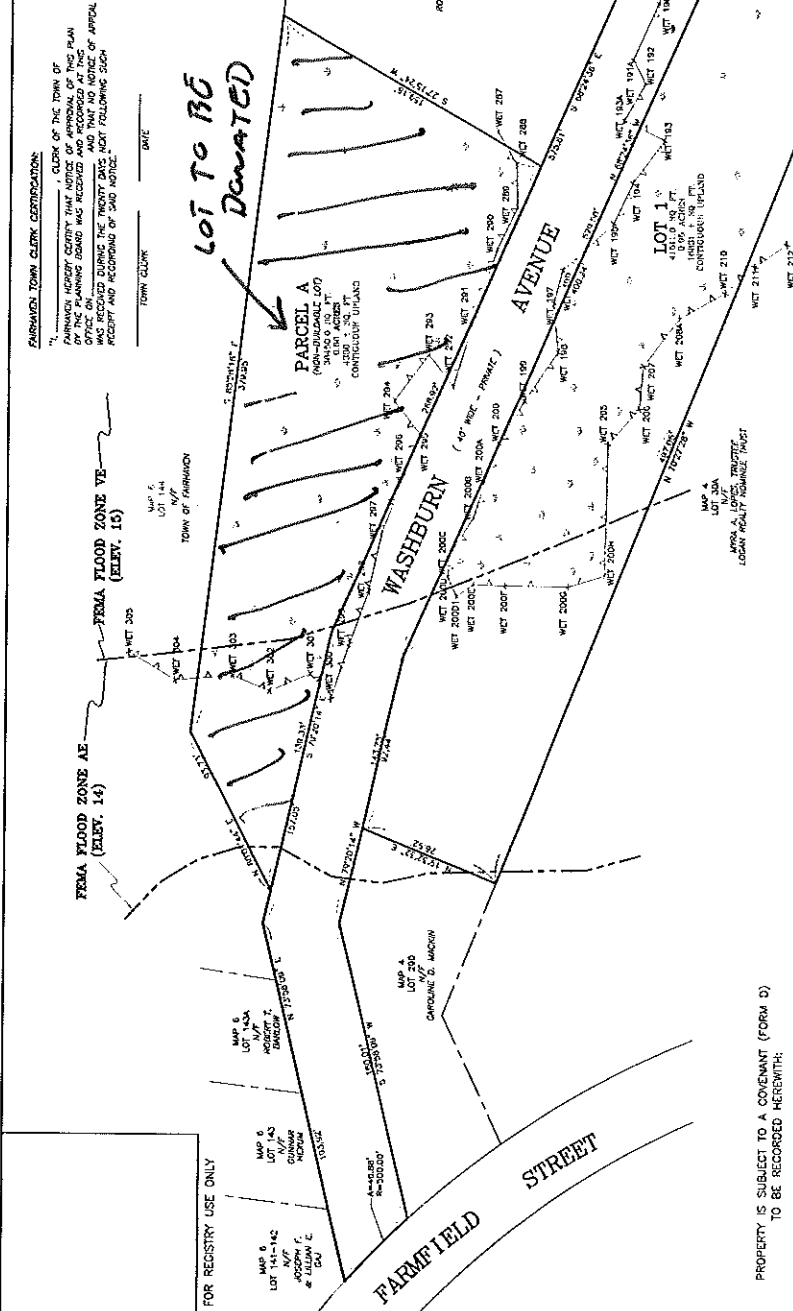
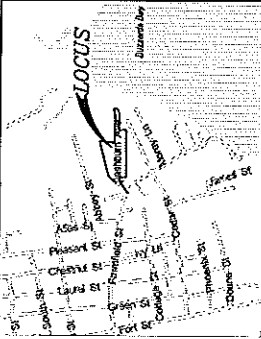
- A current document issued by a federal or state government agency bearing the photographic image of the signatory face and signature; or
- On the oath or affirmation of a credible witness unaffected by the document or transaction who is personally known to the notary public and who personally knows the signatory; or
- Identification of the signatory based on the notary public's personal knowledge of the identity of the signatory; or
- The following evidence of identification: \_\_\_\_\_

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Notary Public-Laura E. Dadagian-O'Rourke

My Commission Expires: September 22, 2017

Fairhaven Town Clerk Certification  
I, CLERK OF THE TOWN OF FAIRHAVEN, COUNTY OF ESSEX, STATE OF MASSACHUSETTS, do hereby certify that the above plan of the Planning Board was received and recorded at this office on the \_\_\_\_\_ day of \_\_\_\_\_, 2010, and that I have duly entered the same in the books provided during the thirty days next following such receipt and recording of said notice.



**Lot To Be Dedicated**

**DEFINITIVE SUBDIVISION  
PLAN OF LAND  
WASHBURN AVENUE  
IN  
FAIRHAVEN, MASSACHUSETTS**

PREPARED FOR  
**TODD EISENBERG**  
SCALE: 1"=30'  
FEBRUARY 26, 2010  
REVISED: AUGUST 26, 2010  
PREPARED BY  
**SITEC** STITEC, Inc.  
400 Orange Street  
New Bedford, MA 01537  
Tel: 508/766-7524

ZONING DISTRICT: SINGLE RESIDENCE  
MINIMUM LOT FRONTS: 100'  
MINIMUM LOT AREA: 15,000 S.F.  
**DEED REFERENCE:**  
BOOK 7769, PAGE 319

**OWNER:**  
TODD EISENBERG, TRUSTEE  
700 ELEGANT STREET  
NEW BEDFORD, MA 02740

**APPLICANT:**  
TODD EISENBERG, TRUSTEE  
700 ELEGANT STREET  
NEW BEDFORD, MA 02740

**NARRATIVE:**  
1. THE INTENT OF THIS PLAN IS TO ESTABLISH THE RIGHT OF WAY FOR WASHBURN AVENUE THROUGH THE EXISTING LOT SHOWN AS LOT 29 ON THE TOWN OF FAIRHAVEN ASSESSORS' MAP 4.  
2. PARCEL A AS SHOWN WILL NOT BE CONSIDERED A BUILDABLE LOT.  
3. PARCEL "A" AND LOT 1 SHALL BE DEED RESTRICTED PROHIBITING RESUBDIVISION OF SAID LAND.

I HEREBY CERTIFY THAT THIS PLAN CONFORMS WITH THE RULES AND REGULATIONS OF THE REGISTER OF DEEDS OF THE COMMONWEALTH OF MASSACHUSETTS.  
PLS \_\_\_\_\_ DATE \_\_\_\_\_

PROPERTY IS SUBJECT TO A COVENANT (FORM D) TO BE RECORDED HERewith:  
BOOK \_\_\_\_\_ PAGE \_\_\_\_\_

APPROVAL UNDER THE SUBDIVISION CONTROL LAW IS REQUIRED.  
**FAIRHAVEN PLANNING BOARD**  
\_\_\_\_\_  
DATE: \_\_\_\_\_

PLANNING BOARD ENDORSEMENT LATER THAN THE SUBDIVISION CONTROL LAW SHOULD NOT BE CONSTRUED AS EITHER AN ENDORSEMENT OR AN APPROVAL OF COMPLIANCE WITH THE FAIRHAVEN ZONING BY-LAW.