To: Board of Selectmen (BOS)  
From: Community Preservation Committee  
11/18/2011  

Re: Summary of CPC Deliberations to Date on Spring Bars Road (SBR) Project  

The following is a review of decisions that have been made since the start of 2010, first in the purchase of the property by the Town and more recently in discussions of a draft request for proposals (RFP) for the construction and management of a model project for community housing and other CPA-approvable uses of space. We are responding with respect for the community outrage about the earlier 168-unit 40B development plan for this site.  

We realize that these recommendations are the precursor to discussion with you and the public. A public forum is scheduled for Thursday, December 1, at 7:30 at the Lawrence School Auditorium, with FCTV coverage planned.  

While there is a draft RFP in the early stages, we now want to share with you the priorities and preferences that underlie the RFP rather than the formal language of that document. The RFP, of course, will go through a vetting by Town departments and approval by the BOS before issuance.  

The information is presented according to two basic phases of the project, preparation for recommendation to purchase at April, 2010 Town Meeting and decisions since the Town Meeting action:  

**Before April, 2010 Town Meeting, including the MOU of March 2010 with BOS:**  

1. The MOU defined the BOS as the final decision-maker and the CPC as the developer of recommendations and as the funder of consultant help needed to create plans, with a proposed completion by March, 2012  
2. The 21.2 acres was subdivided to produce “Parcel A” of 11.5 acres +/- for community housing and “Parcel B” of 9.7 acres +/- for open space and passive recreation with a C.R.  
   a. The division was designed so that Parcel B had a value of $1,000,000 for land that:  
      1) could be developed and was previously used, to be restored to open space, and  
      2) the most sensitive environmental areas  
      3) in order to make the most attractive application for a state LAND grant of $500,000
b. This left Parcel A in roughly a “P” shape, the western and northern areas, for housing and potential active recreation or other uses
c. A 21E investigation was completed that found no hazardous waste
d. A plan was established with The Three Hundred Committee (T3C) to remove the remnants of buildings and do an initial cleaning of the site

3. Guiding principals for housing development were stated in the MOU, including:
   a. General Smart Growth and Smart Energy guidelines, and
   b. Specific limits on the quantity of the housing, as a maximum of 70 bedrooms in no more than 20-30 units, but without definition of the number of structures
      1) The limits on quantity were created as a balance of the community need for work-force housing against the negative history of the Little Pond Landing 40 B proposal and the potential of the environmental areas. The desire for a possible sewer connection limited the size also.
   c. All housing to be deed restricted as affordable for those at or below 100 percent AMI (“low and moderate income”), with 70 percent dedicated to Falmouth residents

**Following the Approval by Town Meeting in April, 2010:**

A. General
   1. Set a purchase process of paying approximately $1.5 million immediately and $1.5 million by short-term borrowing over three years (April, 2010)
      a. The funding plan was created to coordinate with the LAND grant application and to ease cash-flow pressures on CPC funds, which had seen a decline in state match and a growing balance of the surcharge revenues against the long-term Land Bank debt payments
   2. Changed the original MOU plan, from creating a SBR subcommittee to making the CPC a committee of the whole (Sept, 2010)
   3. Note: Closing on property was June, 2010
   4. Completed a survey of the property with CPC funding to stake the two parcels and the conservation restrictions and setbacks (May, 2010)
      a. One primary purpose was to establish the buildable acreage on Parcel A. This is 4.35 acres with current setbacks.

B. Actions on Parcel A (Community Housing and other CPA-permitted uses):
   1. Agreed that the RFP should provide clear statements for a visionary project but should keep the language broad enough to allow a range of creative responses.
      a. Determined to seek consultant advice on creating the RFP; initially used a paid consultant and then moved to free assistance through Mass Housing Partnership.
   2. Determined that the preferred wastewater management plan was by extension of the existing Town sewer line to the property, if possible (May, 2010)
a. Purpose was to best meet the EPA demand on earlier 40B to create no added nitrogen loading of Little Pond
b. Contracted with Stearns and Wheler (GHB, Inc) to complete a survey
c. Worked with Wastewater Dept and BOS to submit a Notice of Project Change to MEPA
d. Contracted with Sterns and Wheler to design and cost out a sewer connection (completed in fall, 2011) and to begin the permitting for installation on SB Road to edge of property
e. Discussed whether CPC would pay for the cost of the extension to help underwrite the project; no decision at this time

3. Explored water and other utilities:
   a. Determined that water access was not currently adequate
      1) Explored extension of Town 12-inch main to site versus use of easement across private property from Worcester Court
      2) Voted a preference for Town main at the developer’s expense (Nov. 2011)
      3) Other utilities at developer’s expense; gas and electric available

4. Set broad parameters for general land use for housing
   a. Held a public forum in Feb. 2011 to discuss local housing needs
   b. Recommend all housing be rental (Feb, 2011)
   c. Recommend that the target population be open to permit a varied population, with concern for young working families
   d. Recommend a long-term lease with the developer, rather than sale of property (Sept, 2011)
      1) It is the most common municipal practice and gives the Town greater leverage in the case of developer bankruptcy
      2) Desire is that the full 11.5 acres of Parcel A be leased to allow the developer the broadest design options, but that the Town find language to require the return of land that is not being developed for housing for other CPC-funded uses, or that the developer place required landscaping and community recreation elements on that portion
   e. Recommend a 40B process rather than current Light Industrial A zoning
      1) Developer to choose whether to use LIP
      2) 40B provides the developer more flexibility in design of structures
   f. Provide a Land Development Agreement with the selected developer within 60 days of selection

5. Set unit design definitions
   a. Developer defines the number of housing structures at two or more; CPC agreed that the housing should not be in one large building (Spring, 2011)
   b. Buildings must have “compatibility with the design vernacular of the community”
   c. Mix of 1, 2, and 3 bedroom units to be determined by developer, but with a majority of 2 bedroom units
   d. Minimum of 10 percent of units must be handicapped accessible (Sept, 2011)
Visibilty standards should apply to all units
f. Concept drawings required with the response to the RFP

6. Set green building/energy efficiency expectations
   a. Achieve the lowest energy usage possible
   b. Maximize economically viability not only in initial construction, but also the immediate and long term
   c. Meet minimum of stretch code and urge the most desirable to have net zero rating (Oct 23, 2011)
   d. At a minimum, the development should comply with DHCD’s site and building guidelines as detailed in Appendix H of the 2011 Qualified Allocation Plan

7. Set site design expectations in keeping with ConComm
   a. agreed that the ConCom will oversee the landscaping, including plant selection and vegetation retention (Oct 13, 2011)
   b. specifically, that:
      1) Committee wants an outdoor gathering area for residents, native plantings that match conservation area, and guidance of Falmouth Friendly Lawns, will have to meet storm water standards
      2) Ask developer to provide a landscape plan that would tie into conservation area, with an outdoor gathering area for residents and paths to conservation area
      3) Once subcommittee knows where buildings are going to be, developer can meet with ConCom again to discuss plantings
      4) Only areas around foundations can be other than plantings described in #1 above

8. Set expectations on management expertise
   a. Developer must have very strong credentials in the maintenance of property (Sept, 2011)
   b. Developer must have strong experience in tenant management, or define strong criteria for selecting (Sept, 2011)

9. Voted to support the concept of CPC funding to subsidize a model level of housing project, but without details on the amount, the focus of subsidy, or the method for determining.

C. Actions on Parcel B (Open Space):

1. Assisted in LAND grant application for $500,000 (approved by state, 1/ 2011)
   a. Developing the Land Management plan with T3C, as the future land steward, with restricted rights and protected uses, as part of the LAND grant submittal, and
   b. Reviewing the C.R.

2. Monitored clean-up of structures, brush, dumped refuse, and live electric lines
   a. T3C labor and funding covered most
   b. CPC funded demolition and unexpected asbestos removal from structures ($35,100)
3. Open space to include passive recreation: nature trails (some handicapped accessible), access to Little Pond, community garden, bird watching, restoration of previously disturbed areas to protect and enhance the scenic, historical and ecological attributes, parking (non impervious and separate from entrance into housing site), seating (some protected as in a gazebo), renewal of native plants