MEMORANDUM OF UNDERSTANDING (MOU)
On the Development of the Spring Bars Road Property
between
The Community Preservation Committee and
The Board of Selectmen of the Town of Falmouth

This is an agreement between the “Community Preservation Committee”, hereinafter called “CPC” and the “Board of Selectmen”, hereinafter called “BOS”.

I. PURPOSE & SCOPE

The purpose of this MOU is to clearly state the process that the CPC and the BOS intend to utilize in order to determine the uses and allowable development of 21.13 ± acres located at 0 & 89 Spring Bars Road {Assessor’s No. 39 15 047 000 and 39 15 046 000}, hereinafter referred to as the “property”.

Subject to the vote on warrant article 1 at the April 2010 Special Town Meeting, the BOS shall be authorized to acquire the property for the purposes of community housing, open space, and recreation (as defined in the Community Preservation Act, MGL Ch. 44b). As further described in the warrant article and the CPA, the property shall be bound by permanent deed restrictions that limit the use of the property for the purposes for which it was acquired.

One area of the property consisting of 11.5 ± acres (labeled as ‘Parcel A’ on the approved Sketch Plan – attached as Exhibit A) shall be reserved for the purposes of community housing and recreation. All community housing units developed on the property shall be deed restricted as affordable. Parcel A shall be under the jurisdiction of the BOS. The allowable development associated with ‘Parcel A’ shall be determined through a comprehensive study and community planning process to be conducted by the CPC as described in sections II, III, and IV below; the course of action for the development of Parcel A shall be voted by the BOS.

One area of the property consisting of approximately 9.7 ± acres (labeled as ‘Parcel B’ on the approved Sketch Plan – attached as Exhibit A) shall be deed restricted for purposes of open space conservation and passive recreation. Parcel B shall be under the jurisdiction of the Conservation Commission.

II. PROCESS & TIMELINE

The CPC intends to establish a subcommittee representing the various community preservation interests reflected in the Community Preservation Act legislation {MGL. Ch. 44B §1-17} to recommend a course of action to the full CPC for the appropriate use and development of the property as allowed for under the Community Preservation Act. These recommendations will then move forward to the BOS for their review and action. The CPC goal is to conclude the comprehensive study and to establish a recommended course of action to the BOS in time, if possible, to allow any necessary actions by Town Meeting no later than April, 2012.

The Assistant Town Planner/Community Preservation will provide planning assistance to the subcommittee; additionally the subcommittee will consult with various town officials, committees, and consultants for input in areas including affordable housing needs, wastewater management, natural resource management, engineering and site planning requirements, and landscape architecture/design (see section V below). All meetings of the subcommittee will be posted in
accordance with the Open Meeting Law. The subcommittee is committed to dedicating time for “public comment” at each of their meetings in order to include Falmouth’s residents in the community planning process.

III. GUIDING PRINCIPLES FOR PLANNING PROCESS

The CPC intends to recommend a course of action for the use of the property that supports the goals of the Community Preservation Act as well as the Town’s goals related to open space conservation, historic preservation, development of recreational areas, and affordable housing production. In order to maximize the public benefit associated with the Town’s ownership of this property, the CPC will direct the subcommittee to include in their recommendations the Commonwealth’s Smart Growth/Smart Energy and Sustainable Development principles established by the Executive Office of Energy and Environmental Affairs. The subcommittee’s comprehensive study shall include, but not be limited to study of the following techniques and principles and their potential funding sources:

- Expand Housing Opportunities
- Incorporate energy efficiency and “green” architecture
- Low Impact Development (LID)
- Land and Ecosystem Protection

Through their comprehensive planning process, the CPC intends to recommend a “model” development that protects sensitive natural resources, provides public access to open space and recreation lands, preserves historic resources, and incorporates quality affordable housing.

IV. SCOPE OF RECOMMENDATION

The CPC’s recommendation of plans for the property to the BOS will explore the full range of allowable activities under CPA language and precedent, will incorporate Smart Growth/Smart Energy and Sustainable Development Principles whenever possible, and will pursue fulfillment of strategic Town goals that can be met through the implementation of the proposed plan(s).

Particularly related to housing, it is anticipated that the number of housing units to be recommended by the CPC will fall within the range of 20 to 30 units (not to exceed 70 bedrooms) in accordance with appropriate by-laws and regulations and desirable land use; with 100% of the units to be deed restricted as affordable to individuals or households earning up to 100% of Area Median Income. As allowed for under the law, 70% of the affordable housing units created shall be dedicated to fulfilling the housing needs of Falmouth’s residents and employees.

V. CONSULTANT SERVICES

The CPC will consider funding any required consulting services through the Community Preservation Act Administrative Budget. The CPC will consider the needs associated with the comprehensive study for the property and will budget related expenses in preparation of the CPC budget for FY-11 and FY-12.

VI. MODIFICATION/AMENDMENT

This document is executed in duplicate, each is considered an original. Modification or amendment of this MOU shall require approval of the Board of Selectmen and Community Preservation Committee.
VII. **EFFECTIVE DATE AND SIGNATURE**

This MOU shall be effective upon the signature of the CPC Chairman, BOS Chairman, Town Manager, and Town Counsel. It shall be in force until the objectives of the document have been achieved or until the two groups jointly agree to abolish the MOU.

The CPC and BOS indicate agreement with this MOU by voting approval for the signature of their Chairmen.

Signatures and dates:

CPC Chairman 

[Signature]

Date

BOS Chairman 

[Signature]

Date

Town Manager 

[Signature]

Date