

NEW BUSINESS

6/6/16



Town of Middleborough
Massachusetts

BOARD OF SELECTMEN
APPLICATION FOR LICENSE (PLEASE TYPE OR PRINT CLEARLY)

DATE 5/23/16
NAME OF APPLICANT M. Tehill Memorial Club
ADDRESS OF APPLICANT 29 Elm St
ASSESSORS MAP & LOT _____
DAYTIME TELEPHONE 508-947-4070

NAME OF BUSINESS Same
OWNER OF PROPERTY TO BE LICENSED _____
ADDRESS OF PROPERTY TO BE LICENSED _____
ASSESSORS MAP & LOT _____

TYPE OF LICENSE REQUESTED (Check One)

- 2nd Hand _____
- Class I Automobile Dealer License _____
- Class II Automobile Dealer License _____
- Class III Automobile Dealer License _____
- Entertainment _____
- WRPD _____
- Earth Removal Permit _____
- Liquor License _____
- Junk Dealer _____
- Other one day All Alcohol

Pig Roast

Anticipated Start Date for Business: 6/18/16
Days & Hours of Operation: 0800 - 1900 8am - 7pm

Has the applicant previously held a similar license in the Town of Middleborough or elsewhere?
If yes, explain:

Yes, already have club license

Signature [Signature]

DATE OF HEARING: _____

Please bring to the Treasurer/Collector's office @ the Town Hall Annex, 20 Center Street, 3rd floor to obtain confirmation/signature that no outstanding taxes/municipal charges exist.

Dear Treasurer/Collector:
Please inform this department as to whether or not the above listed property owner/applicant/petitioner owes the Town of Middleborough any outstanding taxes and/or municipal charges that remain unpaid for more than one year.

Does Property Owner/Applicant/Petitioner owe Taxes/Municipal Charges? No

58E-2618

[Signature]

May 9, 2016

Honorable Board of Selectmen,

The Park Department would like to declare a 1987 Kubota Tractor and 1989 Homemade trailer as surplus.

Description: The Kubota Tractor is over 28 years old and leaks oil profusely. The mowing deck is gone and it is in need of new tires.

The 1989 Homemade trailer has been out of use for quite some time. It does not have wiring for road lights; the tires are unsafe; and it is too small for transporting any one of our tractors.

Thank you,

Fran Cass
Park Superintendent

Simon L. Nickerson



Post 64

To: Middleborough Board of Selectman

June 1, 2016

On June 9, 2016 Eric Goodnow will be replacing me as the Adjutant of Simeon L. Nickerson American Legion Post 64.

The Post is requesting that one of the parking spaces at the top of Thatches Row be reserved for his use (there is an existing pole). Those of you that know Eric realize that he has been confined to his wheelchair for 27 years. Our problem is that most of the time the only spaces available are behind the town hall; which requires him to go down the driveway and take a right to get to the cross walk.

During the better weather seasons he only has to worry about the people speeding down Nickerson Ave. During inclement weather he has to fight piles of snow, slush, and water making it an adventure every time he crosses the street.

The Adjutant is the person who actually runs the post; there will be weeks that Eric will be required to be here 4 or 5 days a week causing him to cross the street many times in all kinds of weather.

We request that this space not be a handicapped space, but a Reserved for the Post Adjutant.

If approved the Post will be happy to either have the sign made or pay any of the costs incurred by the town.

Your prompt attention to this matter will be greatly appreciated.

A handwritten signature in black ink, appearing to read "Bob Burke". The signature is stylized with a large, looped initial "B" and a long horizontal stroke extending to the right.

Bob Burke
Post Adjutant
Simeon L. Nickerson Post 64 American Legion

Ocean State JOB LOT

OCEAN STATE JOB LOT #228
A LOT MORE FOR A LOT LESS
101A CARVER ROAD
PLYMOUTH, MA 02360
508-732-9783

Sale 5/25/2016 7:47:18 PM
Store#:228 Trans#:7528 Reg#:1
Cashier:35771 V6.06

0107344	BATTERY 16PK AAA P	6.99
0001555	BATTERY PAN ALK C	1.99
0001555	BATTERY PAN ALK C	1.99
0001555	BATTERY PAN ALK C	1.99

UNITS 4

SUBTOTAL:	12.96
TAXES:6.250% on 12.96	0.81
TOTAL:	13.77
Gift Card	13.77
Card Balance:	22.55

Thank You For Shopping At Ocean State
Job Lot. Where You Get A Lot More For
A Lot Less. Not Satisfied with your
purchase ? We will gladly issue you a
refund within 90 days of purchase.
Certain exclusions apply on some items
visit our website or in store for more
details. Have a comment or suggestion
or to view our AD or new merchandise
arrival visit us @ OceanstateJoblot.com

Customer Receipt

=== Online ===





Town of Middleborough
Middleborough, MA 02346

REIMBURSEMENT REQUEST

Date Requested 5/31/2016

Name Leilani Dalpe

Address 364 Marion St.

City/ St/ Zip Middleborough, MA 02346

DATE OF TRAVEL	MILEAGE DESCRIPTION (currently \$0.375/mile)	ACCOUNT TO BE CHARGED	TOTAL
1			
2			
3			
4			
5			
TOTAL MILEAGE COSTS			\$

DATE	OTHER REIMBURSEMENTS Please attach receipts	ACCOUNT TO BE CHARGED	TOTAL
1	05/31/16 Ocean State Job Lot	29.3560.34	12.96
2			
3			
4			
5			
6			
7			
8			
9			
10			
11			
12			
13			
14			
15			
TOTAL OTHER REIMBURSEMENT			\$ 12.96

REIMBURSEMENT TOTAL = \$ 12.96

DEPT HEAD SIGNATURE

Jacqueline Shanley

From: Jane Kudcey
Sent: Wednesday, June 01, 2016 10:50 AM
To: Jacqueline Shanley
Cc: Robert G. Nunes
Subject: BOS Meeting

Hi Jackie,

Please put me on the agenda for Monday's BOS meeting:

Jane Kudcey of the OECD is providing an update on grant applications plus other OECD activities.

Please let me know if that's o.k., I will have a short powerpoint presentation to go along with this, it should take approx. 10 mins.

Thanks,

Jane

Jacqueline Shanley

From: Jane Kudcey
Sent: Wednesday, June 01, 2016 12:29 PM
To: Jacqueline Shanley
Cc: Robert G. Nunes; Jo; Sarah Person; Andrea Priest; Paul Provencher; Ruth Geoffroy
Subject: BOS 6/6 Meeting Request
Attachments: BOS HPP Approval Letter.doc; Planning Board Letter to Board of Selectmen.pdf
Importance: High

Hi Jackie,

Per our conversation earlier, please put Middleborough Affordable Housing Committee on the agenda for the 6/6 meeting:

The Middleborough Affordable Housing Committee is requesting that the Board vote to adopt the Affordable Housing Production Plan and to authorize the Chair to Sign the letter to the Dept. of Housing and Community Development requesting approval of the Plan.

I am attaching the BOS approval letter, plus a copy of the Housing Production Plan adoption letter from the Planning Board dated May 24, 2016. Please let me know if you have any difficulties with the Production Plan file that I dropped off at your office.

Please let me know if you have any questions,

Thanks,

Jane



FILE

Town of Middleborough
Massachusetts

PLANNING DIRECTOR
Ruth McCawley Geoffroy

Planning Board

Telephone (508) 946-2425
Fax (508) 946-1991

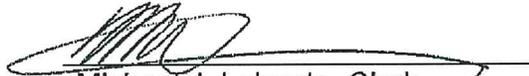
Board of Selectmen
Town of Middleborough
10 Nickerson Avenue
Middleborough, MA 02346

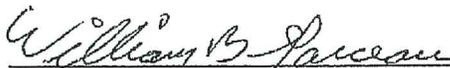
May 24, 2016

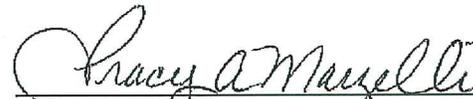
Dear Board of Selectmen,

Please be advised that we, the Planning Board for the Town of Middleborough, voted to adopt the Middleborough Housing Production Plan, dated March 2016. This vote was taken on May 24, 2016.


Adam M. Bond Esq., Chairman


Michael J. Labonte, Clerk


William B. Garceau


Tracy A. Marzelli


Adam Carbone


Peter A. Reynolds

Incorporated 1669
346 Years of Progress



CRANBERRY CAPITAL
OF THE WORLD



Town of Middleborough
Massachusetts
Board of Selectmen

June 6, 2016

Ms. Chrystal Konegay, Undersecretary
Department of Housing & Community Development
100 Cambridge Street, Suite 300
Boston, MA 02114
Attn: Phil DeMartino

Dear Ms. Konegay:

This letter is to notify you that the Town of Middleborough's Board of Selectmen has voted to adopt the Affordable Housing Production Plan dated March, 2016, which has been previously been adopted by the Planning Board on May 24, 2016.

Please be advised that this newly adopted Plan will now constitute the Town of Middleborough's affordable housing plan.

I respectfully request an approval from the Department of Housing and Community Development of this Plan.

Sincerely,

Diane C. Stewart, Chair

Middleborough Housing Production Plan

March 2016



Middleborough Affordable Housing Committee

Jane Kudcey, Program Manager, Office of
Economic and Community Development

Josephine Ruthwicz, Director, Middleborough
Housing Authority

Ruth Geoffroy, Director, Planning Department

Paul Provencher, Middleborough Veterans
Services

Andrea Priest, Council on Aging

Sarah Person, First Unitarian Universalist Society
of Middleborough



This Housing Production Plan was completed with the assistance of the Southeastern Regional Planning and Economic Development District (SRPEDD) with funds provided by the Massachusetts South Coast Rail Technical Assistance program and the District Local Technical Assistance (DLTA) program.

Sandy Conaty, Comprehensive Planning Manager
Katie Goodrum, Senior Comprehensive Planner



Federal Disclaimer, Title VI and Nondiscrimination Notice of Rights of Beneficiaries, Spanish and Portuguese Requests for Translation

The preparation of this report has been financed through a grant from the Massachusetts Department of Transportation.

Southeastern Regional Planning and Economic Development District (SRPEDD) states its policy to uphold and assure full compliance with Title VI of the Civil Rights Act of 1964, the Civil Rights Restoration Act of 1987, Executive Order 13166 and related federal and state statutes and regulations. Title VI prohibits discrimination in federally assisted programs and requires that no person in the United States of America shall, on the grounds of race, color, or national origin, be excluded from participation in, be denied the benefits of, or be otherwise subjected to discrimination under any program or activity receiving federal assistance. Massachusetts law also prohibits discrimination based on race, color, and/or national origin, and the SMMPO assures compliance with these laws and related federal and state civil rights laws prohibiting discrimination based on sex, age, and/or disability. Individuals who feel they have been discriminated against in violation of Title VI must file a complaint within 180 days with the SRPEDD Title VI / Nondiscrimination Coordinator.

SRPEDD also upholds the Massachusetts Public Accommodation Law, M.G.L. c 272 §§92a, 98, 98a, and the Governor's Executive Order 526, section 4 which provide that access to programs, services and benefits be provided without regard to religious creed, sexual orientation, gender identity or expression, veteran's status and/or ancestry, along with the bases previously referenced. Public accommodation concerns can be brought to SRPEDD's Title VI / Nondiscrimination Specialist. Complaints must be filed with the Massachusetts Commission Against Discrimination (MCAD) within 300 days of an alleged violation.

For information or to file a complaint under Title VI or the state Public Accommodations law, the contacts are as follows:

SRPEDD
Lilia Cabral
Title VI / Nondiscrimination Coordinator
88 Broadway
Taunton, MA 02780
(508) 824-1367

MCAD
One Ashburton Place, 6th Floor
Boston, MA 02109
(617) 994-6000
TTY: (617) 994-6196

*Para solicitar una traducción de este documento al Español, por favor llame **508-824-1367**.*

*Para solicitar uma tradução deste documento para o Português, por favor ligue **508-824-1367**.*

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I. Executive Summary

The Town of Middleborough Housing Production Plan (HPP) is a proactive strategy for meeting the housing needs of the community and, in particular, for planning and developing affordable housing. This HPP provides a current needs assessment, overall housing goals, and implementation strategies. Middleborough, the “Cranberry Capital of the World,” is a town of about 23,000 in Plymouth County in Southeastern Massachusetts. It has a relatively large land area, a historic downtown, and scenic rural land.

Planning for Affordable Housing

The Middleborough Affordable Housing Committee (MAHC), a partnership representing several local entities, led production of this plan. Middleborough has 509 units on the state Subsidized Housing Inventory, or 5.71% of its total housing units. If Middleborough reaches 10% or achieves annual affordable housing goals of 45 or 89 SHI units per year, it may gain far greater control over Chapter 40B Comprehensive Permit applications. SHI-eligible units may be created through several mechanisms.

Housing Needs Assessment

Regional projections as well as rapid local population growth in the 2000s imply continued housing demand and development in the next decade. Increasing populations of empty-nesters and retirees suggest greater demand for smaller units with lighter maintenance needs, including rental units. Trends of smaller and more elderly households suggest an increased need for smaller units and for supportive elderly housing in the next decade.

Middleborough has significant population (29%) earning less than 80% of Area Median Income (AMI), the standard for SHI-eligible housing. Most in the 30-50% and 50-80% AMI ranges are homeowners, while more in the <30% AMI range are renters. Local experience and free school lunch participation rates suggest that young families and over-60 households are experiencing more financial need than other age groups. Based on current household composition, Middleborough is likely to experience housing need for small families, elderly households, and families with young children earning under 30% AMI; for small families and elderly households at 30-50% AMI; for small families, elderly households, and families with young children at 50-80% AMI; and for all demographics at 80-100% AMI.

Middleborough’s housing stock contains large proportions of single family homes and age-restricted manufactured homes; there is likely unmet demand for housing types other than these. The manufactured homes are effectively subsidized by the Town, yet do not count on the SHI. In addition, housing vouchers used and administered in Middleborough do not count

towards the Town's Subsidized Housing Inventory. Middleborough has a significant proportion of older homes which may have greater maintenance and repair needs. The housing market has slowed compared to its peak in the early 2000s, but is recovering. Abandoned houses are a nuisance issue.

While there is an affordability gap between the median home sale price and the median income, a significant number of local homes are affordable to households under the 80% income limit. This suggests that the SHI does not accurately reflect the number of regionally affordable units in Middleborough.

In local experience, the rental market is tight for households earning less than 80% AMI. However, well over 10% of rental units cost less than or equal to SHI rental units. This also suggests that the SHI does not reflect the number of units in Middleborough at or under the cost standards for affordability.

Middleborough has many cost burdened households at income ranges below 80% AMI. Cost burdens are especially severe in the <30% AMI income range. To minimize transportation cost burdens, the Town should continue encouraging affordable housing development in Middleborough Center, which is served by transit and other amenities.

Waitlists and local experience suggest that there is a need for more subsidized housing, particularly one and two bedroom units. Local experience shows a need for more supportive elderly housing, particularly housing with mental health support. Local households are in need of support to access housing resources.

Housing Production Capacity and Constraints

Middleborough has been proactive in creating affordable housing. The Office of Economic and Community Development (OECD) produced 25 affordable "top of shop" rental housing units downtown using Community Development Block Grant (CDBG) funding, for example. There is coordination between boards and departments on development issues. The Town has effectively used grant funding and Community Preservation Act to create and maintain affordable units.

Middleborough Center is served by sewer and bus service, and is less constrained by environmental features such as wetlands and water resource areas. Much of Middleborough zoning poses constraints to creation of housing options besides single family detached homes.

Goals

The following major goals are set forth to create a mix of types of housing sufficient to meet projected demands and preferences in Middleborough in the years ahead. They respond to the needs identified in the Housing Needs Assessment as well as to current constraints.

GOAL 1: Continue to target affordable units and other development investments to the Downtown area.

GOAL 2: Increase the proportion of housing types suited to the major emerging demographics of smaller households and elderly households.

GOAL 3: Ease cost burdens for existing homeowners, including performing necessary home improvements to housing stock and improving local residents' access to local subsidized units.

GOAL 4: Create SHI units from existing housing stock and other previously developed sites.

GOAL 5: Meet annual production goals of 45 or 89 affordable housing units eligible for inclusion on the Subsidized Housing Inventory to provide more housing options for households with limited incomes, achieve the 10% affordability goal, and achieve certification under Chapter 40B.

GOAL 6: Create attractive new and rehabilitated housing through partnerships and clear development expectations.

Implementation Strategies

The following strategies aim to fulfill the Town's goals for housing production. They are projected to result in creation of 379 new SHI units in the next five years.

A. HOUSING DEVELOPMENT LOCATIONS AND GROWTH AREAS

- A.1. Continue to focus housing development in the Middleborough Center Target Area
- A.2. Compact Neighborhoods program for downtown
- A.3. Continue successful affordable housing production in existing and underutilized buildings
- A.4. 40R Smart Growth zoning overlay
- A.5. Municipal and Housing Authority properties
- A.6. 40B Comprehensive Permit projects and locations

B. TOWN-WIDE ZONING CHANGES

- B.1. Modify GU and GUX district zoning to exclude wetlands in calculation of development capacity, and provide an affordability incentive
- B.2. Amend or replace mobile home bylaw to support affordable housing goals

B.3. Explore a Transfer of Development Rights program to direct development away from rural areas

B.4. Strengthen design and site plan guidelines via zoning and subdivision regulations to suit specific neighborhoods and environmental conditions

C. TOWN-WIDE STRATEGIES FOR REUSE OF EXISTING AND UNDERUTILIZED PROPERTIES

C.1. Create a buy-down program to convert existing housing units to permanently affordable housing units for low income homebuyers

C.2. Foster creation of affordable housing on tax title properties

C.3. Rehabilitate and deed-restrict residential properties

C.4. Address blight caused by abandoned homes

D. CAPACITY AND ADMINISTRATION STRATEGIES

D.1. Create a Community Development Corporation (CDC) or Town Housing Trust

D.2. Increase coordination between local committees, boards, and departments

D.3. Create 40B comprehensive permit rules and regulations

D.4. Regional housing development collaborations

E. SUPPORT TO HOUSEHOLDS

E.1. Improve outreach to households in need of housing support

E.2. Continue local collaborations to support low and moderate income homeowners

II. Introduction

A. Profile of Middleborough

Middleborough, the “Cranberry Capital of the World,” is a town of about 23,000 in Plymouth County in Southeastern Massachusetts. It was incorporated in 1669. It is the second largest town by land area in Massachusetts. It is bordered by Bridgewater, Carver, Halifax, Lakeville, Plympton, Raynham, Rochester, Taunton, and Wareham.

Like many older industrial towns, Middleborough experienced disinvestment in its traditional mixed-use downtown as manufacturing declined after the 1950s, along with suburban development of mainly larger lot single family housing. There was a historic development pattern of clustered settlements scattered around town that more recent development does not match. The Town contains scenic rural land including cranberry bogs, other agriculture, and forested land. The images below show existing housing and building types that characterize the Town.



From top left: Downtown Middleborough; a historic house on S Main St.; rural Thompson St.; an Oak Point manufactured home



Traditional houses on Everett St. just outside the Town center; Rock Village in South Middleborough

B. Planning for affordable housing

B.1. Leadership

The Middleborough Affordable Housing Committee (MAHC), an affordable housing partnership, led production of this plan. The committee's mission is to advocate for fair housing, for funding of affordable housing projects, and for community support for affordable housing. It represents the Middleborough Housing Authority, which owns and manages around 190 units and administers 162 state and federal housing vouchers; the Office of Economic & Community Development, whose activities include procuring and implementing grants to create affordable housing units and support housing rehabilitation, particularly downtown; the Planning Department, which spearheaded development of previous Housing Production Plans and submits units to the SHI on behalf of the Town; and other participants. Middleborough is a member of the Southeastern Regional Planning and Economic Development District (SRPEDD), the regional agency who consulted on the creation of this plan.

B.2. About Housing Production Plans and Chapter 40B

A Housing Production Plan (HPP) is a proactive strategy for meeting the housing needs of a community and, in particular, for planning and developing affordable housing. The HPP identifies local housing needs as well as strategies the community will use to facilitate the development of affordable housing that meets those needs.

HPPs are part of Massachusetts General Law Chapter 40B regulations (760 CMR 56.03); they are a voluntary measure designed to give communities greater local control over the provisions of Chapter 40B. Chapter 40B dictates that if a municipality has less than 10% of its year-round housing set aside for low and moderate income residents, it is not meeting the regional and local need for affordable housing. The state tracks the housing units in each municipality that count toward affordable housing goals under Chapter 40B in the **Subsidized Housing Inventory (SHI)**. Not having 10% of its housing units on the SHI makes the town susceptible to an override of local zoning if a developer chooses to create affordable housing through the Chapter 40B Comprehensive Permit process.

However, if a community under the 10% threshold has an approved HPP and achieves annual affordable housing production goals set out in the plan, it can receive certification from the state and thereby exercise far greater control over Comprehensive Permit requests. Specifically, a 40B Comprehensive Permit denial by the community's zoning board of appeals may be upheld by the state Housing Appeals Committee.

Annual housing production goals are identified by the Department of Housing and Community Development (DHCD) as 0.5% or 1.0% of the town's total year-round housing units. Middleborough's goals are 45 and 89 units based on the 8,921 units counted in the 2010 Census that are not for seasonal or recreational use. If a municipality meets its 0.5% threshold during one year, DHCD can certify the HPP for one year. If it meets the 1% threshold during one year, DHCD can certify the HPP for two years. As of February 2015, Middleborough has 509 units on the SHI, or 5.71%.

B.3. Plan approval and certification

Once completed, HPPs must be approved by the Town's Planning Board and Board of Selectmen and then sent to DHCD for approval with a cover letter signed by the CEO or Town Manager (see DHCD document "Guidelines for Housing Production Plans"). Once DHCD staff determines that the plan meets the Regulations and Guidelines, the Housing Production Plan is valid for five years. The previous Middleborough HPP expired on 10/30/10.

Municipalities which have an approved HPP and have met their .5% or 1% annual affordable housing production goals may apply for a certification of compliance, which grants a one or two year moratorium on 40B Comprehensive Permit projects. Appendix I describes the process for applying for certification.

A community invokes certification in the following way under 760 CMR 56.03(4). If a community has achieved certification within 15 days of the opening of the local hearing for the Comprehensive Permit, the Zoning Board of Appeals (ZBA) shall provide written notice to the Applicant, with a copy to DHCD, that it considers that a denial of the permit or the imposition of conditions or requirements would be consistent with local needs, the grounds that it believes has been met, and the factual basis for that position, including any necessary supportive documentation. If the Applicant wishes to challenge the ZBA's assertion, it must do so by providing written notice to the Department, with a copy to the Board, within 15 days of its receipt of the ZBA's notice, including any documentation to support its position. DHCD shall thereupon review the materials provided by both parties and issue a decision within 30 days of its receipt of all materials. The ZBA shall have the burden of proving satisfaction of the grounds for asserting that a denial or approval with conditions would be consistent with local needs, provided, however, that any failure of the DHCD to issue a timely decision shall be deemed a determination in favor of the municipality. This procedure shall toll the requirement to terminate the hearing within 180 days.

B.4. Defining affordability

At the household level, both the federal government and the state Department of Housing and Community Development (DHCD) define affordable housing as costing (in total, including rent, utilities, mortgage, property taxes, insurance, etc.) no more than 30% of a household's gross income.

For the purposes of Chapter 40B and the Subsidized Housing Inventory, affordable housing means units available to households earning no more than 80% of median income for the area, as established by the U.S. Department of Housing and Urban Development (HUD). Middleborough lies within the Brockton Fair Market Rent Area. The 2015 HUD Area Median Family Income (HAMFI, also referred to as Area Median Income or AMI) for this area is \$81,200.¹ Income limits are provided for different family sizes. Most housing subsidy programs are targeted to particular income ranges, for example "very low income" ($\leq 50\%$ AMI) households who earn at most \$43,800 per year for a family of four.

Figure II-1: 2015 Income Limits for the Brockton Fair Market Rent Area

	Persons in Family							
	1	2	3	4	5	6	7	8
Extremely Low (30%) Income Limits	\$18,400	\$21,000	\$23,650	\$26,250	\$28,410	\$32,570	\$36,730	\$40,890
Very Low (50%) Income Limits	\$30,650	\$35,000	\$39,400	\$43,750	\$47,250	\$50,750	\$54,250	\$57,750
60% Income Limit*	\$34,575	\$39,488	\$44,438	\$49,350	\$53,325	\$57,263	\$61,200	\$65,175
70% Income Limit*	\$40,388	\$46,069	\$51,844	\$57,575	\$62,213	\$66,806	\$71,400	\$76,038
Low (80%) Income Limits	\$46,100	\$52,650	\$59,250	\$65,800	\$71,100	\$76,350	\$81,600	\$86,900

Source: HUD

*Estimated by Town officials for their reference

Building on these affordability standards, housing units must fulfill the following conditions in order to qualify for the Subsidized Housing Inventory.

1. **Receive a subsidy** through an eligible subsidy program. If they do not, they must generally receive a Project Eligibility Letter through DHCD's Local Initiative Program (LIP) or receive LIP Local Action Unit (LAU) approval. There are also exceptions for locally administered CDBG and HOME rehabilitated housing units. *See program framework flowchart below.*
2. **Be occupied by eligible households.** A household is eligible if the household's income does not exceed 80% of Area Median Income (AMI) as determined by HUD. There may be asset limitations for household eligibility.

¹ HUD calculates this number based on American Community Survey (ACS) estimates and adjusts it for inflation and other factors.

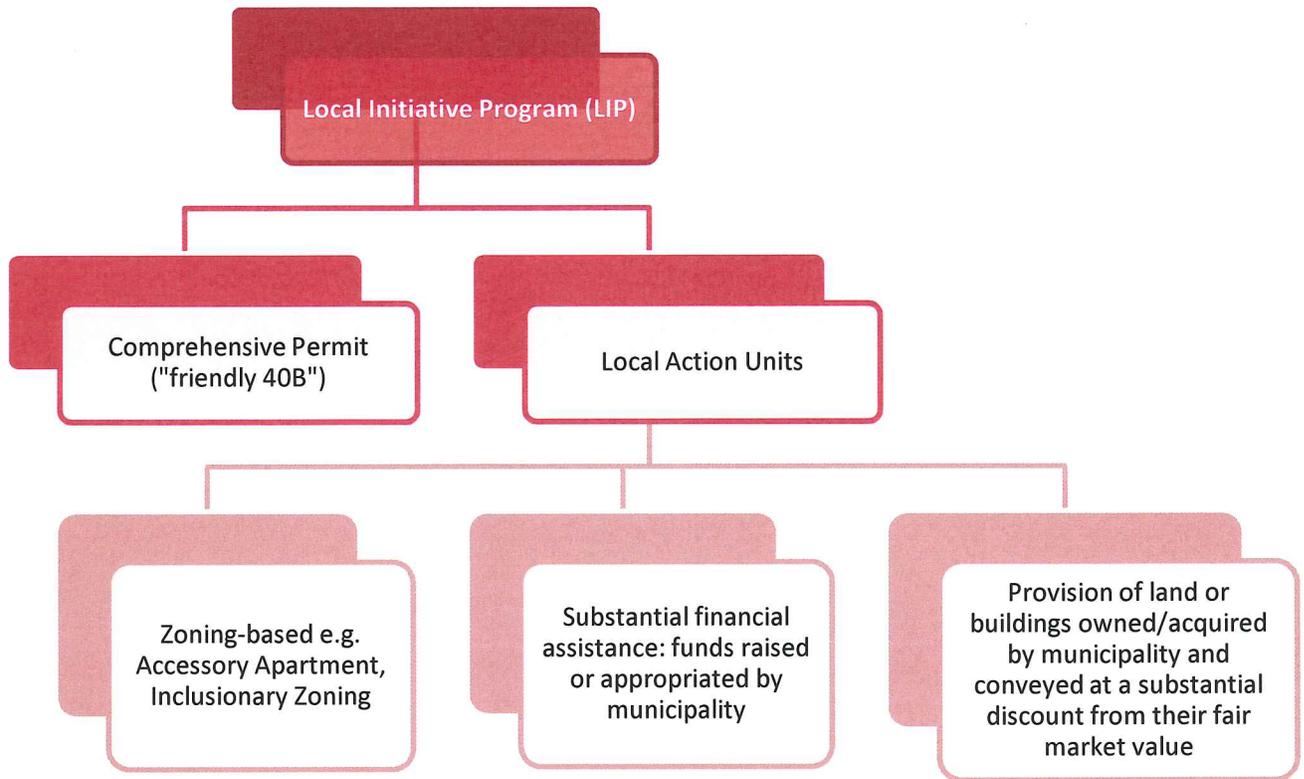
3. **Adhere to maximum rental and ownership costs.** The housing subsidy program generally establishes maximum monthly housing costs. If it does not, then:
 - a. Rental housing costs (with utilities) are not to exceed 30% of monthly household income for households earning 80% of AMI;
 - b. Ownership costs including a down payment of at least 3% of purchase price, 30-year mortgage, and monthly housing costs (principal, interest, property taxes, insurance, condo/homeowner assoc. fees) are not to exceed 38% of monthly income for households earning 80% of AMI adjusted for household size.
 - c. Assisted Living Facilities are treated as rental housing; CCRCs are treated as homeownership units.
4. **Have a use restriction.** The use restriction (deed restriction) must limit occupancy to income-eligible households and must run with the land for at least 15 years for rehabilitated units and 30 years for new units.
5. **Use an Affirmative Fair Housing Marketing and Resident Selection Plan (AFHMP)** for tenant/owner selection.

In a rental development, if 25% of units qualify as affordable to households earning no more than 80% of AMI (or 20% at or below 50% of AMI), all units may count on the SHI. Because of this provision, rental 40Bs are one of the most effective ways for communities to meet their housing production goals.

B.5. The Local Initiative Program

While developer-initiated Comprehensive Permits (“40Bs”) produce the majority of new SHI units in many municipalities, towns may also produce units through the Local Initiative Program (LIP), a state housing program established in 1989 to give cities and towns more flexibility. Under this program, the required subsidy is comprised of DHCD technical assistance provided for the creation, maintenance, and preservation of Low or Moderate Income Housing. LIP encompasses both “friendly 40Bs” and Local Action Units. Local Action Units (LAUs) give communities the opportunity to include housing units on the SHI that are being built without a Comprehensive Permit but that meet LIP criteria and are suitable for inclusion in the SHI. Such units must be built pursuant to a local action such as a zoning provision, a condition of a variance or special permit issued by the planning board or zoning board of appeals, an agreement between the town and a developer to convert and rehabilitate municipal buildings into housing, the donation of municipally-owned land, or the use of local funds to develop or write down housing units.

Figure II-2: The Local Initiative Program



More detailed information can be found through the Department of Housing and Community Development (www.mass.gov/hed/economic/eohed/dhcd/).

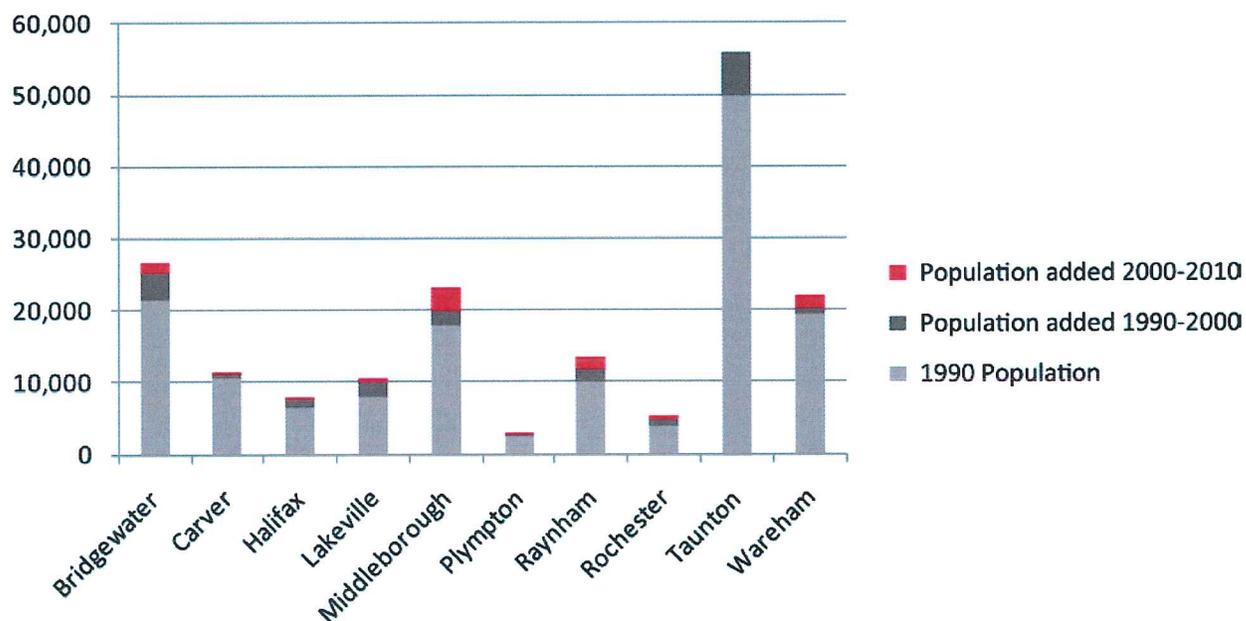
III. Housing Needs Assessment

A. Population profile and projections

A.1. Population and growth rate

Middleborough grew rapidly between 2000 and 2010 to reach a population of 23,116. This represented the highest growth rate (15.9%) among its neighbors as well as the largest number of people added. This growth rate was significantly higher than Plymouth County (4.7%) or the state (3.1%), and faster than in the previous decade. Local representatives attribute this rapid growth to the commuter rail station, introduced in 1994, in combination with the Town’s large land area and lower housing prices relative to the Boston area and surrounding towns. The figure shows the population of Middleborough and its neighbors including population gained in the past two decades.

Figure III-1: Population and Growth of Middleborough and its Neighbors (US Census)



Projections by the Southeastern Planning and Economic Development District (SRPEDD) show a slightly slower, but still significant growth rate of 9.9% for Middleborough between 2010 and 2020.

- ❖ Regional projections as well as rapid population growth in the 2000s suggest continued housing demand and development in the next decade.

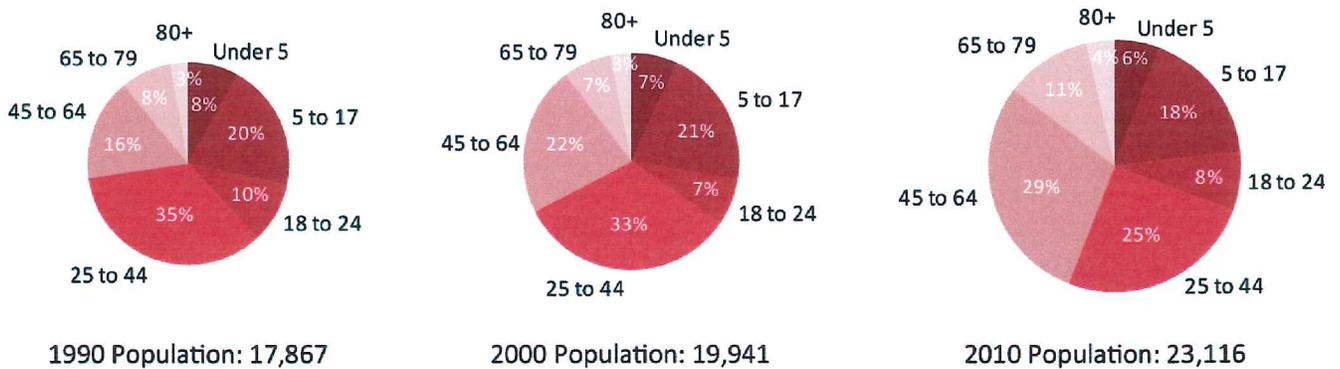
A.2. Age of population

Between 1990 and 2010, Middleborough’s median age rose by nearly ten years from 31.8 to 41.2. The school-age population (5-17) increased about 14% in the 1990s but decreased since 2000, typical of the state as a whole where lower birth rates are leading to fewer young children. The 18-24 year old age cohort fell in the 1990s but increased 26.6% in the 2000s, possibly representing college age children returning home during the Great Recession – a trend taking place throughout the region. The younger half (ages 25-44) of the working-age cohort decreased by 11% in the 2000s, while the older half (45-64) increased 52.2% by 2010. The latter represents the large Baby Boomer generation: there were 6,783 people aged 45-64 in 2010, compared to 2,912 aged 45-64 in 1990.

The number of 65+ people has increased dramatically from 1,965 in 1990 to 3,401 in 2010. As the Baby Boomers move into retirement age, there is likely to be increased demand for development types and housing units that complement the lifestyles and incomes of retirees and “empty-nesters.” While some sources (housingpolicy.org) use an increase in the 20-34 year old population as an indicator of rental need, and this population decreased from 3,816 to 3,600, other sources point to increased rental demand associated with empty-nesters and retirees.²³ Local anecdotes support this; the Housing Authority has been receiving more applications recently from people around 60 years who say they no longer want to shovel their driveways, and this likely applies to the private real estate market as well.

- ❖ **Increasing populations of empty-nesters and retirees suggest increased demand for smaller units with lighter maintenance needs, including rental units.**

Figure III-2: Age Distribution 1990-2010 (US Census)



² "Millennials' top competition for condos might be their parents" Washington Post Oct. 17, 2015

³ "The pool of probable renters [in the Boston metro area] is being fed by people whose houses were foreclosed, have lost a job or taken a new one at a lower salary, or fear residential values will remain flat or fall. Aging baby boomers, fed up with shoveling snow and harsh New England winters, are prime targets for rentals." ("As Boston's Economy Grows, Demand for Rental Units Outpaces Condo Market", New York Times, February 22, 2011)

Figure III-3: Population by Age Group in 1990, 2000, and 2010								
	1990		2000			2010		Change from 2000
	Number	%	Number	%	Change from 1990	Number	%	
Total	17,867	100.0%	19,941	100.0%		23,116	100.0%	
Under 5	1,447	8.1%	1,391	7.0%	-3.9%	1,325	5.7%	-4.7%
5 to 17	3,627	20.3%	4,127	20.7%	+13.8%	4,046	17.5%	-2.0%
18 to 24	1,715	9.6%	1,382	6.9%	-19.4%	1,749	7.6%	+26.6%
25 to 44	6,200	34.7%	6,532	32.8%	+5.4%	5,812	25.1%	-11.0%
45 to 64	2,912	16.3%	4,456	22.3%	+53.0%	6,783	29.3%	+52.2%
65 to 79	1,447	8.1%	1,417	7.1%	-2.1%	2,558	11.1%	+80.5%
80 years+	518	2.9%	636	3.2%	+22.7%	843	3.6%	+32.5%
Median age	31.8		35.6			41.2		

Source: US Census

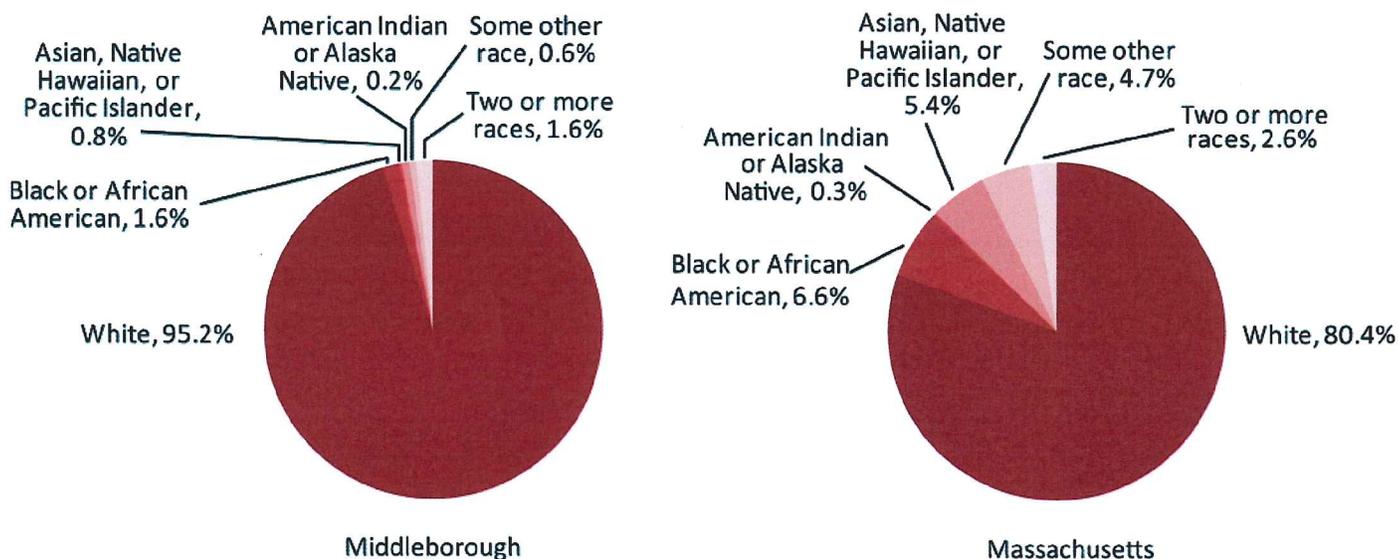
Figure III-4: Population by Broad Age Group in 1990, 2000, and 2010						
	1990		2000		2010	
	Number	%	Number	%	Number	%
Total	17,867	100.0%	19,941	100.0%	23,116	100.0%
Under 18	5,074	28.4%	5,518	27.7%	5,371	23.2%
18 to 64	10,827	60.6%	12,370	62.0%	14,344	62.1%
65 years+	1,965	11.0%	2,053	10.3%	3,401	14.7%

Source: US Census

A.3. Race and Hispanic/Latino origin

Middleborough is predominantly white (95.2% in 2010, down slightly from 96.1% in 2010). Massachusetts as a whole is 80.4% white. The percentage of the total population that was Hispanic or Latino (of any race) rose from 0.8% to 1.6% in Middleborough and from 6.8% to 9.6% in Massachusetts between 2000 and 2010.

Figure III-5: Racial Distribution in 2010 (*US Census*)



A.4. Household size and makeup

Average household size decreased slightly from 2.78 to 2.61 persons from 2000 to 2010, reflective of declining numbers of children and a slightly greater proportion of smaller, non-family households. This is typical of Plymouth County as well as the state (2.74 to 2.67 and to 2.51 to 2.48, respectively). The number of households with individuals 65 years or over increased over three times faster (66.1% growth) than the overall number of households (21.3% growth).

- ❖ Trends of smaller and more elderly households suggest an increased need for smaller units and for supportive elderly housing in the next decade.

Figure III-6: Characteristics of Households in 2000 and 2010					
	2000		2010		Change 2000- 2010
	Number	% of all households	Number	% of all households	
All Households	6,981	100.0%	8,468	100.0%	+21.3%
Family households (families)	5,114	73.3%	6,114	72.2%	+19.6%
With own children under 18 years	2,683	38.4%	2,604	30.8%	-2.9%
Married-couple family	3,937	56.4%	4,684	55.3%	+19.0%
With own children under 18 years	2,010	28.8%	1,859	22.0%	-7.5%
Female householder, no husband present	852	12.2%	1,048	12.4%	+23.0%
With own children under 18 years	503	7.2%	559	6.6%	+11.1%
Nonfamily households	1,867	26.7%	2,354	27.8%	+26.1%
Householder living alone	1,423	20.4%	1,755	20.7%	+23.3%
Householder 65 years and over	516	7.4%	702	8.3%	+36.0%
Households with children under 18	2,944	42.2%	2,927	34.6%	-0.6%
Households with individuals 65+ years	1,352	19.4%	2,246	26.5%	+66.1%
Average household size	2.78		2.67		-4.0%
Average family size	3.23		3.09		-4.3%

Source: US Census

A.5. Household income

According to the latest Census estimates (2009-2013 American Community Survey), the Median Household Income in Middleborough is \$77,607, similar to the county's Median Household Income of \$75,092 and higher than the state's \$66,866.

Figure III-7: Changes in Median Household Income			
	2000	2010	2013
Middleborough	\$52,755	\$70,757	\$77,607
Plymouth County	\$55,615	\$73,131	\$75,092
Massachusetts	\$50,502	\$64,509	\$66,866

Source: US Census (sample data)

The percent of families living in poverty in Middleborough is 6.4%. Need is indicated if the number of families living in poverty, estimated at 401 families,⁴ is more than twice the number of subsidized family rental units, which is 64 (in Middlebury Arms). However, this does not take into account the 154 housing vouchers administered in Middleborough for different household types.

⁴ The 2009-2013 ACS does not provide a total estimate of families for whom poverty level is calculated, but it estimates 8,178 total households and 1,910 non-family households. 6.4% of (8,178 minus 1,910) is roughly 401.

An estimated 2,385 of Middleborough households, or 29.1%, have incomes less than 80% of the Area Median Income, which defines a low-income household according to HUD and the Massachusetts Department of Housing and Community Development (DHCD) and would generally imply eligibility for subsidized housing under Chapter 40B. The following figures show the distribution of Middleborough renter and owner households in each income range.⁵

Figure III-8: Percentage of Households in each HUD Income Range (CHAS based on 2008-2012 ACS)

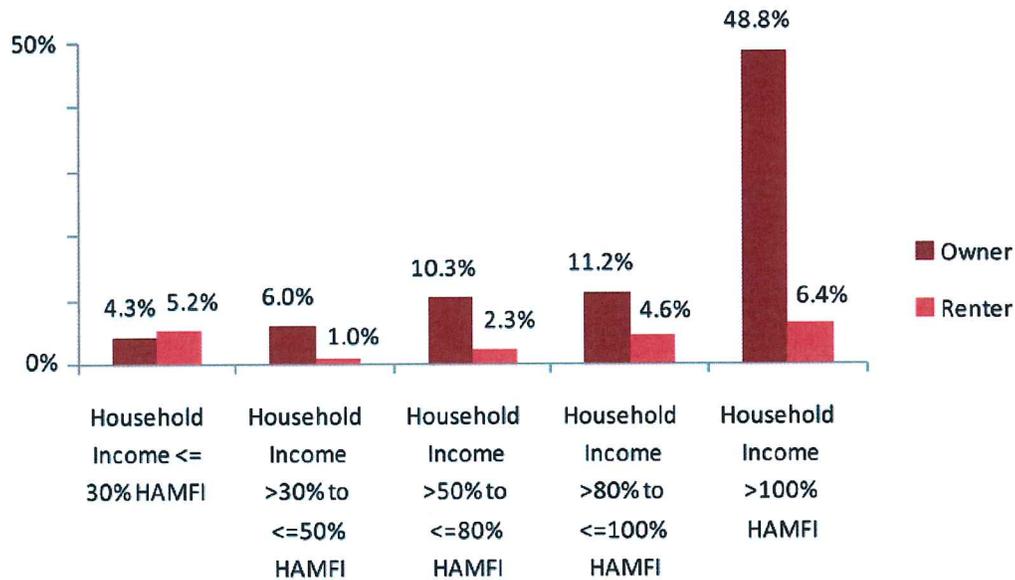


Figure III-9: Number of Households in each HUD Income Range

	Owner	Renter	Total
Household Income <= 30% HAMFI	355	425	780
Household Income >30% to <=50% HAMFI	490	85	575
Household Income >50% to <=80% HAMFI	845	185	1,030
Household Income >80% to <=100% HAMFI	915	380	1,295
Household Income >100% HAMFI	4,000	525	4,525
Total	6,610	1,595	8,205

Source: CHAS (based on 2008-2012 ACS)

❖ Middleborough has significant population (29%) earning less than 80% of AMI. Most in the 30-50% and 50-80% AMI ranges are owners, while more in the <30% AMI range are renters.

⁵ Source: CHAS report based on the 2008-2012 ACS 5-year estimates. HUD prepares its “CHAS data” by combining ACS microdata with HUD adjusted median family incomes (HAMFI) to create estimates of the number of households that would qualify for HUD assistance.

In the experience of local housing advocates, the recession hit Middleborough a few years later than the rest of the country. They believe that the increasing median household income does not reflect the worsening financial situations of households in the under-40 (younger families) and over-60 age ranges. As the table below shows, Middleborough's enrollment rates for free and reduced price lunch have risen more dramatically than the state's in the past eight years.

	2006-2007	2010-2011	2014-2015
Middleborough	22%	35%	43%
Massachusetts	30%	36%	44%

Source: Massachusetts Budget and Policy Center via datacenter.kidscount.org

- ❖ **Local experience and free school lunch participation rates suggest that young families and over-60 households are experiencing more financial need.**

A.6. Household composition at different income levels

The HUD Consolidated Plan and Continuum of Care Planning Tool provides a picture of family composition of households within each HUD income range. The table shows that at all income levels under 80% AMI in Middleborough, there are significantly more small families than large families, suggesting a demand for smaller affordable housing units. Almost half (45.8%) of households in the 30-50% AMI range are elderly. The proportion of elderly people over 75 is higher than the general population in all income ranges under the median.

- ❖ **Based on current household composition, Middleborough is likely to experience housing need for small families, elderly households, and families with young children under 30% AMI; for small families and elderly households at 30-50% AMI; for small families, elderly households, and families with young children at 50-80% AMI; and for all demographics at 80-100% AMI.**

	0-30% HAMFI		>30-50% HAMFI		>50-80% HAMFI		>80-100% HAMFI		>100% HAMFI		Total Households	
Total Households	745	100.0%	655	100.0%	1,015	100.0%	1,230	100.0%	4,415	100.0%	8,060	100.0%
Small Family	165	22.1%	310	47.3%	400	39.4%	375	30.5%	2,765	62.6%	4,015	49.8%
Large Family	40	5.4%	70	10.7%	65	6.4%	205	16.7%	330	7.5%	710	8.8%
Elderly	160	21.5%	300	45.8%	255	25.1%	235	19.1%	820	18.6%	1,770	22.0%
Frail Elderly	230	30.9%	105	16.0%	130	12.8%	185	15.0%	144	3.3%	794	9.9%
With young children	115	15.4%	45	6.9%	185	18.2%	285	23.2%	590	13.4%	1,220	15.1%

Source: HUD Consolidated Plan and Continuum of Care Planning Tool based on 2007-11 ACS (the most recent available)
 Elderly families are defined as including at least one person age 62-74; Frail Elderly families include at least one person aged 75+;
 Young Children refers to those 6 or younger. Not all household types are represented here and some may overlap (does not sum to 100%). Total households refers to households for which income estimates/counts are made.

B. Housing inventory and needs

B.1. Housing tenure

Rental housing constitutes 22.7% of the community's housing stock, compared with 35% in the state as a whole. A percentage under 25% indicates need for more rental housing.

Figure III-12: Rental and owner-occupied housing		
Total Housing Units	9,023	100.0%
Owner occupied plus vacant for sale	6,698	74.2%
Renter occupied plus vacant for rent	2,046	22.7%
Seasonal, recreational, and other vacant units	279	3.1%
Source: US Census 2010 Counts		

B.2. Housing types

Roughly three fourths of Middleborough's housing units are single family detached homes. About a quarter (27.0%) of renter households are in single family homes. About 15% of ownership units are not single family detached units and almost half of these are age-restricted manufactured homes in the Oak Point community. This suggests a need for more condominiums and similar ownership options.

- ❖ There is likely unmet demand for housing types other than single family homes and age-restricted manufactured homes.

Figure III-13: Proportion of units in each housing type (ACS 2009-2013)

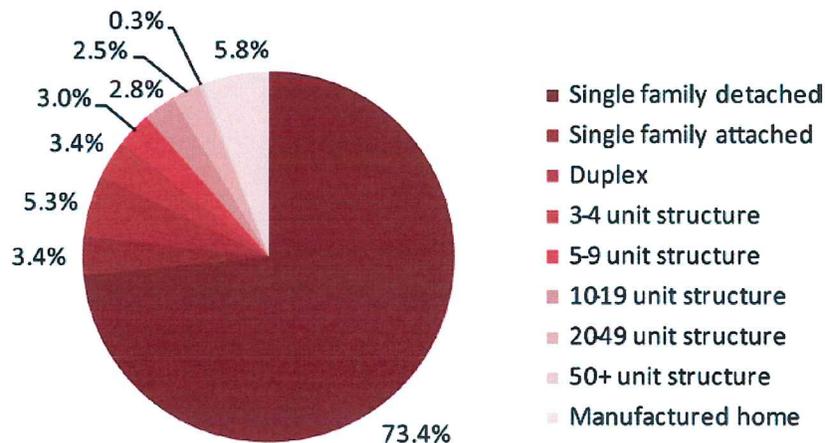


Figure III-14: Units per structure for renters and owners

	Owner-occupied			Renter-occupied			Total	
	Estimate	MOE ⁶	Percentage	Estimate	MOE	Percentage	Estimate	Percentage
Housing units	6,494	+/-373	100.0%	1,684	+/-308	100.0%	8,178	100.0%
1, detached	5,546	+/-342	85.4%	455	+/-226	27.0%	6,001	73.4%
1, attached	258	+/-83	4.0%	19	+/-24	1.1%	277	3.4%
2	181	+/-114	2.8%	255	+/-156	15.1%	436	5.3%
3 or 4	35	+/-50	0.5%	244	+/-105	14.5%	279	3.4%
5 to 9	15	+/-19	0.2%	233	+/-122	13.8%	248	3.0%
10 to 19	0	+/-23	0.0%	229	+/-105	13.6%	229	2.8%
20 to 49	0	+/-23	0.0%	203	+/-120	12.1%	203	2.5%
50 or more	0	+/-23	0.0%	28	+/-37	1.7%	28	0.3%
Mobile home	459	+/-116	7.1%	18	+/-15	1.1%	477	5.8%
Boat, RV, van, etc.	0	+/-23	0.0%	0	+/-23	0.0%	0	0.0%

Source: 2009-2013 ACS

Middleborough has a relatively large proportion of owner-occupied manufactured (mobile) homes. Although not accurately reflected in Census surveys, the Oak Point development contains at least 925 age-restricted manufactured homes (11.3% of all units in Middleborough, compared to an estimated 2.4% in Plymouth County⁷) and up to 1,150 total have been permitted. The zoning that allowed for this development was designed as an affordable housing measure in the 1970s; unit owners are exempt from local property tax. They pay a low excise tax, while the landowner pays property tax as though the land were vacant. Tax income from these units does not cover the cost of town services they generate; in the 2004 Master Plan Findings and Alternatives Report, the Town calculated that it was losing \$500 per unit per year providing municipal services to these units. Local officials and housing advocates are concerned that these homes do not count on the SHI despite being effectively subsidized by the Town.

❖ **Middleboro has effectively subsidized a large quantity of manufactured homes that do not count on the SHI.**

Statewide, just over 25% of owner-occupied units have fewer than three bedrooms; a proportion less than 20% can indicate limited options for singles, empty-nesters, and starter homes. Middleborough is at 22%. Just over half have three bedrooms, which supports the view that the Town has a good supply of “modest” homes.

⁶ Margin of Error. The 2000 Census was the last to collect precise counts for this data. Thus figures shown are estimates.

⁷ 2009-2013 ACS

Figure III-15: Home sizes by number of bedrooms			
	Estimated % of owner-occupied units	Estimated % of renter-occupied units	Estimated % of all occupied units
No bedroom	0.2%	1.8%	2.0%
1 bedroom	1.1%	24.5%	6.4%
2 bedrooms	20.7%	43.8%	26.1%
3 bedrooms	54.6%	22.0%	46.4%
4 bedrooms	21.2%	7.9%	17.5%
5+ bedrooms	2.2%	0.0%	1.6%
Total	100.0%	100.0%	100.0%

Source: 2009-2013 ACS

B.3. Age of housing stock

Fifty-seven percent of Middleborough's housing stock is more than 35 years old (built before 1980). Depending on the level of maintenance, older housing stock can indicate reduced quality and value. If older housing units have reduced values and are thereby more "affordable" to low- and moderate-income households, rehabilitation programs may be appropriate to enable people to stay in stable housing stock. Older homes in the Town Center and rehabbed homes would be beneficial to the Downtown Historic fabric. The age of housing also impacts energy usage and home financing. Programs to support necessary home improvements may be needed, including energy efficiency, lead removal, and septic repairs for units occupied by low- and moderate-income households, particularly older residents living on fixed incomes.

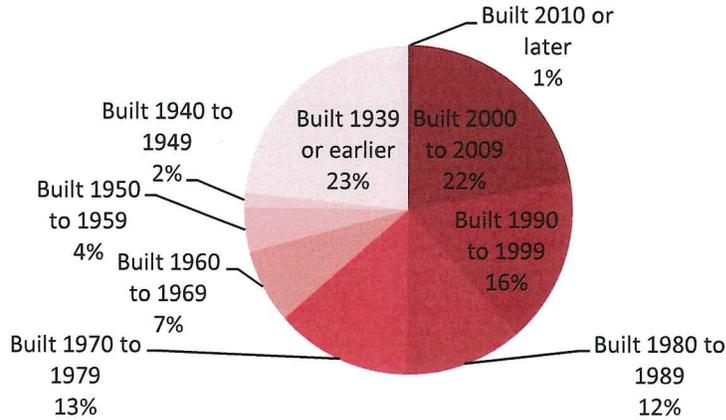
- ❖ **Middleborough has a significant proportion of older homes which may have greater maintenance and repair needs.**

Figure III-16: Year structures built								
	Owner occupied			Renter occupied			Total	
	Estimate	MOE	%	Estimate	MOE	%	Estimate	%
Total	6,494	+/-373	100.0%	1,684	+/-308	100.0%	8,178	100.0%
Built 2010 or later	30	+/-47	0.5%	15	+/-24	0.9%	45	0.6%
Built 2000 to 2009	1,420	+/-199	21.9%	64	+/-44	3.8%	1,484	18.1%
Built 1990 to 1999	1,057	+/-204	16.3%	0	+/-23	0.0%	1,057	12.9%
Built 1980 to 1989	749	+/-159	11.5%	145	+/-85	8.6%	894	10.9%
Built 1970 to 1979	872	+/-194	13.4%	449	+/-191	26.7%	1,321	16.2%
Built 1960 to 1969	473	+/-149	7.3%	137	+/-78	8.1%	610	7.5%
Built 1950 to 1959	284	+/-92	4.4%	273	+/-137	16.2%	557	6.8%
Built 1940 to 1949	93	+/-62	1.4%	112	+/-104	6.7%	205	2.5%
Built pre 1940	1,516	+/-247	23.3%	489	+/-178	29.0%	2,005	24.5%

Source: 2009-2013 ACS (estimates)

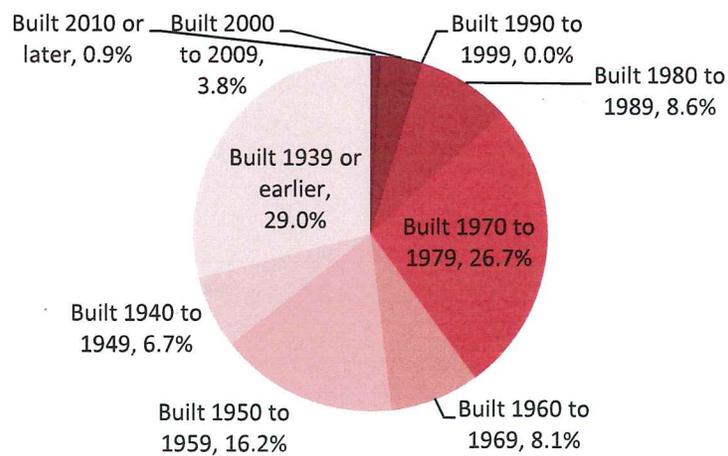
Significant proportions of Middleborough’s owner-occupied housing stock were built between 1990 and 2009 (38%) and before 1940 (23%). Oak Point represents about 35% of the growth 1990-2009.

Figure III-17: Year Built for owner-occupied structures (ACS 2009-2013)



In contrast, major building “booms” for current rental housing were in the 1970s (27%), 1950s (16%), and before 1940 (29%). Rental need is indicated if more than 2/3 of rental housing was built before 1960. For Middleborough, 60% of rental units were built before 1960, so significant need is not indicated by this measure. However, this still represents a large number of older rental units that may have maintenance and repair needs.

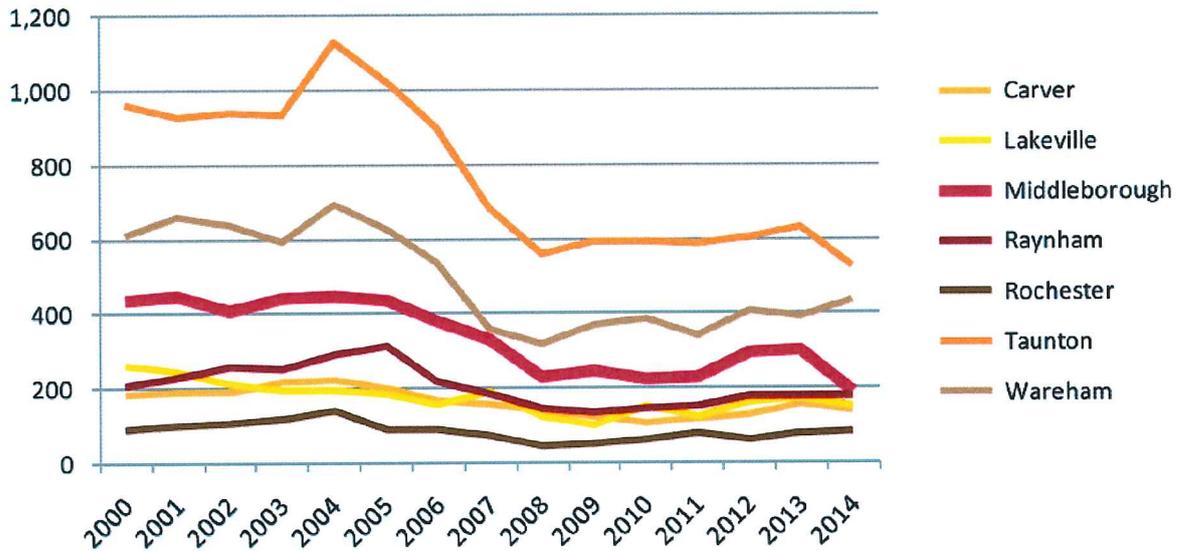
Figure III-18: Year built for renter-occupied structures (ACS 2009-2013)



B.4. Housing sale volumes and vacancy rates

In terms of overall market activity during this period, home sale volumes have been fairly steady, decreasing slowly in the past decade and decreasing more rapidly 2013-2014, although local professionals say that the rate is up again. This could mean that more rental units are becoming available as local renter households become owners.

Figure III-19: Sales volumes for single-family homes since 2000 (SRPEDD Factbook)



In 2005, local realtors estimated that the vacancy rate was low; that at any given time, there was an average of 23 homes on the market; and that homes stayed on the market for an average of 40 days. As the table below shows, homes stayed on the market much longer on average in the past two years (110 days in 2014 and 95 throughout most of 2015).

	2014	Oct. 2014- Oct. 2015	% Change
Listings Sold	223	226	1.3%
Average Days on Market	110	95	-14.2%
Average Sale Price	\$255,699	\$285,797	11.8%
Average Sq. Ft. living area	1,805	1,907	5.6%
Average Sale Price per Sq. Ft.	\$147	\$157	6.8%

Source: P & S Preferred Properties, Middleborough

The 2010 U.S. Census reports the total vacancy rate to be 6.2% (up from 3.7% in 2000, suggesting that the very tight market then has loosened), including 1.1% for seasonal, recreational or occasional use. There are 137 vacant units which may possibly be considered abandoned (neither for sale, for rent, sold/rented but not occupied, or for seasonal use). Housing advocates are aware of abandoned

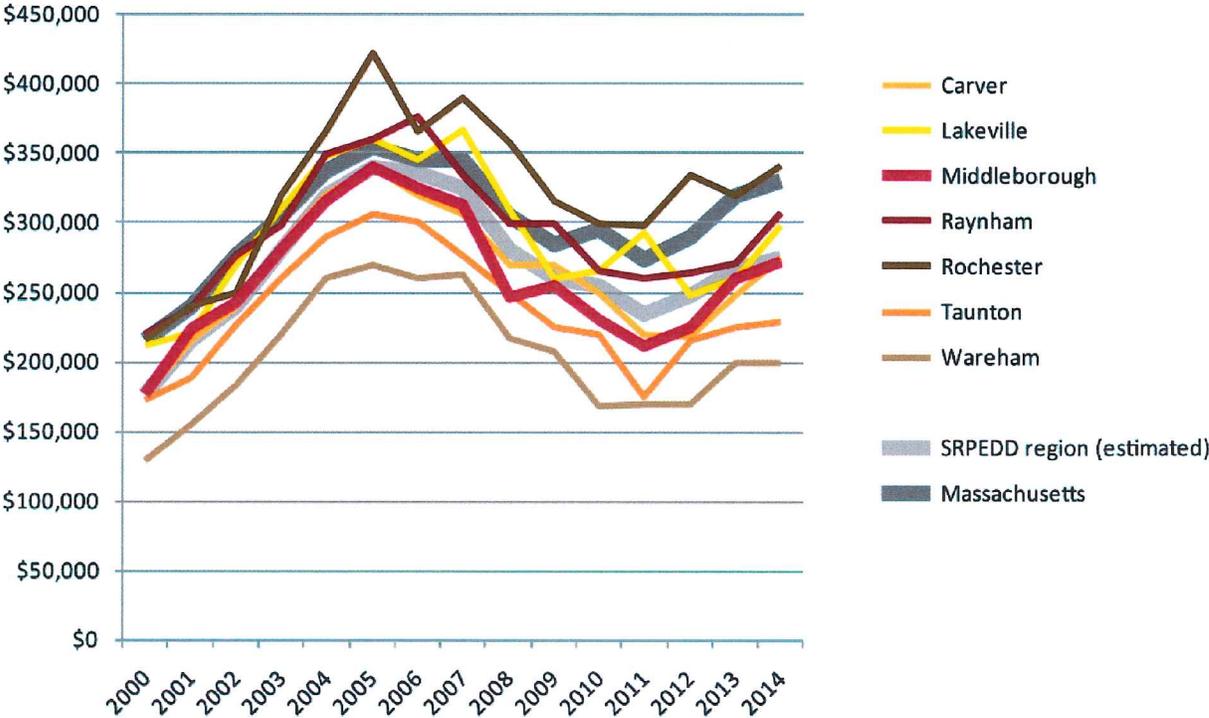
properties in town that are considered to be nuisances. The current homeowner vacancy rate is 1.7%, suggesting a continued tight market.

- ❖ **The housing market has slowed compared to its peak in the early 2000s, but is recovering. Abandoned houses are a nuisance issue.**

B.5. Ownership housing costs and affordability

From 2000 to 2014, Middleborough’s median sales prices were in the middle range among its neighbors and comparable to the SRPEDD region on average.⁸ Median sales prices peaked for all these places around 2005, lost value following the housing market crash, and began rising again around 2011. A median sale price more than 10% higher than half of neighboring communities is an indicator of need, but Middleborough’s median sales price in 2014 is 10+% higher than only Wareham and Taunton.

Figure III-21: Median Sales Price for single-family homes, 2000-2014
(The Warren Group / Town statistics as of 2/5/2015)



An affordable home sales price for a given household can be roughly estimated as three times the household’s income. Thus an affordable house for a household at the area median income (\$81,200) would cost no more than \$243,600. This is less than Middleborough’s 2014 median sales price of

⁸ Data for Plymouth County was not available.

\$272,500, so there is an approximate \$28,900 affordability gap; a household earning the regional median income could not afford to purchase a house at the median sale price in Middleborough. Of the 125 homes currently on the market [Zillow.com, October 2015], 44 (35%) would be affordable at the area median income. HUD's affordability calculation does show significant numbers of units affordable to the different income ranges under 80% of area median income (HAMFI – HUD Area Median Family Income).

Figure III-22: Number of Ownership Units Affordable to Households at HUD income levels

Households Earning	Units
30% HAMFI	No data
50% HAMFI	125
80% HAMFI	210
100% HAMFI	919

Source: HUD Consolidated Plan and Continuum of Care Planning Tool, 2007-2011

- ❖ **While there is an affordability gap at the median home sale price and median income, a number of homes are affordable to households under the 80% income limit. This suggests that the SHI does not accurately reflect the number of regionally affordable units in Middleborough.**

B.6. Rental market, costs, and affordability

Local housing advocates and real estate professionals report that Middleborough has a tight rental market. The following table shows that the number of rentals per year has decreased, as has the number of days on the market.

Figure III-23: Rentals in the Past Two Years

	2014	Oct. 2014- Oct. 2015	Change
Listings Rented	71	64	-9.9%
Average Days on Market	41	33	-21.1%
Average Rental Price	\$1,219	\$1,272	4.3%
Average Sq. Ft. living area	1,457	1,219	-16.3%
Average Rental Price per Sq. Ft.	\$0.84	\$1.04	24.7%

Source: P & S Preferred Properties, Middleborough

The rental vacancy rate is 7.8%. A vacancy rate below 5% may indicate that a tight rental market exists. However, local experience indicates a tight market particularly for households earning less than 80% AMI. The Housing Authority keeps a list of rental properties in order to assist voucher holders in finding housing, and it has been difficult. One-bedroom units are particularly hard to find. In addition, local advocates feel that rents for SHI units are too high. For example, rents recently rose at Star Mill Lofts to

levels the Housing Authority considers beyond the reach of local households because the LAU units do not use Fair Market Rent, as opposed to 40B units.

HUD’s affordability calculation shows 1,800 rental units affordable to the different income ranges under 80% of HAMFI. This amounts to almost 17% of the Town’s entire housing stock. This supports the local view that Middleborough has a reasonable supply of affordable housing that is not on the SHI.

Figure III-24: Number of Rental Units Affordable to Households at HUD income levels

Households Earning	Units
30% HAMFI	200
50% HAMFI	475
80% HAMFI	855
100% HAMFI	No data

Source: HUD Consolidated Plan and Continuum of Care Planning Tool, 2007-2011

As the next table shows, Middleborough’s median rent of \$1,060 is under the 30% affordability standard relative to the median wage in the Town and also under the two-bedroom Fair Market Rent calculated by HUD for Middleborough’s region. This also supports the view that Middleborough’s SHI does not reflect actual affordability levels in the Town.

Figure III-25: Relationship of Local Rents and Wages

	Average Weekly Wages	Affordable Rent at 30% of income ⁹	One-bedroom Fair Market Rent	Two- Bedroom Fair Market Rent	Median Rent
All Industries	\$911	\$1,184	\$867	\$1,133	\$1,060
Goods-Producing	\$1,012	\$1,316			
Service-Providing	\$889	\$1,156			

Source: 2009-2013 ACS, Massachusetts Executive Office of Labor and Workforce Development, HUD

- ❖ **In local experience, the rental market is very tight at market rate as well as for households earning less than 80% AMI. However, well over 10% of rental units cost less than or equal to SHI rental units. This suggests that the SHI does not accurately reflect the number of units in Middleborough at or under the cost standards for affordability.**

⁹ Weekly wage x 1.3

B.7. Housing cost burdens

Significant numbers of Middleborough households (31.8%) are experiencing housing cost burdens, defined as spending 30% or more of their income on housing. About a third of owners and 29% of renters experience cost burdens. Rental need is indicated when 30% or more of renters are cost burdened (28.8% in Middleborough) or when more than 15% spend more than half their income on rent (17.6% in Middleborough, a significant need).

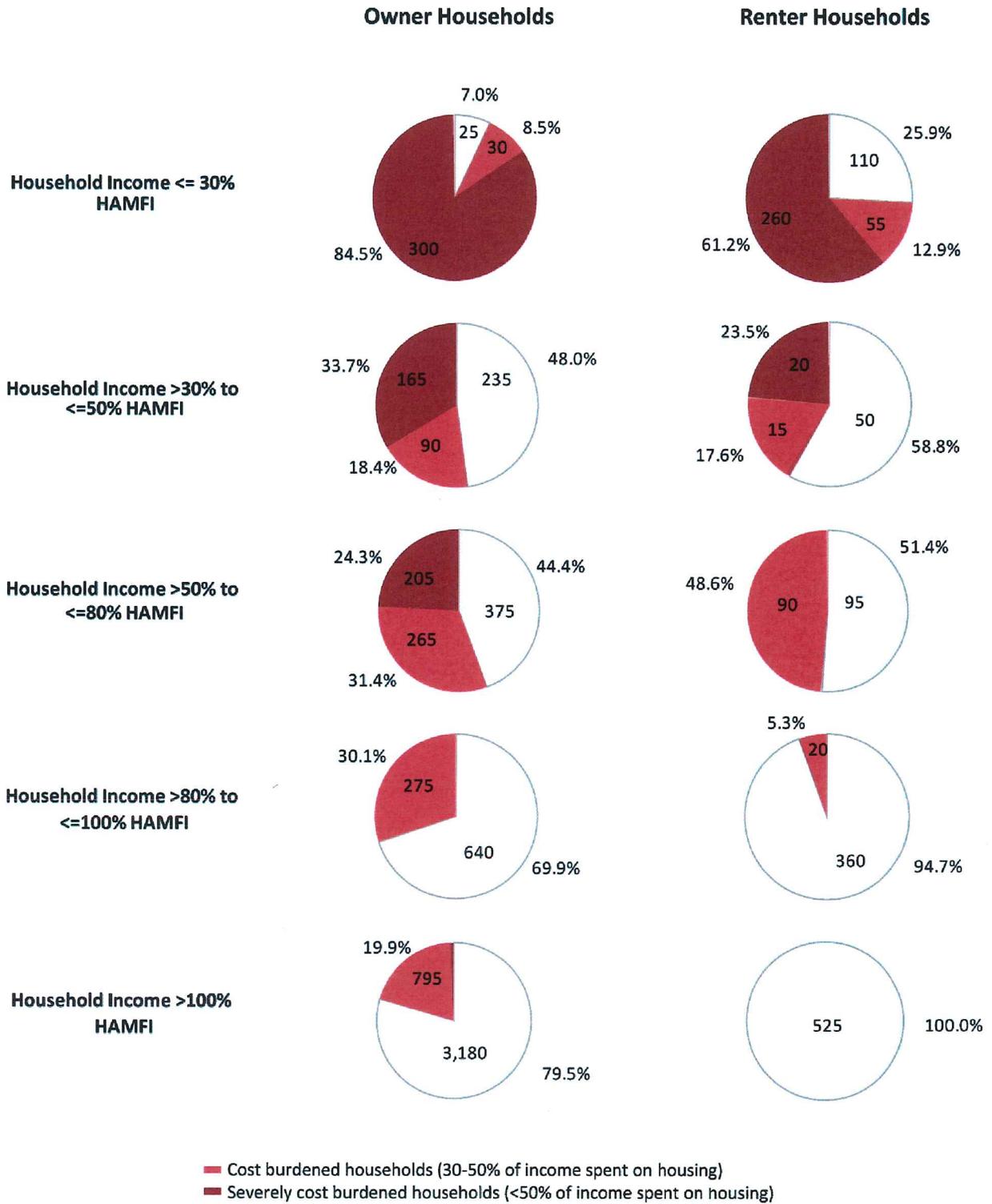
Figure III-26: Household Cost Burdens (% of income spent on housing)						
	Owners		Renters		Total	
	#	%	#	%	#	%
Not Cost Burdened (<=30%)	4,445	67.2%	1,110	69.6%	5,555	67.7%
Cost Burden >30% to <=50%	1,455	22.0%	180	11.3%	1,635	19.9%
Cost Burden >50%	695	10.5%	280	17.6%	975	11.9%
Cost Burden not available	15	0.2%	25	1.6%	40	0.5%
Total	6,610	100.0%	1,595	100.0%	8,205	100.0%

Source: CHAS Report based on 2008-2012 ACS

As the charts below express, increasing proportions of households are cost burdened as income ranges decrease. Low and middle income homeowners are more likely to be in need of support to perform necessary home repairs and upkeep improvements, particularly older residents living on fixed incomes. MAHC members report that the previously high foreclosure rate, which also reflects cost burdened homeowners, has calmed down somewhat.

- ❖ **Middleborough has many cost burdened households at income ranges below 80% AMI. Cost burdens are especially severe in the <30% AMI income range.**

Figure III-27: Percent and number of cost burdened households by income range (CHAS 2008-1012)



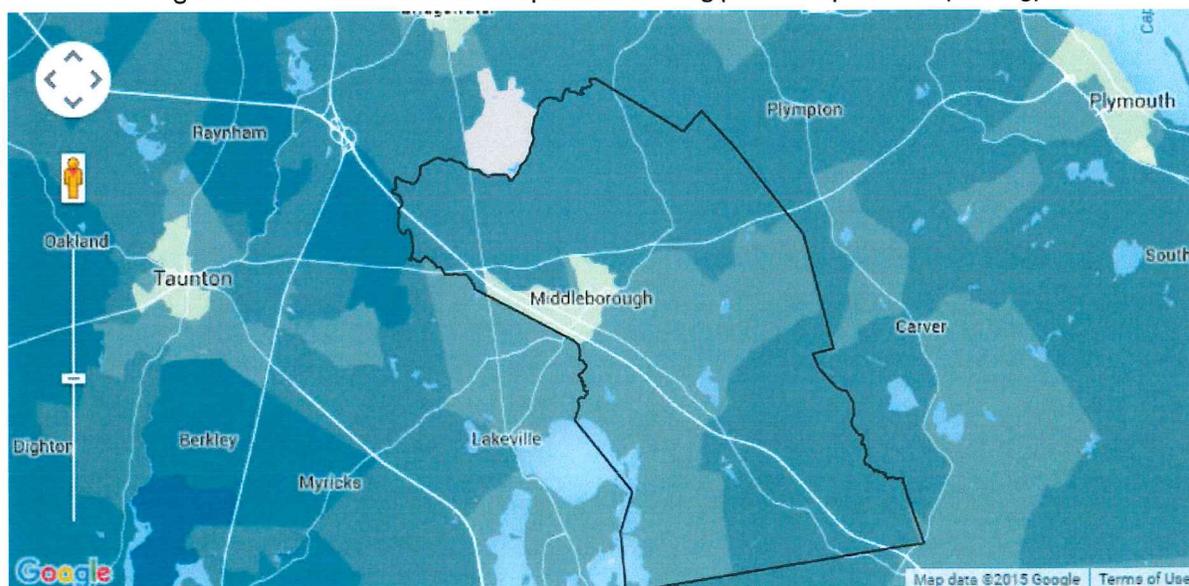
B.8. Housing + transportation affordability

The Center for Neighborhood Technology (CNT) in Chicago has created the Housing + Transportation Affordability Index based on the concept that a more complete standard of affordability is when combined housing and transportation costs take up no more than 45% of a household's budget. Transportation is the second largest expense for most families, but few households consider this cost when choosing where to live, or lenders when qualifying households for mortgages. Many households who chose affordable real estate in auto-dependent locations where daily trips require considerable driving find that their transportation costs more than cancel out any housing cost savings. They are also more susceptible to gas price fluctuations. Location efficient neighborhoods – compact with walkable streets, access to transit, and a variety of amenities – have lower transportation costs than inefficient ones.

The following graphic shows the CNT's calculation of housing + transportation affordability. Middleborough Center is classified as more affordable than elsewhere in the Town and much of the region. The Town can help ease transportation cost burdens and decrease car dependence for more households by directing housing growth to Middleborough Center. *(Also see transportation concerns in the following section.)*

- ❖ **To minimize transportation cost burdens, the Town should continue encouraging affordable housing development in Middleborough Center, which is served by transit and other amenities.**

Figure III-28: Percent of income spent on housing plus transportation (*cnt.org*)



Housing + Transportation Costs % Income

< 24% 24-36% 36-45% 45-54% 54-66% 66-78% 78-87% 87%+

B.9. Existing subsidized housing

Middleborough's Subsidized Housing Inventory

Middleborough's current SHI contains 509 units, or 5.71% of the Town's year round housing units. These include Housing Authority units, 40B developments, and Local Action Units. *[See Appendix for full SHI.]*

Selected Project Descriptions:

- **Upper story downtown apartments:** By partnering with downtown commercial property owners and using CDBG funding, the OECD created 25 affordable one and two bedroom apartments above commercial spaces (2nd and 3rd floors) in four renovated buildings.
- **The Groves**, 138 W Grove St., is a completed 40B project including 52 condominiums and 36 apartments.
- **Star Mill Lofts** were created when the Town of Middleborough collaborated with the Heritage Companies to renovate the vacant Star Mill property into 69 high end apartments, 18 of which are reserved for Low to Moderate Income Households.
- **Keith Street Condominiums** includes twelve units.
- **Eastwood Estates** includes around six single family ownership units.
- **Tispaquin Farms** is a single family 40B.
- **15 and 153 Centre St.** include four and seven units produced through the Housing Development Support Program in the early 2000s.
- **Middlebury Arms**, 89 E Grove St., is comprised of 64 income restricted apartments.
- **Greystone Estates, Cinnamon Ridge, and Crimson Estates** are other notable projects.

Housing Authority Units

The Middleborough Housing Authority owns 192 rental units in several complexes.

- Nemasket contains 40 units of elderly housing built in the 1950s and 50 units built in the 1960s
- Riverview contains 64 elderly housing units built in the late 1970s, including seven ADA compliant accessible units
- Archer Court contains 21 two and three bedroom Veterans Family Housing units built in the 1940s
- Eight special needs units are in a separate building

There is more turnover in the state-funded 1950s elderly Housing Authority units in Middleborough, which are 440 square feet, have accordion doors rather than private bedrooms, and do not meet ADA standards. The federally funded units are larger and brighter and experience less turnover.

Waitlists

The Housing Authority waitlist is as follows: 101 households (two local) for family two-bedroom units; 51 households (six local) for three-bedroom units; six households (two local) for wheelchair accessible

units; and 107 households (23 local) for elderly 1BR units. There are no vacancies at the family development, and it is difficult to qualify for family housing. The elderly housing units are outdated and not in demand by potential residents. Waitlists and Housing Authority experience show a greater demand for one or two bedroom rather than three- bedroom units. There are 350 households on the waitlist for the 64 subsidized family units at Middlebury Arms, which was recently renovated and is more in demand.

- ❖ **Waitlists and local experience suggest that there is a need for more subsidized housing, particularly one and two bedroom units.**

Vouchers

The Middleborough Housing Authority administers 154 Section 8 Housing Choice Vouchers for the area as well as eight state housing vouchers. This affordable housing work is not credited in the Subsidized Housing Inventory, although the Housing Authority has advocated for it. The Brockton Veterans Administration also administers around seven separate vouchers, often located in Middleborough. The Section 8 waitlist contains 700 households, although many of these are already living in Housing Authority units. In order for households to use state and federal housing vouchers, rent must be no more than the Fair Market Rent. Many local apartments have increased their rents to the point where Section 8 Voucher holders can no longer rent there. For example, Star Mill one and two bedroom apartments rent for \$1,037 and \$1,285 respectively, not including utilities. Fair Market Rents include heat and hot water.

Figure III-29: 2015 Fair Market Rents for the Brockton HUD Metro FMR Area

	Efficiency	1 Bedroom	2 Bedrooms	3 Bedrooms	4 Bedrooms
Fair Market Rent	\$862	\$867	\$1,133	\$1,446	\$1,531

Source: 2009-2013 ACS

- ❖ **Housing vouchers used and administered in Middleborough do not count towards the Town’s Subsidized Housing Inventory.**

Figure III-30: Local subsidized units: The Groves 40B condominium development; Middlebury Arms



B.10. Supportive elderly, accessible, and special needs housing

Local housing advocates see a major need for more elderly housing that supports mental health needs as well as physical disabilities. They observe psychiatric hospitals closing and elderly residents of public housing experiencing paranoia, causing disruptions, or not taking their medications.

In general, accessible units that are most in demand are two bedroom units with one bedroom for the disabled person and one for a caregiver or for a spouse who may not be able to sleep in same room due to the disability. Two-story units are acceptable as long as there is a full bath on the first floor. Assisted living facilities are also needed in Middleborough.

- ❖ **Local experience shows a need for more supportive elderly housing, particularly housing with mental health support.**

B.11. Local preference in subsidized units

Like many communities, Middleborough wants its investments in affordable housing to benefit local households. Favoring local residents also increases local political support for affordable housing. Up to 70% of units in an affordable housing development can be set aside as “local or community preference units” in its Affirmative Fair Housing Marketing Plan (AFHMP). Allowable preference categories can include Middleborough residents; employees of the town, such as teachers, janitors, firefighters, police officers, librarians, or town hall employees; employees of businesses located in town; or households with children attending Middleborough schools. Under fair housing laws, an AFHMP approved by DHCD is required when marketing and selecting residents for affordable units.

In the experience of MAHC and the Housing Authority, local households are not applying much to Housing Authority waitlists, even though many might qualify, or else only at the last minute when in crisis. They are losing homes to tax title and making “poor personal choices.” MAHC would like to have a better understanding of what is going on. In addition, they hear that municipal employees would like to live in town but cannot afford it, typically living in Wareham instead.

- ❖ **Local households are in need of support to access housing resources.**

C. Summary of housing needs

- ❖ Regional projections as well as rapid population growth in the 2000s imply continued housing demand and development in the next decade.
- ❖ Increasing populations of empty-nesters and retirees suggest increased demand for smaller units with lighter maintenance needs, including rental units.
- ❖ Trends of smaller and more elderly households suggest an increased need for smaller units and for supportive elderly housing in the next decade.
- ❖ Middleborough has significant population (29%) earning less than 80% of AMI. Most in the 30-50% and 50-80% AMI ranges are owners, while more in the <30% AMI range are renters.
- ❖ Local experience and free school lunch participation rates suggest that young families and over-60 households are experiencing more financial need.
- ❖ Based on current household composition, Middleborough is likely to experience housing need for small families, elderly households, and families with young children earning under 30% AMI; for small families and elderly households at 30-50% AMI; for small families, elderly households, and families with young children at 50-80% AMI; and for all demographics at 80-100% AMI.
- ❖ There is likely unmet demand for housing types other than single family homes and age-restricted manufactured homes.
- ❖ Middleboro has effectively subsidized a large quantity of manufactured homes that do not count on the SHI.
- ❖ Middleborough has a significant proportion of older homes which may have greater maintenance and repair needs.
- ❖ The housing market has slowed compared to its peak in the early 2000s, but is recovering. Abandoned houses are a nuisance issue.
- ❖ While there is an affordability gap at the median home sale price and income levels, a number of homes are affordable to households under the 80% income limit. This suggests that the SHI does not accurately reflect the number of regionally affordable units in Middleborough.
- ❖ In local experience, the rental market is tight for households earning less than 80% AMI. However, well over 10% of rental units cost less than or equal to SHI rental units. This suggests that the SHI does not accurately reflect the number of units in Middleborough at or under the cost standards for affordability.
- ❖ Middleborough has many cost burdened households at income ranges below 80% AMI. Cost burdens are especially severe in the <30% AMI income range.
- ❖ To minimize transportation cost burdens, the Town should continue encouraging affordable housing development in Middleborough Center, which is served by transit and other amenities.
- ❖ Waitlists and local experience suggest that there is a need for more subsidized housing, particularly one and two bedroom units.

- ❖ **Housing vouchers used and administered in Middleborough do not count towards the Town's Subsidized Housing Inventory.**
- ❖ **Local experience shows a need for more supportive elderly housing, particularly housing with mental health support.**
- ❖ **Local households are in need of support to access housing resources.**

IV. Housing Production Capacity and Constraints

A. Organizational capacity and coordination

Middleborough has been proactive in creating affordable housing. The Office of Economic and Community Development (OECD) has been very successful in producing and managing 25 affordable “top of shop” rental housing units downtown using Community Development Block Grant (CDBG) funding,¹⁰ and the Town has collaborated with developers to implement “friendly 40Bs.”

The Middleborough Affordable Housing Committee (MAHC) is an affordable housing partnership which serves as an advocacy group for fair housing and for funding of affordable housing projects. Its members represent and provide coordination between several departments and organizations: the Office of Economic and Community Development (OECD), the Planning Department, the Middleborough Housing Authority, The Neighborhood Corporation (a nonprofit Community Development Corporation serving the greater Taunton area), and the Department of Veterans’ Services.

The MAHC has also functioned as a liaison between developers and the Town, preliminary to boards, with a facilitating, advisory role. This role is now being filled by the new Project Review Committee (described in the Strategies below). These efforts may have helped address a past issue of “poorly conceived and financed” unconstructed 40Bs mentioned in previous housing plans.

The OECD monitors the 25 downtown “top of shop” apartments so that these remain affordable. A major organizational challenge noted by housing advocates is monitoring other affordable units to keep them on the SHI. Some units are sold at market rate if a household meeting income requirements is not found within 90 days. CHAPA provides notification, but typically the MAHC committee does not have time to help identify suitable buyer households. This year for the first time, the Town will collect funds from the sale of a unit that was sold as market rate and removed from the SHI, to make up the loss of the subsidy originally provided. However, there is no housing trust to receive these funds and dedicate them to affordable housing production.

Additionally, MAHC would like to have a better understanding of what is going on with local residents in need of housing support.

B. Funding for affordable housing production and rehabilitation

The OECD effectively used Department of Housing and Community Development (DHCD) grant funding for several housing-related projects, including the Housing Development Support Program (HDSP),

¹⁰ The OECD’s activities are described in greater detail here: <http://middleborough.com/housing-community-development/index.html>

“Heads Up”) to produce downtown top-of-shop units in the late 1990s and early 2000s. The OECD has been awarded several Community Development Block Grants since 2002 and has overseen several Housing Rehabilitation programs, repairing over 100 units. While much of this funding has ended, the Town may access program income funds from repaid loans for DHCD approved programs. With these funds, the OECD has been able to manage an emergency housing rehab program. The OECD is now fully funded through the Town budget, but will consider applying for CDBG funds in the future. Middleborough’s status was changed from a CDF-I to a CDF-II community in 2010 based on lower statistical need, which leads the OECD to assume it must partner with other communities to have a chance at receiving funding.

Middleborough takes part in the Greater Attleboro-Taunton HOME consortium (GATHC), which receives federal HOME Program funds from the U.S. Department of Housing and Urban Development on an annual basis to support the development and preservation of affordable housing units for low- and moderate-income individuals, families, the elderly, and people with special needs. The GATHC provided funds for Shoe Shop Place and has repaired several Middleborough homes.

Middleborough passed the Community Preservation Act (CPA) and can spend up to 10% of these funds on housing, but the program is on its fourth of five years. The Housing Authority has been effectively using these funds for upgrades to its properties. Affordable housing is a locally unpopular use for CPA funds; the public prefers causes such as historic preservation. The Town does not plan to propose spending more than 10% on affordable housing in order to avoid compromising the next potential round of CPA funding.

MAHC was advised to seek out public private partnerships because of decreasing availability of public funds, but they feel unsure how to proceed. They have recently learned about the Commonwealth’s Community Investment Tax Credit Program (CITC)¹¹, and will look into housing applications. MAHC is also aware of other organizations that could be potential partners to assist the Town with housing rehabilitation.

C. Capacity of infrastructure and town facilities

[See Map: Urban Infrastructure and Economic Development Area.]

Middleborough has sewer service throughout its center and the Development Opportunity District (DOD) *[See Map: Zoning]* to the northwest. There is a current moratorium on sewer expansion for residential development, but new hookups for infill are allowed, so the Town will target housing development to seweried areas. The Town prefers to save sewer capacity for economic development expansion in the DOD. There is an ongoing upgrade and expansion of the treatment plant (May 2015-August 2017).

¹¹ <http://www.mass.gov/hed/community/funding/community-investment-tax-credit-program.html>

The high school building is old and in need of replacement. While the junior high is currently crowded, population trends do not suggest that crowding will intensify.

The Town's large land area means many miles of roads to maintain. The Middleborough rotary is a longstanding issue involving congestion, accidents, and steep proposed replacement costs. Middleborough is served by the Middleborough/Lakeville MBTA commuter rail station, which opened in 1994 and opened up employment and other opportunities in Greater Boston as well as Brockton. However, it also draws more vehicle traffic from all over the South Coast and is located outside the downtown (about 1.5 miles away) in a more exurban, less pedestrian friendly location (Middleborough was historically served by a downtown train station.) Park and ride and shuttle services serve the station, including the GATRA R line from the Wareham area whose schedule coordinates with the commuter rail.

GATRA buses operate every hour in Middleborough from 8am-5pm on weekdays only. There are east-west access issues, although a new Plymouth Brockton company bus route has been an improvement. Neither the major business parks north of Route 44 or much of the Town outside downtown are served by GATRA. GATRA also offers dial-a-ride service for passengers who meet ADA requirements and/or are age 60 and above.

Advocates report that many people aren't aware of GATRA services or that some do not realize they qualify for dial-a-ride, and more educational outreach or transportation support to households (such as vouchers) could be useful. Much Section 8 housing is inaccessible from childcare, health care, or community service locations. Anecdotally, public transportation is inconvenient in Middleborough although it is better for households living near the Town center. Additional housing development should be targeted to areas served by transit and other amenities, namely the downtown.

D. Environmental constraints to development

[See Map: Open Space Resources and Map: Priority Areas]

Middleborough's open space resources include working farms, wetlands, archaeological resources, and designated habitat area. A quantity of land is permanently protected. Middleborough Center as well as a swath near the geographic center of the Town are among the least constrained areas for development. Targeting development to areas with sewer service will limit nitrogen pollution to regional water resources. Middleborough's Priority Area designations in the South Coast Rail Corridor plan reflect these constraints.

E. Fiscal concerns

Middleborough is concerned with the net revenue to the Town associated with different housing types that may be produced, especially those which presumably add more schoolchildren and associated educational costs to the Town. Manufactured homes are clearly a net loss to the Town, as discussed previously. The 2005 housing plan considered family housing to be a net loss to the Town and one or two bedroom garden condominiums a net gain. The experience of adjacent Lakeville showed that even a development of mostly one and two bedroom multifamily units resulted in many more schoolchildren. However, the number of school age children in Town has decreased since 2000.

F. Zoning

[See Map: Zoning]

Much of Middleborough is zoned for single-family residential uses by right (the RA, RB, and RR districts). Current zoning generally poses constraints to creation of housing options besides single family detached homes. There are few dimensional requirements in the downtown Business zone, which does promote flexible reuse of historic structures. Upper story dwelling units above commercial uses are allowed only in the Business zone and only by Special Permit. Required onsite parking generally discourages traditional pedestrian friendly development, especially in downtowns. There is no reduction in parking requirements downtown, with the exception of the upper story unit Special Permits which are to be granted without adding new parking if the new unit “does not overburden available automobile parking.” Much of downtown is in a water protection zone, but a less strict one. The downtown is a nationally registered Historic District.

Other allowed housing types in the zoning bylaw include:

- Multifamily housing is allowed only in the GU and GUX zones by Special Permit. Two parking spaces per unit are required, which could raise costs for developers and produce a less human scale environment.
- Family accessory apartments are allowed by Special Permit
- Up to two boarders are allowed by right with owner resident
- Open space residential design (“cluster housing”) is allowed by Special Permit. It allows detached single family housing only is allowed with 30,000 min lot sizes, 100’ minimum frontages, and 40% total space preserved (with onsite sewer and well).
- Manufactured home parks, namely the Oak Point development. No one under 55 except spouses and caregivers may reside in this zone.

Other zoning and subdivision provisions include retreat lots, for the purpose of conserving rural land, which require 40’ frontage and five times the minimum lot size for the district, with no further subdivision allowed. Regulations limit cul-de-sac subdivisions to 12 units maximum. There is no

inclusionary housing requirement. The Development Opportunity District overlay is for the purpose of planned corporate park development on large areas for economic development. It allows institutional, manufacturing, commercial, and other uses.

Figure IV-1: Residential Uses in the Table of Uses, Middleborough Zoning Bylaw, 2014

<u>TABLE OF USES</u>									
PRINCIPAL USE	RA	RB	RR	B	I	GU	GUX	GUA	CD
A. RESIDENTIAL USES									
1. Single-family dwelling	Y	Y	Y	N	N	Y	Y	Y	N
2. Two-family dwelling	N	N	N	N	N	ZBA	ZBA	N	N
3. Trailer or mobile home	N	N	N	N	N	N	N	N	N
4. Conversion of single family to up to three dwelling units	ZBA	ZBA	ZBA	ZBA	ZBA	ZBA	ZBA	N	N
5. Dwelling units above street level floor	N	N	N	ZBA	N	N	N	N	N
6. Multifamily dwelling	N	N	N	N	N	ZBA	ZBA	N	N
7. Adult mobile home park	PB	PB	PB	N	N	PB	PB	PB	N
8. Open Space Residential Preservation Development	PB	N	PB	N	N	PB	PB	N	N
9. Retreat lot	PB	PB	PB	N	N	PB	PB	N	N

V. Housing Goals

The following major goals are set forth to create a mix of types of housing sufficient to meet projected demands and preferences in Middleborough in the years ahead. They respond to the needs identified in the Housing Needs Assessment as well as the constraints identified above. Each strategy discussed in the next section will aim to implement one or more of these goals.

GOAL 1: Downtown target area

Continue to target affordable units and other development investments to the Downtown area.

Targeting affordable (as well as market rate) units to an existing center fits with smart growth goals of walkability, urban reinvestment, protection of Middleborough's rural land, and using existing infrastructure such as sewer. In addition, fostering a downtown with many significant destinations within walking distance can help Middleborough's many cost burdened households lower their transportation costs. Downtown housing investments are part of a broader vision of a successful town center with places to go and things to do, with fewer empty storefronts and more businesses providing practical services and necessities without adverse impact to the historic character of this National Register District.

GOAL 2: Housing types to match demographics

Increase the proportion of housing types suited to the major emerging demographics of smaller households and elderly households.

These housing types include smaller units, more handicapped accessibility, housing with supportive elderly services including mental health, apartments or condominiums with lower maintenance demands than large single family homes, and year-round rental options. Housing advocates find that smaller single family attached units with single car garages also work well for independent minded elders. These types will add a greater diversity of options to Middleborough's current predominance of single family detached houses.

GOAL 3: Ease cost burdens

Ease cost burdens for existing homeowners, including performing necessary home improvements to housing stock and improving local residents' access to local subsidized units.

The housing needs assessment shows a large proportion of moderately and severely cost burdened homeowners in Middleborough, especially in income ranges under 80% of AMI.

GOAL 4: Reuse developed sites for affordable housing

Create SHI units from existing housing stock and other previously developed sites.

Middleborough already has a large supply of “modest” homes, many predating 1940, which have current costs within the eligibility range for the SHI. Foreclosures, abandoned homes, and tax-title takings can be seen as opportunities to convert existing structures to SHI eligibility. Middleborough also has blighted or underutilized sites with potential for affordable housing redevelopment.

GOAL 5: Numeric production goals

Meet annual production goals of 45 or 89 affordable housing units eligible for inclusion on the Subsidized Housing Inventory; achieve the 10% goal of 892 SHI units in the next five years by adding 384 new units to its current total of 508.

Meeting subsidized housing production goals will provide more housing options for households with limited incomes and give the Town greater control over the provisions of Chapter 40B. A larger proportion of all new subsidized units should be rental housing to better serve Middleborough’s needs. Subsidized housing is needed for households in the <30% AMI, 30%-50% AMI, and 50%-80% AMI income categories, and some should also be targeted to Middleborough’s growing elderly population. In accordance with the January 2014 Interagency Agreement Regarding Housing Opportunities for Families with Children (“Bedroom Mix Policy”), at least 10% of units in each development containing SHI-eligible units should have three or more bedrooms, with certain exceptions (small projects, assisted living, single room occupancy, lack of demand, infeasibility, and others).

In addition, the Town would like to ensure that SHI units produced remain at affordable levels for residents of Middleborough.

GOAL 6: Partnerships and communication

Create attractive new and rehabilitated housing through partnerships and clear development expectations.

Middleborough aims to work efficiently with developers, partners, and property owners to create housing with characteristics that complement the Town. As such the Town is pursuing more predictable, understandable processes including better coordination between the various Town boards and offices

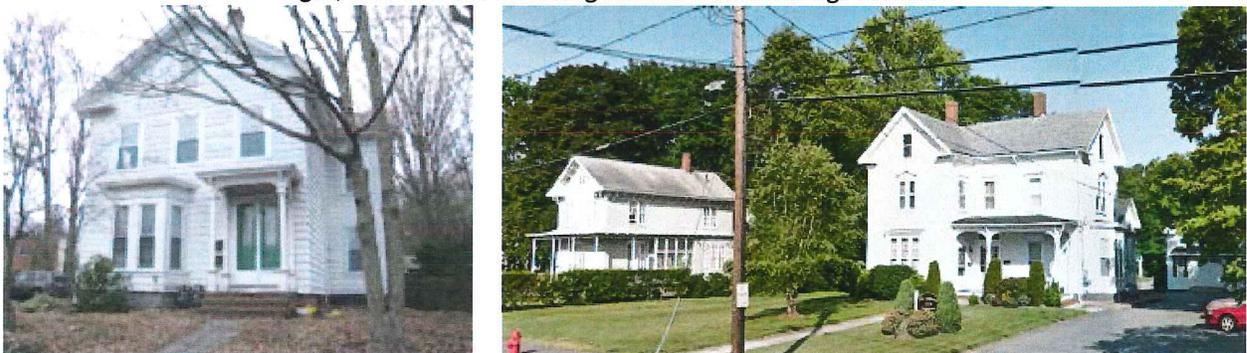
and with developers. In addition, the Town expects developers to respect locally preferred development characteristics. In 40B Comprehensive Permit appeals, the Housing Appeals Committee takes local preferences into consideration as long as these characteristics do not preclude reasonable density. Middleborough prefers to arrive at mutually agreeable site designs through efficient collaboration and communication with developers.

The Town favors residential and mixed-use housing development in Middleborough that preserves or reflects historic building qualities, for example the adaptive reuse of Shoe Shop Place and Star Mill. The following photos depict SHI units that fit well in historic New England towns.

Figure V-1: Star Mill Lofts, Middleborough; 10-12 Summer St., Manchester-by-the-Sea¹²



Figure V-2: 40B conversions in Bridgewater: Left, three units in an older home and carriage house; right, eleven units including smaller new buildings in back



¹² <http://vault.sierraclub.org/sprawl/report05/buildingbetter.pdf>

VI. Implementation Strategies

A. Housing development locations and growth areas

A.1. Continue to focus affordable and market rate housing development in the Middleborough Center Target Area

The Town has successfully focused housing creation to its Middleborough Center Target Area, bounded by Route 44 on the north, the Town line on the south, and the Nemasket River on the east. *[See Housing Action Map: Downtown Target Area.]* It is served by GATRA bus lines, municipal water, and sewer and contains a Census-designated Environmental Justice area (based on income). Downtown Middleborough is appropriate for 40B projects, moderately dense development, infill, adaptive reuse of historic buildings, and other investments that promote a viable Town center that maintains its historic integrity. The Town will continue to focus its affordable housing creation and rehabilitation efforts on the downtown area.

A.2. Compact Neighborhoods program for downtown

The Town will explore the state's Compact Neighborhoods program, which offers potential 40B relief (as a "previous municipal action") as well as preference for state funding. It requires as-of-right zoning on an area that allows for creation of 1%+ of the Town's housing stock and that allows for 8 units/acre multifamily or 4 units/acre single family. Age restrictions and building moratoria must not be applicable. DHCD must approve the draft zoning change before Town Meeting passes it; the program is not applicable to zoning already in existence.

A.3. Continue successful affordable housing production in existing and underutilized buildings

The OECD has had much success creating housing units in existing buildings in the late 1990s and early 2000s. The OECD obtained multiple CDBG grants to fund the Housing Development Support Program, which rehabilitated vacant upper floor space downtown into 25 rental housing units, 21 of which are on the SHI. These efforts have attracted new investment into the downtown. The OECD may apply for another CDBG grant in the future.

In addition, the Town is producing units through adaptive reuse of older commercial or institutional buildings such as Star Mill Lofts and Shoe Shop Place, often through "friendly 40B" collaborations with developers. The Town will continue to identify suitable buildings that can be renovated to provide

affordable housing, and will continue to pursue funding to enable these conversions that help revitalize the downtown and other areas as well as provide needed housing types.¹³

A.4. 40R Smart Growth zoning overlay

Middleborough will look into implementing a 40R Smart Growth Zoning Overlay District, which provides potential 40B relief.¹⁴ DHCD describes the program as follows: Cities and towns may establish special zoning overlay districts that allow densities of 8 units/acre for single family homes, 12 units/acre for townhouses, and 20 units/acre for condominiums and apartments. The zoning must require that 20% of the district be affordable homes, and it should allow "mixed use" - the combination of residential, office and retail within close proximity. Assistance is available for writing a bylaw and for planning and design.

To be approvable, overlay districts shall be located near transit stations, in existing city and town centers, commercial districts, and other areas of concentrated development, and in other eligible smart growth locations. Projects must be developable as-of-right under the smart growth zoning, subject only to the review of plans and the application of design standards by a local approving authority. Well-designed districts create a distinctive sense of place and fulfill a significant market demand for convenience, while reducing car trips and preserving open space elsewhere in the community.

In return for adopting the zoning and streamlining the development process for 40R districts, cities and towns can get between \$10,000 and \$600,000 in state funding, plus an additional \$3,000 for every new home created. School cost reimbursements may also be possible under Chapter 40S.

Additional 40R program information can be found at the following sites:

<http://www.mass.gov/hed/community/planning/chapter-40-r.html>

<http://www.mass.gov/hed/economic/eohed/dhcd/legal/regs/760-cmr-59.html>

<http://www.chapa.org/pdf/Ch40RFinal0704.pdf>

A.5. Municipal and Housing Authority properties

Middleborough will target mixed income housing to Town- and Housing Authority-owned properties.

- **Archer Court:** The Town will look into replacing the 1940s structure on this Housing Authority property with mixed-income housing. The structure has major systems problems. They envision a project that will be an opportunity to "de-concentrate disadvantage" in the vein of the nearby friendly 40B at 84 South Main St.
- **Washburn Mill:** These parcels on Keith St. Extension contained a controversially demolished historic mill. While one of the properties was permitted for a 40B development in the past, the site remains vacant. The Town will issue an RFP for mixed-use development including mixed-

¹³ Note: MGL c.40§60 authorizes TIFs for housing in urban centers

¹⁴ A notable example is the 2012 MassHousing 40B project eligibility denial in Easton

income upper story housing and a commercial first floor. This is the largest unbuilt site in the Downtown and development there should serve to “anchor” that end of the commercial area.

- **Rock School site:** The Town closed the school at 63 Miller St. in Rock Village, one of several historic village centers, in 1990. The 1.4-acre site would be appropriate for village type housing.

A.6. 40B Comprehensive Permit projects and locations

The Town will continue collaborating with developers and designers to produce responsive affordable housing developments.

- **Mayflower Manor** at 84 South Main St., the “old Telephone building,” is a “friendly 40B” with 44 rental units whose permit application will go before the Zoning Board of Appeals shortly.
- **Shoe Shop Place**, a “friendly 40B” including 25 rental units, is under construction, to be completed in the summer of 2016.
- **Cranberry Village**, a privately owned 34 acre parcel on West Grove St., received a Comprehensive Permit over ten years ago for multifamily apartments. A buyer was found for the site this year and construction of 240 units is in progress. The units were added to the SHI when the Comprehensive Permit was first issued and removed when no construction took place. As such the project cannot count toward annual SHI production goals but will make significant progress toward the Town’s 10% goal when the units are reinstated.

B. Town-wide zoning changes

B.1. Modify GU and GUX district zoning to exclude wetlands in calculation of development capacity, and provide an affordability incentive

Currently, the GU and GUX districts do not exclude wetlands in calculations of development capacity. They require minimum lot sizes of 30,000 square feet per unit in GU and 40,000 in GUX when the houses are clustered according to the Open Space Residential Design (OSRD) bylaw. If the parcel has wetlands, the units may be more compact; if it is all upland, then the same number of units would be less compact. Correcting this loophole would create more consistency. The Planning Department has suggested revising the bylaw to be based on Net Usable Land Area and to add a density incentive per affordable unit – reducing the minimum lot size per unit to 7,000 square feet in GU and 10,000 square feet in GUX if affordable units are created.

Incentives rather than inclusionary zoning requirements are thought to be more politically feasible in Middleborough and would help the Town to keep up with the 10% SHI goal under Chapter 40B. The Town of Seekonk has had success with incentive zoning which allows two additional market rate units per affordable unit produced. If onsite sewer and public water were available for an OSRD project, Middleborough could allow a minimum lot size of 2,000 square feet with affordable units created using the excess area.

B.2. Amend or replace mobile home bylaw to support affordable housing goals

Mobile or manufactured homes do not currently qualify to be included in the SHI, even though they provide a less expensive housing option, because they do not meet the affordability criteria under Chapter 40B. Still, these homes are included in the count of total housing units against which the 10% goal is formulated, and have accounted for a significant increase in the Town's overall housing stock.

Mobile home communities are not explicitly excluded from the SHI; however, they generally do not meet SHI guidelines (<http://www.mass.gov/hed/docs/dhcd/legal/comprehensivepermitguidelines.pdf>, section II) criteria. The major stumbling block has been that mobile home units are generally personal property, not real property. DHCD regulations and guidelines include the requirement that the housing units be subject to an affordable use restriction that runs with the land for a minimum period of time (30 years for non-rehab units). Additionally, other SHI requirements, including that the units be subsidized through an eligible subsidy program and subject to an affirmative fair housing marketing and resident selection plan in accordance with DHCD guidelines, are typically not met with mobile home communities.

A revision to the Mobile Home bylaw could stipulate that a percentage of the units built in a mobile home development be eligible for inclusion in the Affordable Housing Index by requiring long term deed restrictions covering both the ownership and rental aspects of the properties, and other criteria that would apply for Local Action Units. However, since Oak Point is almost built out, any bylaw changes would mainly apply to new development. This may also depend on the result of proposed state legislation on this issue.

B.3. Explore a Transfer of Development Rights program to direct development away from rural areas

This approach would allow rural landowners to realize their development rights in more urban locations while preserving their properties from development. The 2005 Housing Production Plan proposed the RR district as a protected sending area and the GU district and other village areas as receiving areas for more intensive development. TDR references include a SRPEDD analysis report, programs in Groton and Newburyport, and the state Executive Office of Energy and Environmental Affairs (Kurt Gaertner).

B.4. Strengthen design and site plan guidelines via zoning and subdivision regulations to suit specific neighborhoods and environmental conditions

The town will specify preferred design characteristics that allow developers to achieve profitable building programs that also complement the Town of Middleborough. In a competitive real estate market, attractive, well-constructed and favorably located housing developments compatible with their natural surroundings and neighborhoods, will provide a more secure investment for homeowners and developers. Moreover, design and construction standards will lower residents' energy and maintenance costs over the life of the homes. Stronger design and site plan guidelines can help to ensure quality

development that complements the surroundings and retains market value. References include 40R design guidelines for locations around the state as well as recent work by Judi Barrett.

According to DHCD, the Housing Appeals Committee is sympathetic to design standards applied to 40B projects if the municipality is clearly not trying to kill a project or overly limit its density. It helps to have a united voice on design from the town. While some national developers use cookie-cutter designs, others are open to other things. It is best to get to developers early. One challenge is for 40B developers to hear about design guidelines since they contact state funding agencies before municipalities.

C. Town-wide strategies for reuse of existing and underutilized properties

In addition to the specific sites identified above, the Town will pursue overall strategies for using underutilized properties for housing development that fulfills Town housing needs.

C.1. Create a buy-down program to convert existing housing units to permanently affordable housing units for low income homebuyers

Existing housing units, including market-rate single-family houses, townhouses, and condominiums, can provide an opportunity for low income homebuyers to purchase a home with local funding assistance to make the unit affordable. Buy-down and homebuyer programs have been implemented by many Massachusetts communities and can provide affordable homeownership opportunities while creating permanent affordable units that count on the SHI through DHCD's Local Action Unit program. There are a few alternative structures for such programs: some provide a subsidy directly to the homebuyer (homebuyer program model), others purchase property and then sell to a qualified homebuyer (buy-down model), while others (one in particular, in Sudbury) create a match between a market rate unit and a qualified homebuyer (hybrid model). There are benefits and challenges to each structure. CPA funds can be used and a CDC could implement the program. A certain amount of capacity would be required to administer such a program. References include a successful program in Yarmouth.

C.2. Foster creation of affordable housing on tax title properties

The OECD will work through the Treasurer, Assessor's Office, and Planning Director to identify tax title properties and prioritize them for uses including potential affordable housing sites. The Town can dispose of such property through a negotiated sale or an RFP which allows more ability for the Town to control future use of the property, including designating the property for creation of affordable housing. The Citizens' Housing and Planning Association recently produced the report "Back on the Roll in Massachusetts: A Report on Strategies to Return Tax Title Properties to Productive Use" that may be helpful to the Town as it moves forward with implementation of this strategy.

C.3. Rehabilitate and deed-restrict residential properties

The OECD will use housing funds to rehabilitate housing in need of upgrades with the stipulation that the properties will receive deed restrictions as well as any other provisions to become eligible for the Subsidized Housing Inventory.

C.4. Address blight caused by abandoned homes

Local residents are concerned with vacant properties in their neighborhoods. Homes that have been foreclosed and are owned by banks may remain vacant for an extensive time with the bank paying taxes (so tax-title takings are not an option) but without maintenance, leading to deterioration, neighborhood blight, squatters, and raccoons. Potential approaches include:

- **Inventory foreclosed properties:** Work with the Assessor, Registry of Deeds, and banks to generate a list of foreclosed properties.
- **Pass a bylaw:** Many communities have passed bylaws requiring registration of vacant foreclosed homes, mandating maintenance and upkeep to prevent deterioration, and identification of a contact person responsible for overseeing the property. Registration must be periodically renewed; registration fees provide Towns with funding to address problems with foreclosed homes. A sample regulation was included in previous Middleborough housing plans.
- **Acquire and rehabilitate:** Seek funding via registration fees, banks, regional, or state housing agencies to acquire and rehabilitate foreclosed properties and get them reoccupied with new renters or homeowners.

D. Capacity and administration strategies

D.1. Create a Community Development Corporation (CDC) or Town Housing Trust

The MAHC committee sees the following needs for monitoring and producing affordable units:

- Monitoring deed restrictions
- Tracking sales of SHI units; making sure they are sold as affordable
- Handling funds from subsidized units sold at market rate, fees-in-lieu, and other outside funds and reinvesting them in producing affordable housing (typically a Housing Trust)
- Vetting potential buyers; monitoring marketing to potential tenants
- Annual reporting on rental units
- Taking advantage of tax credits

A Town or local CDC is currently in discussion and may be formed for the primary purpose of economic development, but it could later be used for affordable housing purposes as well. Resources and references include DHCD's CDC certification program

(<http://www.mass.gov/hed/community/planning/cdc-certification.html>), the Massachusetts Association of CDCs, and MetroWest CDC.

D.2. Increase coordination between local committees, boards, and departments

Entities involved in affordable housing production include the Affordable Housing Committee, Housing Authority, OECD, Planning Department, Board of Selectmen, Town Manager, Planning Board, Zoning Board of Appeals, and Building Department. Middleborough has made progress in Town-wide coordination in various ways.

As described above, the Town is taking action to be perceived by developers as business-friendly. The Town recently formed a Project Review Committee, now under the direction of the Town Manager, to provide “one stop shop” advisory meetings with board and department heads so that developers can tailor their applications to local regulations and concerns before formal decision making processes begin.

The OECD also works collaboratively with local business and economic development groups such as Middleborough on the Move, the Middleborough Tourism Committee, the Greater Attleboro-Taunton HOME Consortium, the Cranberry Country Chamber of Commerce, and the Southeastern Regional Planning & Economic Development District (SRPEDD) Regional Economic Strategy Committee. MAHC will continue to cultivate its good relationships with housing developers.

D.3. Create 40B comprehensive permit rules and regulations

The Zoning Board of Appeals will adopt local rules, as well as framework and checklist which substantially incorporate the HAC guidelines, for responding to comprehensive permit applications. Existing guidelines such as Middleborough’s 40B Review Framework and Checklist of Affordability Issues need to be updated to reflect changes to Chapter 40B.

D.4. Regional housing development collaborations

Middleborough will continue working with SRPEDD to leverage regional resources for affordable housing production. The Town will continue to work with The Neighborhood Corporation CDC based in Taunton. Middleborough may pursue participation in a Regional Housing Services Office with other municipalities from the SRPEDD region. A comparable office (<http://www.rhsohousing.org/>) has been established west of Boston.

E. Support to households

E.1. Improve outreach to households in need of housing support

Middleborough will pursue various avenues for improving outreach to local households and employees to make them aware of existing housing programs (without going against fair housing marketing). The Town will mention housing programs at municipal board meetings televised on local television and make use of outlets such as school email lists, Council on Aging resources, and libraries. Local advocates will continue taking advantage of state and regional housing workshops that may provide outreach ideas.

Many households can be educated on resources available to them. An example is clarifying eligibility requirements for subsidized housing. Many homeowners recently worried that that given changes to household asset calculations, they could not afford to sell their houses and move into subsidized housing.

E.2. Continue local collaborations to support low and moderate income homeowners

The OECD will continue working with local banks and housing non-profits including Greater Attleboro-Taunton Home Consortium, Housing Solutions for Southeast Massachusetts, and Pro-Home.

- **Low interest home rehabilitation loans**
- **Continue foreclosure prevention program:** The Town of Middleborough received an FY2010 CDBG Grant to provide \$24,200 of direct emergency funds to homeowners facing foreclosure and to renters facing eviction, and may seek additional funding for this purpose. Middleborough is also served by Pro-Home, a non-profit corporation that provides foreclosure prevention programs.
- **First time home buyer programs:** HarborOne in Brockton may offer financial assistance for first time home buyers who are low-moderate income. DHCD operates a First Time Home Buyer (FTHB) program. Other programs are operated by and/or in cooperation with local banks. The DHCD program helps link prospective buyers with affordable units, educates buyers about the purchase and financing of a home, offers mortgages and a Tax Credit Loan Program, and offers down payment and closing cost assistance (in Middleborough, this service is offered through Neighborhood Housing Services of the South Shore). As training and funding resources are limited, the Town of Middleborough should work with regional organizations and banks to ensure that these funds will be made available to its citizens.

VII. Time Frames and Numerical Production Goals

The following chart summarizes each strategy's time frame, major goals served, and numerical housing production goals. Middleborough plans to add 384 SHI units to reach its 10% goal of 892 units by 2021.

Figure VII-1: HOUSING PRODUCTION STRATEGIES AND NUMERICAL GOALS 2016-2021

Strategy	Time frame	Overall goals served	Estimated SHI units produced
A. Housing development locations, growth areas			
Continue to focus affordable and market rate housing development in the Downtown area	Ongoing; high priority	1, 2, 5	-
Compact Neighborhoods program downtown	2018	1, 2, 5	12
Continue affordable housing production in existing and underutilized buildings	Ongoing; high priority	1, 2, 4, 5	-
40R Smart Growth Zoning Overlay	2016; high priority	1, 2, 5	12
Municipal and Housing Authority properties	RFPs issued 2016-2017	1, 2, 4, 5	24
40B Comprehensive Permit projects and locations	Ongoing. Includes Cranberry Village (240 units), 84 S Main (44), Shoe Shop Place (25)	1, 2, 4, 5, 6	319
B. Town-wide zoning changes			
Modify GU and GUX district zoning	Medium priority	5	2
Amend mobile home bylaw	Medium priority	2, 5	-
Explore a TDR program	Medium priority	1	-
Strengthen design and site plan guidelines	Medium priority	1, 6	-
C. Town-wide reuse of existing and underutilized properties			
Buy-down program	Medium priority	3, 4, 5	6
Tax-title properties	Medium priority	3, 4, 5	4
Rehabilitate and deed-restrict residential properties	Medium priority	3, 4, 5	5
Address blight caused by abandoned homes	Medium priority	4	-
D. Capacity and administration			
Create CDC or Housing Trust	Done (CDC) / in discussion (Trust)	5, 6	-
Increase local coordination	Recent progress; ongoing	6	-
Create 40B Comp. Permit Rules and Regs	Medium priority	5, 6	-
Regional collaborations	In progress	5, 6	-
E. Support to households			
Improve outreach	Medium priority	3, 6	-
Continue local collaborations to support low and moderate income homeowners	Ongoing	3, 6	-
TOTAL SHI UNITS TO BE PRODUCED (2016-2021)			384

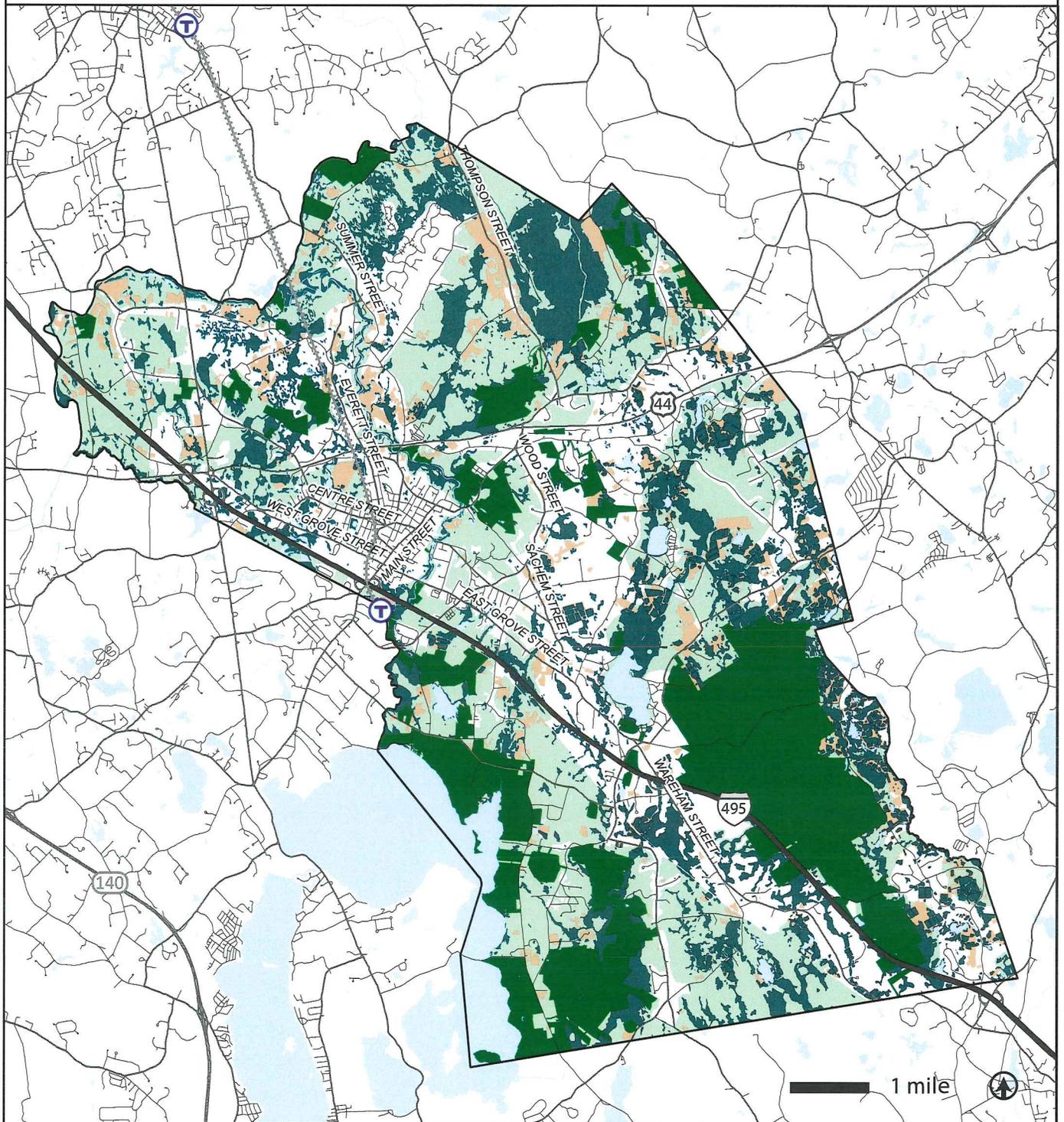
VIII. Maps

The following maps are provided:

- **Open Space Resources**
- **Urban Infrastructure and Economic Development Areas**
- **Zoning**
- **Locally Designated Priority Areas in the South Coast Rail Corridor Plan**
- **Town Owned Land**
- **Town-Wide Housing Action Map**
- **Housing Target Area (Downtown Middleborough)**

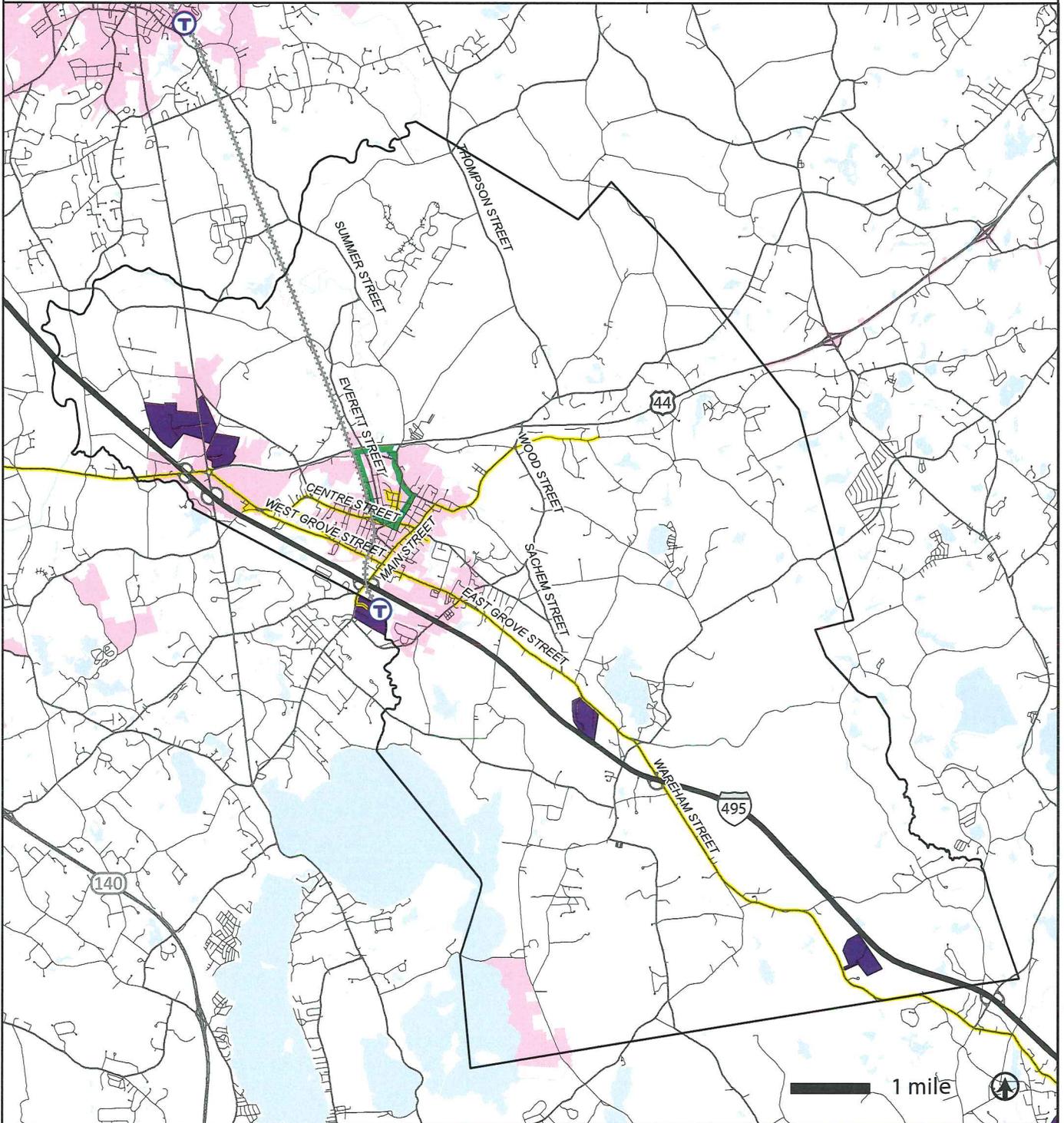
Open Space Resources

- Wetlands
- Permanently protected land
- Potential habitat area (NHESP Priority Habitats, BioMap2 Core Habitat, and Biomap2 Critical Natural Landscape)
- Working farms (MassGIS land use data as of 2005)



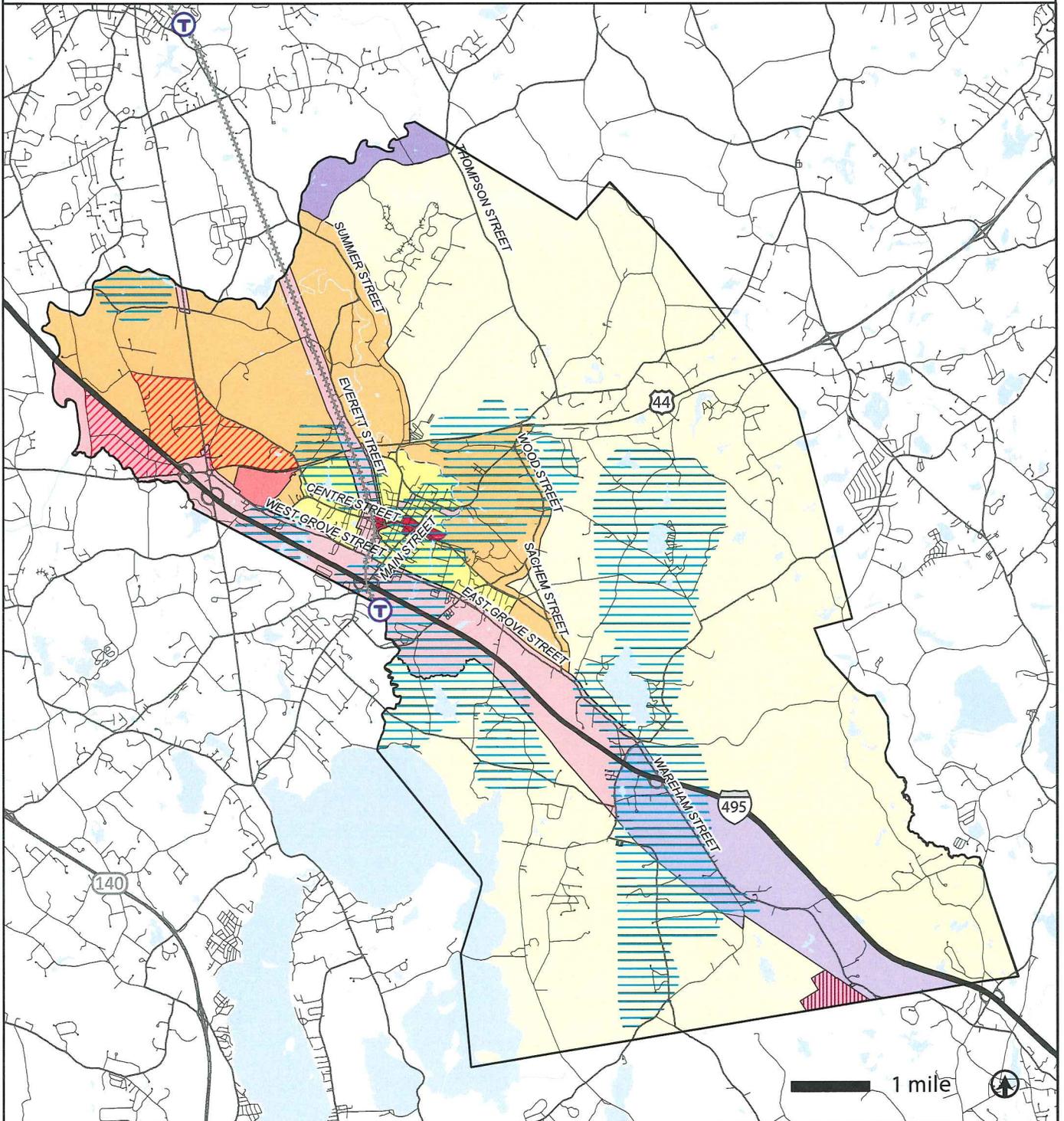
Urban Infrastructure and Economic Development Areas

-  Sewered area (mapped for Taunton River Watershed Alliance in 2011)
-  Industrial parks
-  Census-designated Environmental Justice area
-  GATRA bus line
-  MBTA commuter rail station



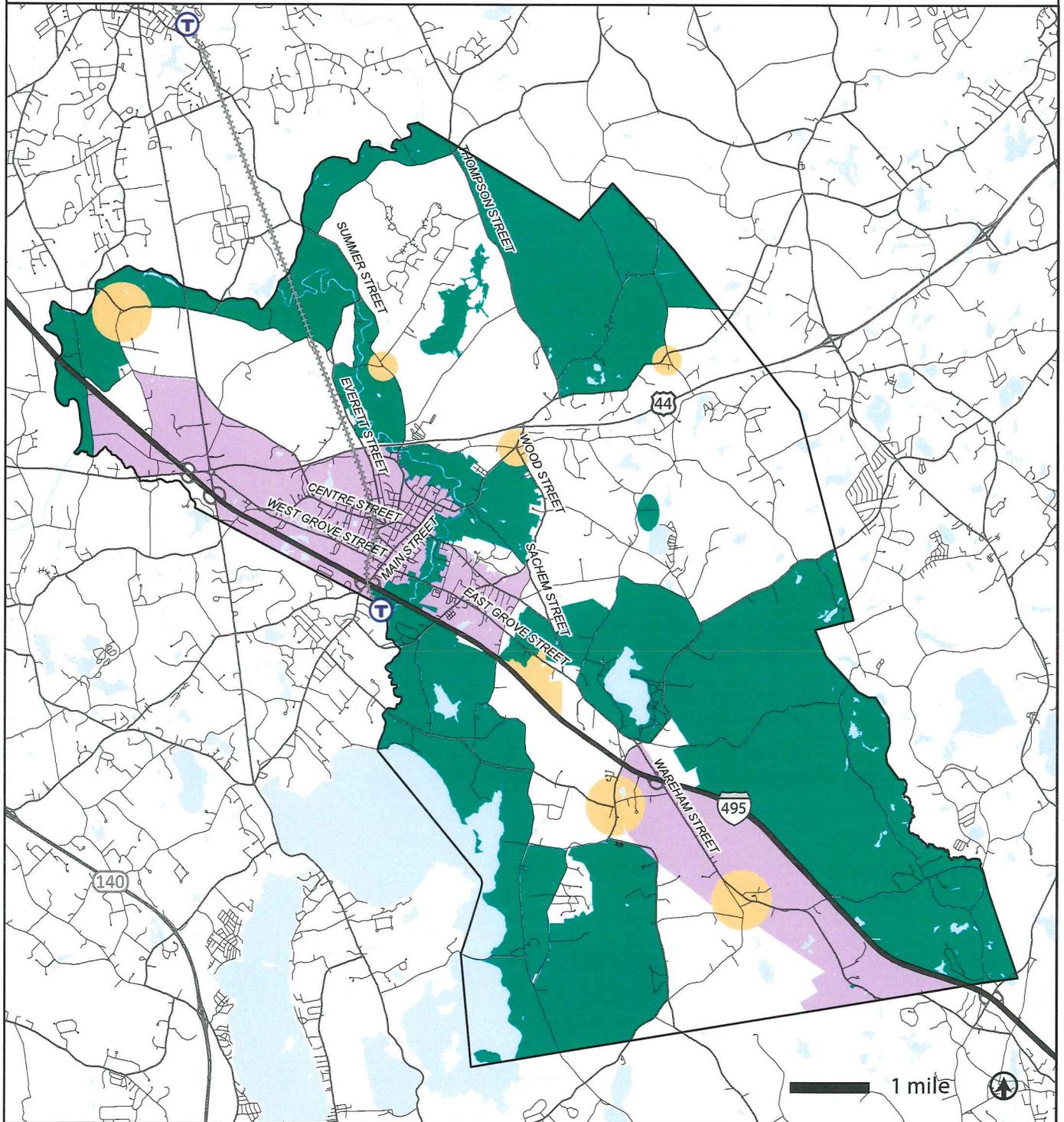
Zoning

- | | |
|--------------------------------------------------------------------------------------|--------------------------------------------------------------------------------------------------------------------|
|  B |  GU |
|  RA |  GUA |
|  RB |  GUX |
|  RR |  Water resource protection zones |
|  CD |  Development Opportunity District |



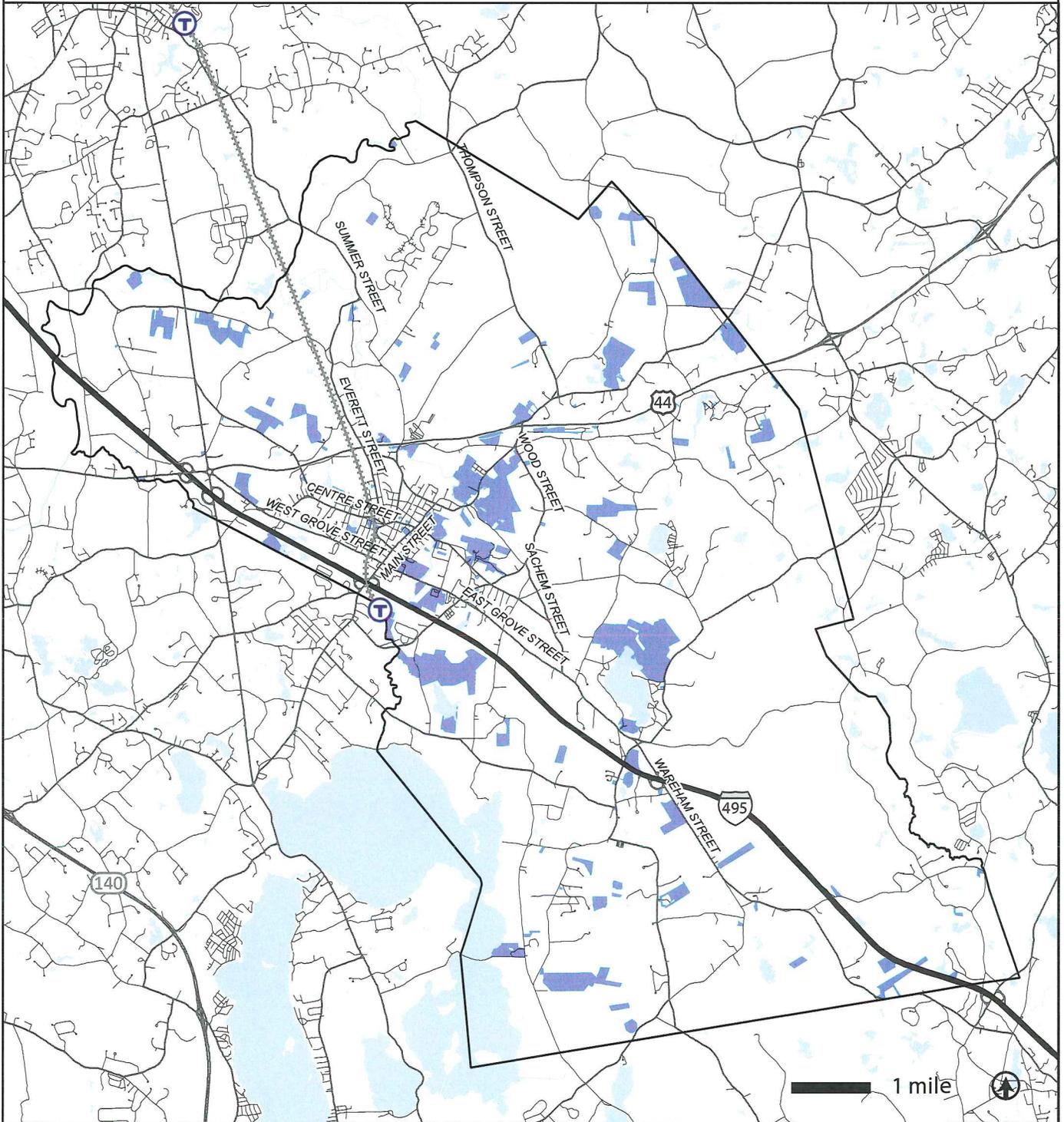
Locally Designated Priority Areas in the South Coast Rail Corridor Plan

- Priority Development Area
- Priority Preservation Area
- Combined Development/Preservation Area



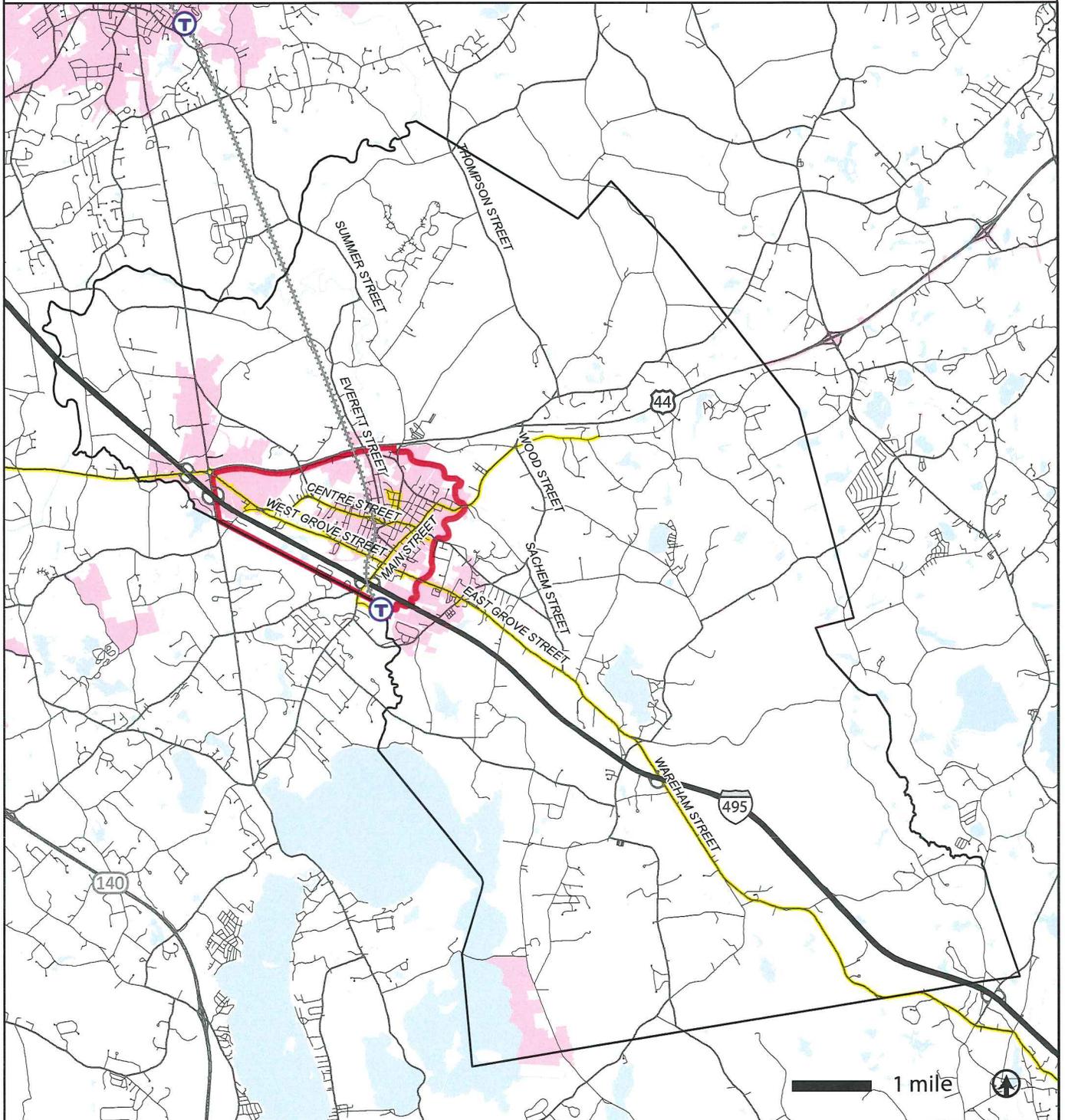
Town Owned Land

■ Properties owned by the Town of Middleborough on Assessor's records



Town-Wide Housing Action Map

-  Affordable Housing Target Area
-  Sewered Area
-  GATRA bus line



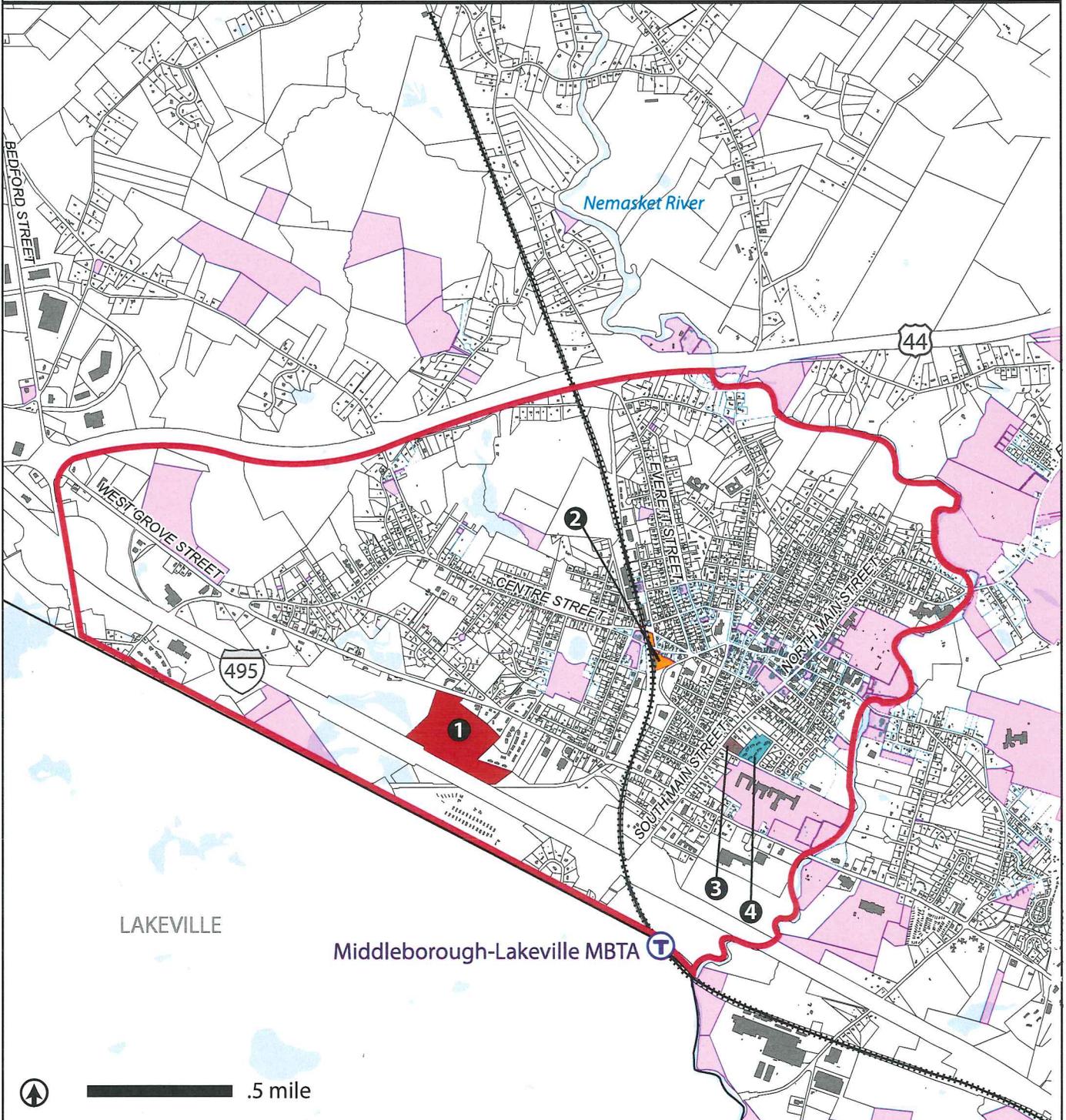
Housing Target Area (Downtown Middleborough)

- Housing Target Area
- Municipally owned parcels
(for future Town reference)

Planned and ongoing affordable/mixed-income housing (parcels in color; see descriptions in text)

- | | |
|----------------------|----------------------|
| 1. Cranberry Village | 3. 84 South Main St. |
| 2. Washburn Mill* | 4. Archer Court* |

*owned by the Town or Housing Authority



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Appendix 1: Subsidized Housing Inventory and Chapter 40B Reference Information

A. Links to documents and resources

Housing Production Plan Guidelines

<http://www.mass.gov/hed/docs/dhcd/cd/pp/hpp-guidelines.pdf>

Comprehensive Permit Guidelines

<http://www.mass.gov/hed/docs/dhcd/legal/comprehensivepermitguidelines.pdf>

760 CMR 56.00

<http://www.mass.gov/hed/economic/eohed/dhcd/legal/regs/760-cmr-56.html>

DHCD applications (*these are fairly short and sometimes easier to fill out online*)

- Requesting new SHI units form
<http://www.mass.gov/hed/docs/dhcd/hd/shi/rnuf.doc>
- Requesting new rehabbed SHI units form
<http://www.mass.gov/hed/docs/dhcd/hd/shi/rehabunits.xls>

Local Initiative Program (LIP) and links to forms

<http://www.mass.gov/hed/community/40b-plan/local-initiative-program-lip.html>

- LIP Comprehensive Permit application
- LIP LAU application
- LIP LAU accessory apartment application
- LIP affordable housing deed rider
- 40B Design Review Handbook

<http://www.mass.gov/hed/economic/eohed/dhcd/fact-sheets/lip.html>

DHCD Program Facts and FAQ

<http://www.mass.gov/hed/economic/eohed/dhcd/fact-sheets/>

<http://www.mass.gov/hed/housing/affordable-rent/>

Compact Neighborhoods Zoning

<http://www.mass.gov/hed/docs/dhcd/cd/ch40r/compact-neighborhoodspolicy.pdf>

40R Smart Growth Zoning Overlay

<http://www.mass.gov/hed/economic/eohed/dhcd/legal/regs/760-cmr-59.html>

<http://www.mass.gov/hed/community/planning/chapter-40-r.html>

<http://www.chapa.org/pdf/Ch40RFinal0704.pdf>

B. Subsidized Housing Inventory Information and Procedures

The Department of Housing and Community Development (DHCD) maintains the Subsidized Housing Inventory (SHI) to track each municipality's stock of eligible affordable housing. The SHI includes housing units that are either:

- Developed through the issuance of a Comprehensive Permit
- Developed under G.L. c. 40A, c. 40R
- Developed by other statutes, regulations, and programs, so long as the units are subject to a use Restriction, an Affirmative Fair Marketing Plan, and the requirements of guidelines issued by DHCD.

For Regulatory Authority, see: G.L. C 40B, s. 20-23 and 760 CMR 56.00, particularly 760 CMR 56.03.

B.1. Process to add units to the Subsidized Housing Inventory

Communities must follow these steps to add units to the Subsidized Housing Inventory (SHI). More detail is available at <http://www.mass.gov/hed/docs/dhcd/legal/comprehensivepermitguidelines.pdf>.

1. The community may request for units to be added to the SHI at any time by submitting a “Requesting New Units Form” with supporting documentation.
2. For rehabilitation units, the party administering the grant locally submits the necessary information using the “Housing Rehab Units Only” form.
3. Requests to include new units or corrections are submitted by the municipality, a developer, or a member of the public to:
 - Department of Housing and Community Development
 - Office of General Counsel
 - 100 Cambridge Street, Suite 300
 - Boston, MA 02114-2524
 - Attention: Subsidized Housing Inventory
4. Every two years, the municipality must submit a statement to DHCD certified by the Chief Executive Officer stating the number of SHI eligible housing units besides those created in a Comprehensive Permit project.
5. DHCD updates the SHI every two years or more frequently if information is provided by the municipality and verified by the Department.

B.2. Criteria for SHI unit eligibility

1. The Applicant and the project must fulfill the following minimum conditions:
 - (a) The Applicant is a public agency, a non-profit organization, or a Limited Dividend Organization who controls the site and proposes a project for which it has submitted or intends to submit an application for a Comprehensive Permit to a Board (unless the project is a Local Action Unit)
 - (b) The project receives a subsidy either receiving funding through one of the many State and Federal Eligible Subsidy Programs that administered through a Subsidizing Agency. If the federal or local programs are not administered through a Subsidizing Agency, the project must generally receive a Project Eligibility Letter through DHCD's Local Initiative Program (LIP) or receive LIP Local Action Unit (LAU) approval.
2. The dwelling unit must be affordable to a household whose income does not exceed 80% of the AMI (Subsidizing Agency may lower this threshold.)
3. Housing Costs are generally established by the housing program. If there are none, then the following apply:
 - (a) Rental: monthly housing costs (including utilities) shall not exceed 30% of monthly income for a household earning 80% of area median income, adjusted for HH size. [Note: if trash pick-up is not included then must include a trash allowance; if utilities are metered separately, they may be paid by the tenant and rent amount reduced to so reflect]
 - (b) Assisted Living Facility – same as rental housing
 - (c) Homeownership
 - i. Down payment: minimum 3% (1.5% of buyer's funds)
 - ii. Mortgage: 30-year for not more than 97% of purchase price with fixed interest rate, not more than 2 points above current MassHousing interest rate
 - iii. Monthly housing costs (principal, interest, property taxes, hazard insurance, condo/homeowner association fees): not to exceed 38% of monthly income for a household earning 80% of area median income, adjusted for household size.
 - (d) Continuing Care Retirement Communities – same as homeownership units.
4. Use Restriction
 - (a) Runs with land; recorded at Registry of Deeds or Land Court
 - (b) Identifies Subsidizing Agency, monitoring agent
 - (c) Restricts occupancy of restricted unit to Income Eligible Households.
5. Affirmative Fair Housing Marketing and Resident Selection Plan
6. Project must be in compliance with the Bedroom Mix Policy

B.3. Criteria for household eligibility

A household is deemed an Income Eligible Household if:

1. Household of one or more persons income does not exceed 80% of the AMI (or lower per Subsidizing Agency), adjusted for household size.
2. A Subsidizing Agency may limit household assets limited as follows, or in their absence:
 - a. Age-Restricted Homeownership units: not to exceed \$275,000 (includes dwelling to be sold)
 - b. Non-Age Restricted Homeownership units: not to exceed \$75,000
 - c. Rental Units: the greater of the two
 - i. Income derived from the assets
 - ii. Imputation of value calculated in a manner consistent with HUD requirements in place at time of marketing
 - d. If items are sold for less than market value, full market value shall be used.

B.4. Eligible units within a project

1. Rental & Assisted Living Facility (ALF)
 - (a) General: if at least 25% of units are restricted to Income Eligible Households earning 80% or less of AMI or, at least 20% of units are restricted to households earning 50% or less of AMI, then all of the units in the rental development are eligible for the SHI. If fewer, then only the restricted units will be eligible.
 - (b) Accessory Apartments: are eligible if they meet the requirements of the LIP.
 - (c) Tenants who become over-income: If there are no provisions in the affordability restriction, then the change in income shall not affect the treatment of the Project or the unit provided that either (1) the tenant's income does not exceed 140% of the maximum allowable income, or (2) the owner rents the next available unit as an affordable unit to an eligible tenant pursuant to the terms.
2. Homeownership: Only the units that meet the eligibility requirements are eligible.
3. Continuing Care Retirement Communities – Independent living units: only those that meet the requirements are eligible for inclusion in the SHI.
4. Group Homes as reported to DHCD by DMH and DDS shall be eligible to be included.
5. Housing Rehabilitation Units rehabilitated through a program funded through CDBG or HOME are eligible.

B.5. Timeframe for unit eligibility

A unit becomes eligible for the Subsidized Housing Inventory at the earliest of the following:

- For units that require either a Comprehensive Permit, a zoning approval under Chapter 40A, or completion of plan review under Chapter 40R:
 - a. The date when the permit or approval is filed with the municipal clerk,
 - b. or, if there is an appeal, on the date when the last appeal by the Zoning Board of Appeals is fully resolved.
- When the building permit is issued
- When the occupancy permit is issued
- When the unit is occupied by an Income Eligible Household

Time Lapses: Unit becomes ineligible for the SHI if

- More than 1 year elapses before the issuance of a building permit. Unit is eligible again when building permit is issued.
- More than 18 months elapse between issuance of the building permits and issuance of certificate of occupancy (CO). Unit is eligible again when CO is issued.

If a Comprehensive Permit or zoning approval permits the project to be phased, the entire project remains eligible for the SHI so long as the phasing schedule set forth in the permit approval is adhered to and not more than one year elapses from the date of issuance of the permit, if:

- Each phase includes 150 units or more
- Each phase contains the same proportion of SHI Eligible Housing units as the overall project, and
- The projected average time period between the start of successive phases does not exceed 15 months

If construction authorized by a Comprehensive Permit has not begun within three years of the date on which the permit becomes final, except for good cause, the permit shall lapse. [760 CMR 56.05(12)(c)]

- This time period is tolled for the time period of any appeals.
- The ZBA may set a later date for lapse of the permit.
- The ZBA may extend the date for the lapse of a permit.

B.6. Process to certify a Housing Production Plan

Municipalities who have an approved HPP and who have met their annual affordable housing production goals (by creating SHI units amounting to .5% or 1% of the town's total year-round housing units) may apply for a certification of compliance, which grants a one or two year moratorium on 40B Comprehensive Permit projects. To apply, the municipality should send a brief letter seeking certification signed by the Mayor, Town Manager, or Chair of the Board of Selectmen to DHCD (copying Phil DeMartino and Margaux LeClair).

Requests for certification will be accepted by DHCD at any time during the calendar year in which the units are produced and up to January 10 of the following year. Units counted for certification must be produced after the date DHCD approved the Housing production Plan. They must remain on the SHI for the entire length of certification, or certification may be suspended. Certification is retroactive back to the date of initial SHI eligibility.

Please refer to DHCD's Guidelines for Housing Production Plans for more details.

Duties once a town is certified:

- ZBA needs to accept Comprehensive Permit applications and open the hearing even if certification is achieved
- The ZBA must notify a developer in writing within 15 days of opening a hearing
- Applicant can challenge ZBA's "safe harbor" claim within 15 days by requesting DHCD review
- DHCD will make determination with 30 days of complete submission and notify both parties

Things to remember:

- Cases already at HAC are not impacted by certification
- Developers can appeal to HAC even if the community is certified
- Certification is difficult to achieve without 40B development
- Timing is important – to maximize certification period, requests should be submitted to DHCD as soon as units are eligible for the SHI.

C. Comprehensive Permits

For Regulatory Authority see: G.L. C 40B, s. 20-23 and 760 CMR 56.00.

For Comprehensive Permit guidance refer to [GUIDELINES: G.L. C 40B Comprehensive Permit Projects; Subsidized Housing Inventory](http://www.mass.gov/hed/docs/dhcd/legal/comprehensivepermitguidelines.pdf) :

<http://www.mass.gov/hed/docs/dhcd/legal/comprehensivepermitguidelines.pdf>

C.1. Summary of the process

[For complete information see 760 CMR 56.04-06]

STEP ONE: [Application for Determination of Project Eligibility](#) [760 CMR 56.04(2)]

The Applicant submits an application for Project Eligibility to the Subsidizing Agency, with a copy to the Chief Executive Officer of the municipality and written notice to the Department of Housing and Community Development (DHCD), which shall include:

- (a) The name and address of the Applicant;
- (b) The address of the site and site description;
- (c) A locus map identifying the site within a plan of the neighborhood, accompanied by photographs of the surrounding buildings and features that provide an understanding of the physical context of the site;
- (d) A tabulation of proposed buildings with the approximate number, size (number of bedrooms, floor area), and type (ownership or rental) of housing units proposed;
- (e) The name of the housing program under which Project Eligibility is sought;
- (f) Relevant details of the particular Project if not mandated by the housing program (including percentage of units for low or moderate income households, income eligibility standards, the duration of restrictions requiring Low or Moderate Income Housing, and the limited dividend status of the Applicant);
- (g) Conceptual design drawings of the site plan and exterior elevations of the proposed buildings, along with a summary showing the approximate percentage of the tract to be occupied by buildings, by parking and other paved vehicular areas, and by open areas, the approximate number of parking spaces, and the ratio of parking spaces to housing units;
- (h) A narrative description of the approach to building massing, the relationships to adjacent properties, and the proposed exterior building materials;
- (i) A tabular analysis comparing existing zoning requirements to the Waivers requested for the Project; and
- (j) Evidence of control of the site.

STEP TWO: Review and Comment Process. [760 CMR 56.04(3)]

- (a) Upon receipt of the application, the Subsidizing Agency provides written notice to the Chief Executive Officer of the municipality where the Project is located
- (b) 30-day review period of Project begins with written notice to municipality.
- (c) The Subsidizing Agency shall conduct a site visit, which Local Boards may attend.
- (d) Local Boards and other interested parties submit written comments to Subsidizing Agency.
- (e) The Subsidizing Agency issues a determination of Project Eligibility after the 30-day review period.

STEP THREE: Findings in Determination. [760 CMR 56.04(4)]

After the 30-day review period, the Subsidizing Agency will make a determination of Project Eligibility based upon its review of the application, and taking into account information received during the site visit and from written comments. Copies of the written determination of Project Eligibility will be provided to the Department, the Chief Executive Officer of the municipality, and the Board.

Issuance of a determination of Project Eligibility shall be considered by the Zoning Board of Appeals (ZBA) or the Housing Appeals Committee (HAC) to be conclusive evidence that the Project and the Applicant have satisfied the project eligibility requirements of 760 CMR 56.04(1).

STEP FOUR: Applicant Files an Application with the Local Zoning Board of Appeals [760 CMR 56.05(2)]

The applicant files a Comprehensive Permit Application and a complete description of the proposed project with the municipality's ZBA.

STEP FIVE: Conduct of Zoning Board of Appeals Hearing. [760 CMR 56.05(3)-(4)]

- (a) The ZBA has seven days, after the receipt of a complete application, sends a notice of the application and a copy of the list of Waivers required by 760 CMR 56.05(2)(h) and invite the Local Boards to participate in the hearings.
- (b) The Board shall open a hearing within 30 days of its receipt of a complete application, and it shall thereafter pursue the hearing diligently.
- (c) A hearing shall not extend beyond 180 days from the date of opening the hearing, presuming that the Applicant has made timely submissions of materials in response to reasonable requests of the Board that are consistent with its powers under 760 CMR 56.05, except with the written consent of the Applicant.
- (d) If the Board wishes to deny an application on one or more of the grounds set forth in 760 CMR 56.03(1), it must do so in accordance with the procedure set forth in 760 CMR 56.03(8), or it shall be deemed to have waived its rights.
- (e) A Board may stay the commencement of a hearing if three (3) or more Comprehensive Permit applications are concurrently undergoing hearings before the Board, and the total number of housing units in those pending Projects exceeds the numerical threshold for a large project within that municipality, as set forth in 760 CMR 56.03(6).

C.2. Consultant review

[760 CMR 56.05(5)]

- (a) If, after receiving an application, the Board determines that in order to review that application it requires technical advice in such areas as civil engineering, transportation, environmental resources, design review of buildings and site, and (in accordance with 760 CMR 56.05(6)) review of financial statements that is unavailable from municipal employees, it may employ outside consultants. Whenever possible it shall work cooperatively with the Applicant to identify appropriate consultants and scopes of work and to negotiate payment of part or all of consultant fees by the Applicant. Alternatively, the Board may, by majority vote, require that the Applicant pay a reasonable review fee in accordance with 760 CMR 56.05(b) for the employment of outside consultants chosen by the Board alone. The Board should not impose unreasonable or unnecessary time or cost burdens on an Applicant. Legal fees for general representation of the Board or other Local Boards shall not be imposed on the Applicant.
- (b) A review fee may be imposed only if:
1. the work of the consultant consists of review of studies prepared on behalf of the Applicant, and not of independent studies on behalf of the Board;
 2. the work is in connection with the Applicant's specific Project; and
 3. all written results and reports are made part of the record before the Board.
 4. a review fee may only be imposed in compliance with applicable law and the Board's rules.

C.3. Review of financial statements

[760 CMR 56.05(6)]

- (a) A Board may request to review the *pro forma* or other financial statements for a Project only after the following preconditions have been met:
1. Other consultant review has been completed;
 2. The Applicant has had an opportunity to modify its original proposal to address issues raised;
 3. the Board has had an opportunity to propose conditions to mitigate the Project's impacts and to consider requested Waivers; and
 4. The Applicant has indicated that it does not agree to the proposed condition(s) or Waiver denial(s) because they would render the Project uneconomic. A Board may not conduct review of a *pro forma* in order to see whether a Project would still be economic if the number of dwelling units were reduced, unless such reduction is justified by a valid health, safety, environmental, design, open space, planning, or other local concern

that directly results from the size of a project on a particular site, consistent with 760 CMR 56.07(3).

- (b) If the Applicant does not agree to some or all of the proposed permit conditions or Waiver denials because they would render the Project Uneconomic, the Board may ask the Applicant to submit its *pro forma*, in form satisfactory to the Subsidizing Agency, and revised as necessary to reflect the additional cost of meeting these conditions and/or denials. The revised *pro forma* may be subjected to the same consultant review as any other technical information submitted to the Board, in accordance with 760 CMR 56.05(5) and the Board's rules.

The Board may then use this information to decide whether to adopt or modify its originally proposed conditions and/or denials. *Pro forma* review should conform to recognized real estate and affordable housing industry standards, consistent with the policies of the Subsidizing Agency and guidelines adopted by the Department.

- (c) Related financial issues, including related-party transactions, the estimated sales price or rental rates of market-rate units, and land acquisition costs, shall be addressed in accordance with the Department's guidelines. Disagreements between the Applicant and the Board's consultant should be resolved in accordance with the Department's guidelines. The Subsidizing Agency has the sole responsibility to establish and enforce reasonable profit and distribution limitations on the Applicant, as set forth in 760 CMR 56.04(8).

C.4. Waivers from local requirements and regulations

[760 CMR 56.05(7)]

The Applicant may request Waivers, solely from the "as-of-right" requirements of the zoning district where the project site is located, as listed in its application or as may subsequently arise during the hearing, and the Board shall grant such Waivers as are Consistent with Local Needs and are required to permit the construction and operation of the Project.

If a Project does not request a subdivision approval, waivers from subdivision requirements are not required (although a Board may look to subdivision standards, such as requirements for road construction, as a basis for required project conditions, in which case the Applicant can seek Waivers from such requirements).

STEP SIX Board Decisions. [760 CMR 56.05(8)]

- (a) Forty-five days after the close of the public hearing, the Board shall render a decision, based on a majority vote of the Board, taking into consideration the recommendations of Local Boards.

- (b) The Board shall file its decision within 14 days in the office of the city or town clerk, and it shall forward a copy of any Comprehensive Permit to the Applicant or its designated representative and to DHCD when it is filed.
- (c) The Board may:
 - 1. approve a Comprehensive Permit on the terms and conditions set forth in the application;
 - 2. approve a Comprehensive Permit with conditions with respect to height, site plan, size, shape or building materials that address matters of Local Concern; or
 - 3. deny a Comprehensive Permit as not Consistent with Local Needs if the Board finds that there are no conditions that will adequately address Local Concerns.
- (d) Uneconomic Conditions. The Board shall not issue any order or impose any condition that would cause the building or operation of the Project to be Uneconomic, including a requirement imposed by the Board on the Applicant:
 - 1. to incur costs of public infrastructure or improvements off the project site that:
 - a. are not generally imposed by a Local Board on unsubsidized housing;
 - b. address a pre-existing condition affecting the municipality generally; or
 - c. are disproportionate to the impacts reasonably attributable to the Project; or
 - 2. to reduce the number of units for reasons other than evidence of Local Concerns within the purview of the Board (see 760 CMR 56.05(4)(e); see also 760 CMR 56.07(3)(c – h) regarding evidence that would be heard by the Committee on an appeal), such as design, engineering, or environmental deficiencies that directly result from the impact of a Project on a particular site.

If a proposed nonresidential element of a Project is not allowed by-right under applicable provisions of the current municipal zoning code, a condition shall not be considered Uneconomic if it would modify or remove such nonresidential element.

STEP SEVEN Appeals from Board Decisions [760 CMR 56.05(9)]

- (a) If the Board approves the Comprehensive Permit, any person aggrieved may appeal within the time period and to the court provided in M.G.L. c.40A, §17.
- (b) If the Board denies the Comprehensive Permit or approves the permit with unacceptable conditions or requirements, the Applicant may appeal to the Housing Appeals Committee as provided in M.G.L. c.40B, §22 and 760 CMR 56.06.
- (c) If the Board takes action adverse to the Applicant under 760 CMR 56.03(8), 760 CMR 56.05(11), or a similar provision of 760 CMR 56.00, or otherwise violates or fails to implement M.G.L. c.40B, §§20 through 23, the Applicant may appeal to the Housing Appeals Committee as provided in M.G.L. c.40B, §22 and 760 CMR 56.06.

For Procedural Regulations for Appeals to the Housing Appeals Committee see 760 CMR 56.06.

D. The Local Initiative Program (LIP): “Friendly 40Bs” and Local Action Units

For Regulatory Authority see: G.L. C 40B, s. 20-23 and 760 CMR 56.00.

For LIP LOCAL ACTION UNIT guidance refer to GUIDELINES: G.L. C 40B Comprehensive Permit Projects; Subsidized Housing Inventory, section VI. Local Initiative Program (LIP):

<http://www.mass.gov/hed/docs/dhcd/legal/comprehensivepermitguidelines.pdf>

LIP is a state housing program established in 1989 to give cities and towns more flexibility. Units developed through LIP are eligible for the SHI. The **subsidy** for this program is technical assistance and services provided to municipalities and developers for the creation, maintenance, and preservation of Low or Moderate Income Housing.

There are two means of creating affordable housing under LIP:

- 1) Local Initiative Projects “Friendly 40B”: go through the Comprehensive Permit process
- 2) Local Action Units: developed through local zoning, such as Inclusionary Zoning bylaws, or permit issue process.

DHCD reviews for:

- 1) Consistency with State Sustainable Development Principles
- 2) Consistency with Local Housing Needs. Note that LIP approval for age-restricted housing needs to show actual need and marketability within the municipality. DHCD will examine whether other age-restricted units created with a Comprehensive Permit are unbuilt or unsold, and whether the proposed age-restricted units, in context with other housing efforts, are unresponsive to needs for family housing.

E. “Friendly 40Bs” (Local Initiative Program Comprehensive Permits)

For Regulatory Authority see: G.L. C 40B, s. 20-23 and 760 CMR 56.00.

For LIP Comprehensive Permit guidance refer to GUIDELINES: G.L. C 40B Comprehensive Permit Projects; Subsidized Housing Inventory, section VI. Local Initiative Program (LIP)

E.1. Summary of the process

[For complete information see GUIDELINES, section VI]

STEP ONE: Project must meet requirements of 40B

STEP TWO: Receive written support of Chief Executive Officer

STEP THREE: Complete Local Initiative Program Application for Comprehensive Permit Projects as Word Fillable Form [*LIP Guidelines* pg. VI – 3]: <http://www.mass.gov/hed/housing/affordable-own/local-initiative-program-lip.html> Include:

- (a) Letter of support signed by the Chief Executive Officer of the municipality.
- (b) Signed letter of interest from a construction lender
- (c) Site plan showing contours of the site and the footprint of all proposed buildings, roads, parking and other improvements
- (d) Front and rear elevations for each building and sample floor plans for each unit type
- (e) Description of proposed units by size, type, number of bedrooms, location within the project, and proposed rents or sales prices.

APPLICATION FEE: \$1,500 per project plus an additional \$20 per unit with checks payable to Department of Housing and Community Development. [Reduced by one-half for non-profit developers; waived for public agencies and municipalities.] Application fee is refunded if the application is not accepted or is rejected. One-half of the fee is refunded if application not approved.

STEP FOUR: Determination of Project Eligibility. [GUIDANCE, p. VI-9]

Upon receipt of the application, DHCD reviews the LIP Comprehensive Permit Application.

- (f) The Determination of Project Eligibility is a prerequisite to application for a Comprehensive Permit for the Project from the municipality’s Zoning Board of Appeals.
- (g) DHCD makes the following findings in order to issue a Determination of Project Eligibility.
 - 1. The application meets the requirements specified in 760 CMR 56.04(4).
 - 2. The proposed project appears generally eligible under the requirements of the LIP, subject to final program review and approval.

3. The proposed site plan is appropriate in the context of the surrounding area and taking into account previous municipal action to meet affordable housing needs, and the housing design is appropriate for the site.
 4. The proposed project appears financially feasible in the context of the local housing market.
 5. The initial pro forma for the project appears financially feasible on the basis of estimated development costs and revenues.
 6. The applicant is a public agency, a non-profit organization, or a Limited Dividend Organization.
 7. The applicant controls the site.
 8. For age-restricted housing, that the market study demonstrates need and marketability within the municipality.
- (h) A Determination of Project Eligibility will be effective for two years from date of issuance unless otherwise stated therein.

STEP FIVE Comprehensive Permit Application and Zoning Board of Appeals Hearing

See G.L.C. 40B COMPREHENSIVE PERMIT INFORMATION SHEET, starting with STEP FOUR.

STEP SIX Regulatory Agreement and Use Restrictions

The Regulatory Agreement memorializes the rights and responsibilities of the parties and provides for monitoring of the project throughout the term of affordability. DHCD has model regulatory agreements for ownership and rental projects and a model Local Initiative Program Affordable Housing Deed Rider.

- (a) The Developer forwards a copy of the final Comprehensive Permit to the LIP staff at DHCD.
- (b) DHCD prepares a Regulatory Agreement, which also serves as the final written approval for the Project.
- (c) A Regulatory Agreement for each project will be executed by DHCD, the municipality, and the Developer
- (d) The Regulatory Agreement is filed with the Registry District of the Land Court.
- (e) The term of affordability for the Project generally should be the longest period permitted by law (in perpetuity).

F. Local Action Units

Local Action Units (LAUs) are built without a Comprehensive Permit but meet LIP criteria and are suitable for inclusion in the SHI. They meet the following standards:

1. Built pursuant to one of the following local actions:
 - a. Zoning-based approval
 - i. Inclusionary Zoning, Accessory Apartment Bylaw meeting the LAU criteria
 - ii. Condition of a variance or special permit; agreement between town and a Developer to convert and rehabilitate municipal buildings into housing;
 - b. Substantial municipal financial assistance: Funds raised, appropriated, administered by city or town.
 - c. Provision of land or buildings that are owned or acquired by the city or town and conveyed at a substantial discount from their fair market value.
 - iii. donation of municipally-owned land
 - iv. use of local funds to develop or write down housing units
2. Must meet requirements for SHI eligibility (see above)

Maximum LIP rents are calculated at what is affordable to a household earning 80% of the area median family income adjusted for household size. E.g.:

2 BR unit Household size = (#BR +1) = 3 80% of AMFI = \$58,000 Monthly Income = \$4,875 Max Rent (30% of monthly income) = \$1,462

F.1. Process to implement

STEP ONE. Discuss the Local Action Unit projects with DHCD LIP staff *prior* to submitting an application.

STEP TWO. File a MEPA Environmental Notification Form, for new construction only.

STEP THREE. Complete a Regulatory Agreement for Ownership Developments, or a Regulatory Agreement or Rental Developments, or a HOME Covenant/Deed Restriction

STEP FOUR. Submit a complete, signed copy of the Local Initiative Program Application for Local Action Units to DHCD, attention LIP Program Coordinator; including:

- (a) Documentation of the municipal action
- (b) Submit a copy of the Regulatory Agreement for Ownership or Rental Developments or the HOME covenant/deed restriction, redlined to reflect any proposed changes.
- (c) MEPA environmental notification form (ENF) for new construction only
- (d) Affirmative Fair Marketing and Lottery Plan.

STEP FIVE. DHCD expects to review and process the application within 60 days. To receive LAU approval, DHCD reviews for location action or approval. LAUs cannot be developed with a Comprehensive Permit.

F.2. Accessory apartments

In order for Accessory Apartments to be added to the Subsidized Housing Inventory, they must receive Local Action Unit (LAU) approval:

- Resulted from city or town action or approval
- Subject to a recorded use restriction approved by DHCD, that has a term of not less than 15 years
- Meet the requirements for LIP units, with the exception of receiving a Comprehensive Permit.

Process

1. Municipality adopts an Accessory Apartment zoning bylaw or ordinance that permits the creation of accessory apartments that are affordable to Income Eligible Households.
 - a. *Submit a draft to DHCD for compliance review prior to local approval – DHCD’s review will be limited to noting any provisions that might conflict with LIP requirements.*
 - b. Units to be submitted to DHCD will have received zoning approval under the bylaw or ordinance.
 - c. There shall be no provisions that conflict with the LIP requirements
 - i. Allowing affordable accessory dwelling units to be rented to family members.
 - ii. Allowing affordable accessory apartments to be rented to households earning more than 80% of AMI
 - iii. A requirement that all accessory dwelling units shall be restricted to residents of the municipality
 - iv. Any provision in conflict with applicable fair housing laws.
2. Complete a Local Initiative Program Application for Accessory Apartments.
 - a. Letter of Support signed by the Chief Executive Officer
 - b. An Affirmative Fair Housing Marketing Plan
 - c. Designation of a Local Project Administrator (LPA) for all accessory apartments – responsible for oversight of all accessory apartments
 - i. Local Official
 - ii. Local Housing Partnership board member or staff member
 - iii. Director of an area housing non-profit organization
 - iv. Another appropriate person meeting DHCD approval
 - d. Schedule of maximum rent for each accessory apartment
 - e. Proposed tenant application form and plan for processing of applications
 - f. Plan for annual verification of tenants’ income
3. Submit a letter of support from the local housing partnership, if any.
4. Meet the Local Action Requirements:
 - a. Municipality has a local zoning bylaw or ordinance that permits the creation of accessory apartments.
 - b. Received approval under the bylaw
5. Tenant Eligibility

- a. Family Members Prohibited
 - b. Household income shall not exceed 80% of the AMI adjusted for actual household size, as determined by HUD. Limits may be lower.
 - i. Certification of income eligibility made by the Local Project Administrator (documentation may include recent tax returns, pay stubs, affidavits, etc.). Any post-occupancy changes must be reported to the owner and the LPA.
6. Affirmative Fair Housing Marketing
- a. Affirmative Fair Housing and Marketing and Resident Selection Plan
 - i. Outreach
 - ii. Minimum Advertising Period – 60 days
 - iii. Wait List: “Ready Renters List”
 - b. Annual Data Collection: the LPA shall collect data annually regarding the number of minority households renting accessory apartments.
 - c. DHCD may suspend/revoke the eligibility of units if a Failure to Apply Good Faith Efforts is found.
 - d. Tenant Selection
 - i. Owner gives written notice to LPA that a unit is available and requests referral of applicants.
 - ii. Within 5 business days, the LPA refers the top appropriately-sized household(s), no more than 3 at a time.
 - iii. The owner meets the referred applicant(s) and show the unit. The referred applicant has a *minimum* of 10 business days to view the unit. Owner may select one of the applicants or request additional referrals. Non-selected applicants return to the top of the Ready Renters List.
 - iv. Owner enters into a 1-year lease with selected applicant.
 - v. Upon request of the LPA, the owner shall specify in writing a substantial nondiscriminatory reason for having rejected an applicant.

Appendix 2: Supplemental Tables

Population and Growth for Middleborough and its Neighbors							
	1990 Population	Growth 1990-2000		2000 Population	Growth 2000-2010		2010 Population
		Rate	Number added		Rate	Number added	
Massachusetts	6,016,425	5.5%	332,672	6,349,097	3.1%	198,532	6,547,629
Plymouth County	435,276	8.6%	37,546	472,822	4.7%	22,097	494,919
Bridgewater	21,249	18.5%	3,936	25,185	5.5%	1,378	26,563
Carver	10,590	5.4%	573	11,163	3.1%	346	11,509
Halifax	6,526	14.9%	974	7,500	0.2%	18	7,518
Lakeville	7,785	26.2%	2,036	9,821	8.0%	781	10,602
Middleborough	17,867	11.6%	2,074	19,941	15.9%	3,175	23,116
Plympton	2,384	10.6%	253	2,637	6.9%	183	2,820
Raynham	9,867	19.0%	1,872	11,739	14.0%	1,644	13,383
Rochester	3,921	16.8%	660	4,581	14.2%	651	5,232
Taunton	49,832	12.3%	6,144	55,976	-0.2%	-102	55,874
Wareham	19,232	5.7%	1,103	20,335	7.3%	1,487	21,822

Source: US Census

Population Projections			
	Projected Growth 2010-2020		Projected 2020 Population
	Number	Rate	
Carver	515	4.5%	12,024
Lakeville	479	4.5%	11,081
Middleborough	2,291	9.9%	25,407
Raynham	1,511	11.3%	14,894
Rochester	150	2.9%	5,382
Taunton	883	1.6%	56,757
Wareham	625	2.9%	22,447

Source: SRPEDD Projections

Population by Age Group in 1990, 2000, and 2010								
	1990		2000			2010		
	Number	%	Number	%	Change since 1990	Number	%	Change since 2000
Total	17867	100.0%	19941	100.0%		23116	100.0%	
Under 5	1447	8.1%	1391	7.0%	-3.9%	1325	5.7%	-4.7%
5 to 17	3627	20.3%	4127	20.7%	13.8%	4046	17.5%	-2.0%
18 to 24	1715	9.6%	1382	6.9%	-19.4%	1749	7.6%	26.6%
25 to 44	6200	34.7%	6532	32.8%	5.4%	5812	25.1%	-11.0%
45 to 64	2912	16.3%	4456	22.3%	53.0%	6783	29.3%	52.2%
65 to 79	1447	8.1%	1417	7.1%	-2.1%	2558	11.1%	80.5%
80 years+	518	2.9%	636	3.2%	22.7%	843	3.6%	32.5%
Median age	31.8		35.6			41.2		
Source: US Census								

Race and Hispanic or Latino Origin								
	Middleborough				Massachusetts			
	2000		2010		2000		2010	
	#	%	#	%	#	%	#	%
Total population	19,941	100.0%	23,116	100.0%	6,349,097	100.0%	6,547,629	100.0%
White	19,168	96.1%	22,010	95.2%	5,367,286	84.5%	5,265,236	80.4%
Black or African American	252	1.3%	361	1.6%	343,454	5.4%	434,398	6.6%
American Indian or Alaska Native	51	0.3%	56	0.2%	15,015	0.2%	18,850	0.3%
Asian	87	0.4%	170	0.7%	238,124	3.8%	349,768	5.3%
Native Hawaiian or Pacific Islander	7	0.0%	4	0.0%	2,489	0.0%	2,223	0.0%
Some other race	114	0.6%	147	0.6%	236,724	3.7%	305,151	4.7%
Two or more races	262	1.3%	368	1.6%	146,005	2.3%	172,003	2.6%
Hispanic or Latino (of any race)	156	0.8%	367	1.6%	428,729	6.8%	627,654	9.6%
Not Hispanic or Latino	19,785	99.2%	22,749	98.4%	5,920,368	93.2%	5,919,975	90.4%
Source: US Census 2000, 2010								

Median Sales Price of Single Family Homes, 2000-2014															
	2000	2001	2002	2003	2004	2005	2006	2007	2008	2009	2010	2011	2012	2013	2014
Carver	\$177,000	\$216,000	\$240,000	\$282,500	\$319,900	\$340,000	\$319,000	\$306,500	\$270,000	\$269,900	\$250,000	\$219,900	\$218,500	\$247,950	\$275,000
Lakeville	\$211,650	\$221,500	\$269,750	\$309,900	\$347,500	\$359,500	\$345,000	\$366,500	\$308,500	\$260,000	\$265,000	\$293,000	\$248,250	\$260,000	\$297,500
Middleborough	\$176,350	\$224,000	\$242,000	\$279,900	\$315,000	\$339,900	\$325,100	\$313,000	\$247,000	\$254,950	\$229,900	\$211,000	\$225,000	\$259,900	\$272,500
Raynham	\$219,500	\$239,000	\$277,000	\$297,500	\$348,900	\$359,900	\$376,250	\$335,000	\$299,750	\$299,750	\$265,000	\$260,450	\$264,000	\$270,550	\$307,500
Rochester	\$215,000	\$240,500	\$250,000	\$320,000	\$365,000	\$422,500	\$365,000	\$390,000	\$357,000	\$315,500	\$299,000	\$298,500	\$335,000	\$319,000	\$340,500
Taunton	\$172,400	\$188,000	\$226,250	\$260,000	\$289,900	\$305,900	\$300,000	\$277,000	\$249,000	\$225,000	\$219,500	\$175,000	\$215,000	\$224,950	\$229,700
Wareham	\$129,900	\$154,450	\$182,950	\$220,000	\$259,900	\$270,000	\$260,000	\$262,500	\$216,500	\$207,000	\$169,000	\$170,000	\$170,000	\$200,000	\$199,450
SRPEDD region (estimated)	\$177,000	\$215,000	\$240,000	\$279,900	\$319,900	\$340,000	\$335,625	\$325,000	\$280,000	\$260,000	\$255,000	\$233,960	\$248,250	\$266,750	\$275,000
Massachusetts	\$215,000	\$239,325	\$276,500	\$305,000	\$337,500	\$355,000	\$345,000	\$345,500	\$305,000	\$285,000	\$295,000	\$273,000	\$290,000	\$320,000	\$330,000

Source: The Warren Group (Town statistics as of 2/5/2015)

Trends in Home Sales (All Types), 2000-2014															
	2000	2001	2002	2003	2004	2005	2006	2007	2008	2009	2010	2011	2012	2013	2014
Carver	185	192	189	219	222	200	169	155	141	121	105	117	125	158	140
Lakeville	261	246	209	194	196	181	157	189	121	98	151	122	161	175	149
Middleborough	438	447	410	442	449	434	378	330	231	247	224	226	295	300	191
Raynham	206	227	254	251	289	315	218	182	142	136	142	152	177	177	176
Rochester	90	102	107	114	137	88	86	72	46	48	62	76	61	78	85
Taunton	959	926	940	934	1,128	1,020	897	682	558	593	592	588	604	631	526
Wareham	608	657	639	592	694	626	538	355	318	367	387	342	405	389	437
SRPEDD	9,936	10,306	9,862	10,002	11,398	10,657	8,893	7,525	6,224	6,231	6,238	6,077	6,329	6,748	6,682
Massachusetts	112,806	108,170	110,878	113,372	128,282	126,652	103,663	90,722	78,082	77,008	76,804	72,418	85,818	89,690	89,202

Source: CHAS Report based on 2008-2012 ACS

TABLE OF DIMENSIONAL REGULATIONS

DIMENSION	RA	RB	RR	B	I	GU*	GUA*	GUX*	CD
Min. Lot Area (s.f.)	60,000	20,000	80,000	-	-	-	-	-	43,560
Min. Lot Frontage (ft.)	175	125	200	-	-	75	75	75	150
Min. Lot Width (ft.)	157.5	112.5	180	-	-	-	-	-	120
Upland Circle (s.f.) (See Section 4.2.4)	12,000	12,000	12,000	-	-	-	-	-	
Min. Front Yard (ft.)	25	25	50	-	150	35	35	35	40
Min. Side Yard (ft.)	10	10	10	-	150	25	25	25	25
Min. Rear Yard (ft.)	10	10	10	10	150	25	25	25	25
Building Height (ft.)	-	-	-	65'	-	42'	42'	42'	42'
Impervious Cover (%)	-	-	-	-	-	60%	60%	60%	65%
Open Space (%)	-	-	-	-	-	40%	40%	40%	35%

* GU, GUX and GUA – Dimensions shown are for commercial uses. See Section 4.5.2 for single family residential uses and Section 7.1 for multi-family uses.

4.2 RA, RB AND RR DISTRICT REQUIREMENTS

4.2.1 One Structure per Lot. Not more than one dwelling or building with accessory structures having a permitted use shall hereafter be erected, placed or converted on any lot.

Appendix 3: Subsidized Housing Inventory

DEPARTMENT OF HOUSING AND COMMUNITY DEVELOPMENT CH40B SUBSIDIZED HOUSING INVENTORY

Middleborough

DHCD ID #	Project Name	Address	Type	Total SHI Units	Affordability Expires	Built w/ Comp. Permit?	Subsidizing Agency
1960	n/a	Archer Court	Rental	28	Perp	No	DHCD
1961	n/a	Frank/Park/Sprout	Rental	40	Perp	No	DHCD
1962	n/a	Off Sproate & Maple	Rental	50	Perp	No	DHCD
1963	n/a	8 Benton St.	Rental	64	Perp	No	DHCD
1964	n/a	Woodland Ave.	Rental	8	Perp	No	DHCD
1965	12 South Main St	12 South Main St	Rental	7	2022	No	DHCD
1966	15 Centre St	15 Centre St	Rental	7	2021	No	DHCD
1967	ARC of Greater Fall River	Peirce Lane	Rental	4	2026	No	EOHHS
1969	Middlebury Arms	89 East Grove St.	Rental	64	2018	No	MassHousing
1972	Windsor Village	23 Taunton Street	Ownership	3	Perp	Yes	DHCD
3808	Greystone Estates	Plymouth St	Ownership	8	perp	Yes	FHLBB
4367	DDS Group Homes	Confidential	Rental	48	N/A	No	DDS
5112	The Groves	136 West Grove St	Mix	49	Perp	Yes	MHP MassHousing
5113	South Main Street	South Main Street	Rental	7	2023	No	DHCD
6656	Tispaquin Farms	Tispaquin Street	Ownership	20	perp	Yes	MassHousing
6663	Habitat for Humanity	Oak Street	Ownership	1	perp	No	DHCD
7931	Cranberry Village	West Grove St	Rental	0	perp	YES	MassHousing
7932	Eastwood Estates	Purchase St	Ownership	7	perp	YES	MassHousing

2/24/2015

Middleborough
Page 1 of 2

This data is derived from information provided to the Department of Housing and Community Development (DHCD) by individual communities and is subject to change as new information is obtained and use restrictions expire.

DEPARTMENT OF HOUSING AND COMMUNITY DEVELOPMENT CH40B SUBSIDIZED HOUSING INVENTORY

Middleborough

DHCD ID #	Project Name	Address	Type	Total SHI Units	Affordability Expires	Built w/ Comp. Permit?	Subsidizing Agency
9022	Cinnamon Ridge	Highland St	Ownership	6	Perp	YES	MassHousing
9023	Keith Street Condominiums	Keith Street Extension	Ownership	5	Perp	YES	MassHousing
9719	The Residences at Star Mill	33 East Main Street	Rental	69	Perp	NO	DHCD
9720	Shoe Shop Place	151 Peirce Street	Rental	0	Perp	YES	DHCD MassHousing MHP
9721	Crimson Estates	Spruce St	Ownership	14	Perp	YES	MassHousing
Middleborough Totals				509	Census 2010 Year Round Housing Units		8,921
					Percent Subsidized		5.71%

2/24/2015

Middleborough

Page 2 of 2

This data is derived from information provided to the Department of Housing and Community Development (DHCD) by individual communities and is subject to change as new information is obtained and use restrictions expire.

XXX

Bog Bridge, Stream Bridge and Bench Proposal

For

Cedar Point Trail, Weston Forest

Bog Bridge Construction

- Atlantic White Cedar sleepers (sourced on site)
 - o Sleepers will be spaced 6' apart
- Decking will be two(2) parallel rough sawn 2x10 or 2x12 boards
 - o 2x10: 12'(\$11.00), 14'(\$12.84), 16'(\$14.68)
 - o 2x12: 12'(\$14.40), 14'(\$16.80), 16'(\$19.20)
- Decking will be half lapped at joints and fastened to sleepers with 20d galvanized spikes
 - o 3 lbs 20d Galvanized Nails: \$13.50

Estimated cost: \$85 - \$115

Stream Bridge Construction

- 2x6 pressure treated frame
 - o 3@ 10' \$26.00
 - o 1@ 8' \$6.00
- 5/4 pressure treated decking
 - o 6@ 16' \$90.00
- Fastening
 - o 1lb 16d Galvanized Nails: \$5.00
 - o 5lb 8d Galvanized Deck Nails: \$17.00

Estimated cost: \$144.00

Granite Bench

- 3 Pieces (Total weight: 400lbs)
- Cost: \$500
- Source: Barnicoat Monuments, Middleboro MA
- Bench will be delivered in 3 pieces and transported to site via tractor

Total Estimated Cost: \$759 Requested Amount: \$900 (this includes incidental costs)

Splits

Mile	Pace	GAP	Elev (ft)
1	15:39	15:37	-23
2	16:24	16:24	-6
3	12:53	12:39	15
0.4	12:17	11:54	14

My copy



PARKING AREA

CEDAR POINT

Recreational Trails Program

- [Overview](#)
- [Legislation](#)
- [Guidance & Information](#)
- [Funding](#)
- [Publications](#)
- [Meetings & Events](#)
- [Resources](#)
- [RTP & TE Update](#)

State RTP Contacts

Contact your [State RTP Administrator](#) to ask about policies and funding in your State.

See also: [Federal Agency Contacts](#)

FHWA RTP Contact

Christopher Douwes
Community Planner
Recreational Trails Program
Transportation Alternatives Program
Federal Highway Administration
FHWA HEPH-10 Rm E74-474
1200 New Jersey Ave SE
Washington DC 20590-0001
Phone: 202-366-5013
Fax: 202-366-3409

Wetland Trail Design and Construction



[Table of Contents](#)

[Back](#) | [Next](#)



Structures Requiring Foundations - (continued)

Gadbury

Gadbury ([figure 49](#)), a structure similar to puncheon, was developed in the Pacific Northwest. Gadbury uses two half logs, as described for puncheon, and longer notched sleepers. The notch cut for gadbury must be about twice as wide as the notch cut for puncheon. The two half logs are placed on each side of the center of the notch with the flat surface up. Two full logs are placed in the notch on the outside of each of the half logs.

Gadbury

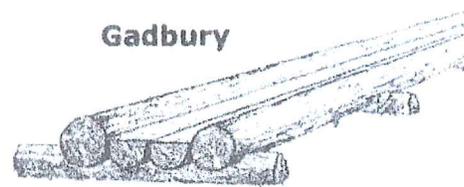


Figure 49-Gadbury is another rustic structure similar to puncheon. Use peeled logs for gadbury.

An experienced crew can construct gadbury without using spikes or steel drift pins. Such construction requires considerable skill and experience with woodworking tools. Lacking this experience, the pieces can be spiked or pinned together. Earth may be placed on the half logs and held in place by the full, outside logs.

Gadbury uses more wood than puncheon. From a standpoint of sustainable design, gadbury is less suitable than other techniques.

Bog Bridge

- [Bog Bridge on Sleepers or Sills](#)
- [Bog Bridge on Cribbing](#)
- [Bog Bridge on Piles](#)
- [Bog Bridge Summary](#)

A bog bridge is a form of puncheon. Normally, bog bridges have a single or double-plank tread surface resting directly on mud sills

(sleepers) (figure 50), cribbing, or piles. A puncheon, by contrast, will usually have stringers resting on the mud sills or sleepers, with tread decking nailed perpendicular to the stringers.

Bog bridge with sleepers

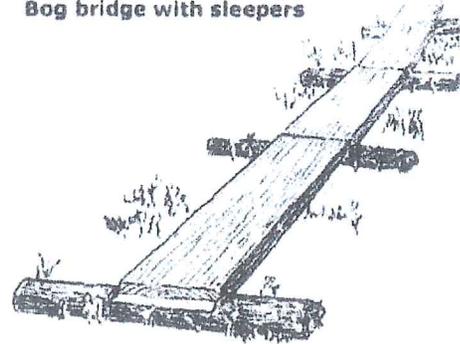


Figure 50-A simple bog bridge with sleepers. This common structure is also called a single-plank boardwalk in coastal Alaska.

To add to the confusion over terminology, in coastal Alaska, bog bridges are called boardwalks, or step-and-run boardwalks if spacers are used to create steps (figure 51). In other places, the term bog bridge is synonymous with puncheon. In parts of the Rocky Mountains and Sierras, bog bridge equates to turnpike, a structure we described as a raised walkway of stone and fill material. We define bog bridges as a series of connected, short-span bridges close to the ground.

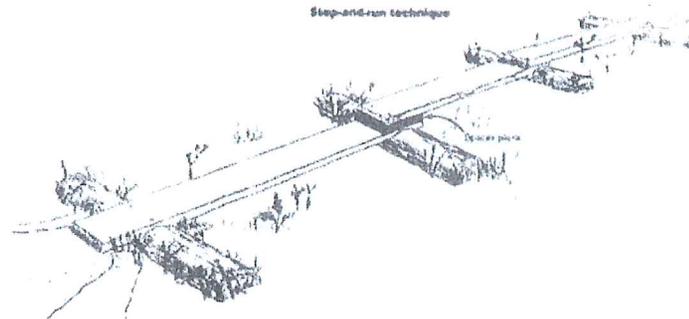


Figure 51-The step-and-run technique is a way of keeping planks level as elevation changes. Level planks help reduce slipping in wet climates.

The tread of a bog bridge is usually treated, rough-sawn 3- by 12-inch plank that is 6 to 9 feet long. The plank parallels the centerline of the trail and rests on closely spaced, lightweight foundations. This means that the tread of the bog bridge can be closer to the ground, perhaps only 6 to 12 inches above it, providing 3 to 9 inches of clear space below the tread. There is little to block the flow of water (in either direction) below the plank, and little to resist the force of floodwater going over it. In the backcountry, bog bridges are normally one 12-inch plank wide. A plank this narrow does little to interfere with plant growth underneath. The span of each of these small bridges will vary with the type of wood used for the plank, the thickness of the plank, and the anticipated weight on the plank. In areas of heavy, wet snow, the snow may be the heaviest weight on the bridge. Snow load may be as much as 300 pounds per square foot in such areas.

Bog Bridge on Sleepers or Sills

In its simplest form, the plank of the bog bridge rests on sleepers or sills. A sleeper is placed in a shallow trench at right angles to the trail centerline. A second sleeper is prepared and placed in another trench 6 to 9 feet away. This distance is the span, which is determined from older installations or with the help of someone with carpentry or structural engineering experience. Place the plank flat in the notches of the sleepers, with one cut end centered in line with the centerline of the log. Mark the plank where it meets the centerline of the next sleeper and saw it to the proper length. The plank is nailed to the sleepers at each end with two 50- or 60-penny ([Appendix D](#)), ring-shank nails driven through previously drilled pilot holes. This process continues across the wetland.

Bog Bridge on Cribbing

Occasionally, log or timber cribbing can be used to support the plank of a bog bridge. Plank can either be nailed to each of the top logs or timbers, or one large-diameter log can be notched and pinned to the top logs (similar to the sleepers described earlier). If the bog bridge is more than 2 feet high, the plank should be two planks wide for safety.

Bog Bridge on Piles

Another technique for building bog bridges is to rest the plank on pile foundations. The three types of suitable piles are end-bearing piles, friction piles, and helical piles.

After installing a pair of bents or piers, pressure-treated 3- by 12-inch planks are nailed to the ledger or ledgers as described for the bog bridge on sleepers. The ledgers do not have to be notched. When piles are used, the plank may be more than 2 feet above the ground or water. In such cases, the tread should be two planks wide.

Bog Bridge Summary

Whether a bog bridge is built on sleepers, cribbing, or wood piles, it lends itself to backcountry construction. The bog bridge requires no large machinery. The materials are wood, steel washers, bolts, nuts, and nails. The pieces of wood are relatively small and can be carried by hand. No concrete is needed.

Boardwalk

- [Stringers](#)
- [Boardwalk Summary](#)

For the purpose of this book, a boardwalk is a structure that uses widely spaced bents or piers as a foundation. Stringers, parallel with the centerline of the boardwalk, rest on the ledgers of the bents or piers. The stringers support the deck, which is usually 2 by 6 or 2 by 8 lumber laid perpendicular to the center-line and nailed or screwed to the stringers, or to naillers bolted to the stringers. Boardwalks usually have a curb or handrail along their edges ([figure 52](#)).

Google bog bridges



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SafeSearch Settings

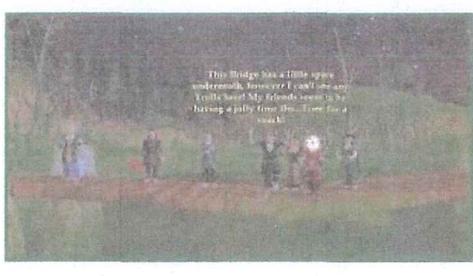
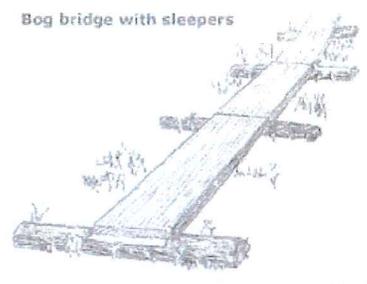


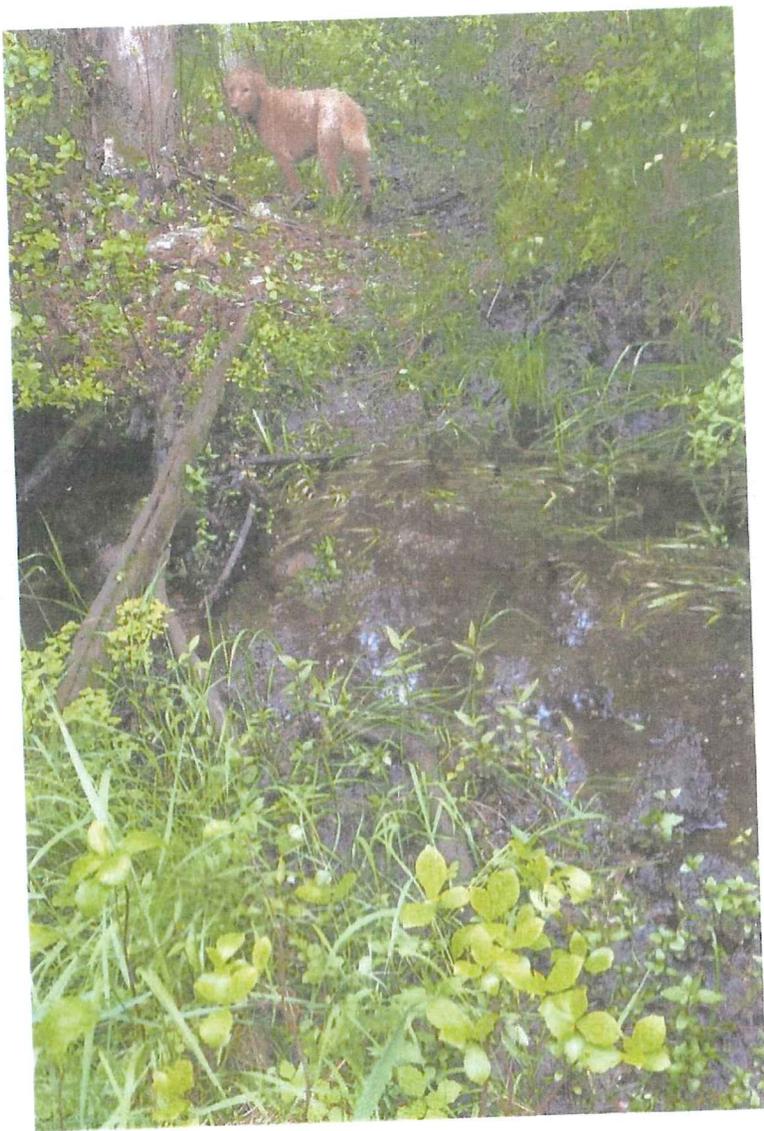
Photo of a dog in a forest.





© 2000 The Nature Conservancy

01/00/00



© 2011 The Doghouse, Inc.



Forest floor vegetation



ANN M. FORTUNE



MIDDLEBOROUGH POLICE DEPARTMENT

99 NORTH MAIN STREET
MIDDLEBOROUGH, MA 02346



P (508) 947-1212
F (508) 947-1009
middleboroughpolice.com

Joseph M. Perkins
Chief of Police

May 31, 2016

Board of Selectmen
Town of Middleborough
Nickerson Avenue
Middleborough, Ma 02346

RE: Contract Notification

Dear Honorable Board,

Section 2 of the employment contract between the Chief of Police and the Town of Middleborough states;

There will be an automatic extension of the Agreement for a single, one year term--- September 22, 2017 through September 21, 2018---under the following conditions.

- A. Between May 1 and June 30, 2016, the Police Chief notifies the Town Manager and the Board in Writing that the automatic one-year extension is approaching and of his desire or lack thereof, to continue as Police Chief after September 22, 2017 and,***

In accordance with the above mentioned requirement of the employment contract, I respectfully advise you of my intention and desire to remain Chief of Police for the Town of Middleborough.

Respectfully,

A handwritten signature in cursive script that reads "Joseph M. Perkins".

Joseph M. Perkins
Chief of Police



COMPENSATION SHEET

Town of Middleborough
Online Building Program

Pricing

TWO PHASE PROJECT

Phase One

Building Program: This module allows for the recording and processing of applications received by the Building Department, including residential, commercial, electric, gas, plumbing, sign, trench and sheet metal. It also handles and automates periodic inspections.

Cost \$16,950.

Public View of Issued Permits:

Cost \$1800

Field Module: Initial payment 27% of \$4600

Cost \$1250

Total Phase One (Due 6/30/2016)

Cost \$20,000

Phase Two

One-Time fees:

Field Module: Remaining payment 73% of \$4600

Cost \$3350

Training

Cost \$950

Implementation Fee

Cost \$750

Converting BMSI data

Cost \$2900

Vision linkage

Cost \$650

One- Time Fees (Due on delivery of each item)

Cost \$8600

Annual Support

Building

\$3730

Tablet

\$ 940

Total Annual Support (Due on delivery)

\$4670

Total Phase Two (To be Completed by 9/30/2016) Cost \$13270

COMMONWEALTH OF MASSACHUSETTS ~ STANDARD CONTRACT FORM



This form is jointly issued and published by the [Executive Office for Administration and Finance \(ANF\)](#), the [Office of the Comptroller \(CTR\)](#) and the [Operational Services Division \(OSD\)](#) as the default contract for all Commonwealth Departments when another form is not prescribed by regulation or policy. Any changes to the official printed language of this form shall be void. Additional non-conflicting terms may be added by Attachment. Contractors may not require any additional agreements, engagement letters, contract forms or other additional terms as part of this Contract without prior Department approval. Click on hyperlinks for definitions, instructions and legal requirements that are incorporated by reference into this Contract. An electronic copy of this form is available at www.mass.gov/osc under [Guidance For Vendors - Forms](#) or www.mass.gov/osd under [OSD Forms](#).

CONTRACTOR LEGAL NAME: Full Circle Technologies Inc. (and d/b/a):		COMMONWEALTH DEPARTMENT NAME: MMARS Department Code:	
Legal Address: (W-9, W-4,T&C): Suite 1115, 11 Beacon Street, Boston, MA 02108		Business Mailing Address:	
Contract Manager: Rajan Nanda		Billing Address (if different):	
E-Mail: rajan@fullcircletech.com		Contract Manager:	
Phone: 617-722-0100	Fax: 617-722-0101	E-Mail:	
Contractor Vendor Code: 6000179547		Phone:	Fax:
Vendor Code Address ID (e.g. "AD001"): AD____ (Note: The Address Id Must be set up for EFT payments.)		MMARS Doc ID(s):	
NEW CONTRACT		CONTRACT AMENDMENT	
PROCUREMENT OR EXCEPTION TYPE: (Check one option only) <input checked="" type="checkbox"/> ITS53 Statewide Contract (OSD or an OSD-designated Department) <input type="checkbox"/> Collective Purchase (Attach OSD approval, scope, budget) <input type="checkbox"/> Department Procurement (includes State or Federal grants 815 CMR 2.00) (Attach RFR and Response or other procurement supporting documentation) <input type="checkbox"/> Emergency Contract (Attach justification for emergency, scope, budget) <input type="checkbox"/> Contract Employee (Attach Employment Status Form , scope, budget) <input type="checkbox"/> Legislative/Legal or Other: (Attach authorizing language/justification, scope and budget)		Enter Current Contract End Date <i>Prior</i> to Amendment: _____, 20____. Enter Amendment Amount: \$ _____ (or "no change") AMENDMENT TYPE: (Check one option only. Attach details of Amendment changes.) <input type="checkbox"/> Amendment to Scope or Budget (Attach updated scope and budget) <input type="checkbox"/> Interim Contract (Attach justification for Interim Contract and updated scope/budget) <input type="checkbox"/> Contract Employee (Attach any updates to scope or budget) <input type="checkbox"/> Legislative/Legal or Other: (Attach authorizing language/justification and updated scope and budget)	
The following COMMONWEALTH TERMS AND CONDITIONS (T&C) has been executed, filed with CTR and is incorporated by reference into this Contract. <input checked="" type="checkbox"/> Commonwealth Terms and Conditions <input type="checkbox"/> Commonwealth Terms and Conditions For Human and Social Services			
COMPENSATION: (Check ONE option): The Department certifies that payments for authorized performance accepted in accordance with the terms of this Contract will be supported in the state accounting system by sufficient appropriations or other non-appropriated funds, subject to intercept for Commonwealth owed debts under 815 CMR 9.00. <input type="checkbox"/> Rate Contract (No Maximum Obligation. Attach details of all rates, units, calculations, conditions or terms and any changes if rates or terms are being amended.) <input checked="" type="checkbox"/> Maximum Obligation Contract Enter Total Maximum Obligation for total duration of this Contract (or <i>new</i> Total if Contract is being amended). \$ <u> (pls see attached Compensation sheet for details)</u>			
PROMPT PAYMENT DISCOUNTS (PPD): Commonwealth payments are issued through EFT 45 days from invoice receipt. Contractors requesting accelerated payments must identify a PPD as follows: Payment issued within 10 days ___% PPD; Payment issued within 15 days ___% PPD; Payment issued within 20 days ___% PPD; Payment issued within 30 days ___% PPD. If PPD percentages are left blank, identify reason: ___agree to standard 45 day cycle ___ statutory/legal or Ready Payments (G.L. c. 29, § 23A); ___ only initial payment (subsequent payments scheduled to support standard EFT 45 day payment cycle. See Prompt Pay Discounts Policy .)			
BRIEF DESCRIPTION OF CONTRACT PERFORMANCE or REASON FOR AMENDMENT: (Enter the Contract title, purpose, fiscal year(s) and a detailed description of the scope of performance or what is being amended for a Contract Amendment. Attach all supporting documentation and justifications.)			
ANTICIPATED START DATE: (Complete ONE option only) The Department and Contractor certify for this Contract, or Contract Amendment, that Contract obligations: <input checked="" type="checkbox"/> 1. may be incurred as of the Effective Date (latest signature date below) and no obligations have been incurred prior to the Effective Date . <input type="checkbox"/> 2. may be incurred as of _____, 20____, a date LATER than the Effective Date below and no obligations have been incurred prior to the Effective Date . <input type="checkbox"/> 3. were incurred as of _____, 20____, a date PRIOR to the Effective Date below, and the parties agree that payments for any obligations incurred prior to the Effective Date are authorized to be made either as settlement payments or as authorized reimbursement payments, and that the details and circumstances of all obligations under this Contract are attached and incorporated into this Contract. Acceptance of payments forever releases the Commonwealth from further claims related to these obligations.			
CONTRACT END DATE: Contract performance shall terminate as of <u> September 30 </u> , 2016. Pls refer to Compensation Sheet , with no new obligations being incurred after this date unless the Contract is properly amended, provided that the terms of this Contract and performance expectations and obligations shall survive its termination for the purpose of resolving any claim or dispute, for completing any negotiated terms and warranties, to allow any close out or transition performance, reporting, invoicing or final payments, or during any lapse between amendments.			
CERTIFICATIONS: Notwithstanding verbal or other representations by the parties, the " Effective Date " of this Contract or Amendment shall be the latest date that this Contract or Amendment has been executed by an authorized signatory of the Contractor, the Department, or a later Contract or Amendment Start Date specified above, subject to any required approvals. The Contractor makes all certifications required under the attached Contractor Certifications (incorporated by reference if not attached hereto) under the pains and penalties of perjury, agrees to provide any required documentation upon request to support compliance, and agrees that all terms governing performance of this Contract and doing business in Massachusetts are attached or incorporated by reference herein according to the following hierarchy of document precedence, the applicable Commonwealth Terms and Conditions , this Standard Contract Form including the Instructions and Contractor Certifications , the Request for Response (RFR) or other solicitation, the Contractor's Response, and additional negotiated terms, provided that additional negotiated terms will take precedence over the relevant terms in the RFR and the Contractor's Response only if made using the process outlined in 801 CMR 21.07 , incorporated herein, provided that any amended RFR or Response terms result in best value, lower costs, or a more cost effective Contract.			
AUTHORIZING SIGNATURE FOR THE CONTRACTOR:		AUTHORIZING SIGNATURE FOR THE COMMONWEALTH:	
X: _____ Date: _____ (Signature and Date Must Be Handwritten At Time of Signature)		X: _____ Date: _____ (Signature and Date Must Be Handwritten At Time of Signature)	
Print Name: <u> Rajan Nanda </u>		Print Name: _____	
Print Title: <u> Director </u>		Print Title: _____	

COMMONWEALTH OF MASSACHUSETTS ~ STANDARD CONTRACT FORM



INSTRUCTIONS AND CONTRACTOR CERTIFICATIONS

The following instructions and terms are incorporated by reference and apply to this Standard Contract Form. Text that appears underlined indicates a "hyperlink" to an Internet or bookmarked site and are unofficial versions of these documents and Departments and Contractors should consult with their legal counsel to ensure compliance with all legal requirements. Using the Web Toolbar will make navigation between the form and the hyperlinks easier. Please note that not all applicable laws have been cited.

CONTRACTOR LEGAL NAME (AND D/B/A): Enter the Full Legal Name of the Contractor's business as it appears on the Contractor's [W-9](#) or [W-4 Form](#) (Contract Employees only) and the applicable [Commonwealth Terms and Conditions](#). If Contractor also has a "doing business as" (d/b/a) name, BOTH the legal name and the "d/b/a" name must appear in this section.

Contractor Legal Address: Enter the Legal Address of the Contractor as it appears on the Contractor's [W-9](#) or [W-4 Form](#) (Contract Employees only) and the applicable [Commonwealth Terms and Conditions](#), which must match the legal address on the 1099 table in MMARS (or the Legal Address in HR/CMS for Contract Employee).

Contractor Contract Manager: Enter the authorized Contract Manager who will be responsible for managing the Contract. The Contract Manager should be an Authorized Signatory or, at a minimum, a person designated by the Contractor to represent the Contractor, receive legal notices and negotiate ongoing Contract issues. The Contract Manager is considered "Key Personnel" and may not be changed without the prior written approval of the Department. If the Contract is posted on [COMMBUYS](#), the name of the Contract Manager must be included in the Contract on COMMBUYS.

Contractor E-Mail Address/Phone/Fax: Enter the electronic mail (e-mail) address, phone and fax number of the Contractor Contract Manager. This information must be kept current by the Contractor to ensure that the Department can contact the Contractor and provide any required legal notices. Notice received by the Contract Manager (with confirmation of actual receipt) through the listed address, fax number(s) or electronic mail address will meet any written legal notice requirements.

Contractor Vendor Code: The Department must enter the [MMARS Vendor Code](#) assigned by the Commonwealth. If a Vendor Code has not yet been assigned, leave this space blank and the Department will complete this section when a Vendor Code has been assigned. The Department is responsible under the [Vendor File and W-9s Policy](#) for verifying with authorized signatories of the Contractor, as part of contract execution, that the legal name, address and Federal Tax Identification Number (TIN) in the Contract documents match the state accounting system.

Vendor Code Address ID: (e.g., "AD001") The Department must enter the MMARS Vendor Code Address Id identifying the payment remittance address for Contract payments, which MUST be set up for EFT payments PRIOR to the first payment under the Contract in accordance with the [Bill Paying](#) and [Vendor File and W-9](#) policies.

COMMONWEALTH DEPARTMENT NAME: Enter the full Department name with the authority to obligate funds encumbered for the Contract.

Commonwealth MMARS Alpha Department Code: Enter the [three \(3\) letter MMARS Code](#) assigned to this Commonwealth Department in the state accounting system.

Department Business Mailing Address: Enter the address where all formal correspondence to the Department must be sent. Unless otherwise specified in the Contract, legal notice sent or received by the Department's Contract Manager (with confirmation of actual receipt) through the listed address, fax number(s) or electronic mail address for the Contract Manager will meet any requirements for legal notice.

Department Billing Address: Enter the Billing Address or email address if invoices must be sent to a different location. Billing or confirmation of delivery of performance issues should be resolved through the listed Contract Managers.

Department Contract Manager: Identify the authorized Contract Manager who will be responsible for managing the Contract, who should be an authorized signatory or an employee designated by the Department to represent the Department to receive legal notices and negotiate ongoing Contract issues.

Department E-Mail Address/Phone/Fax: Enter the electronic mail (e-mail) address, phone and fax number of the Department Contract Manager. Unless otherwise specified in the Contract, legal notice sent or received by the Contract Manager (with confirmation of actual receipt) through the listed address, fax number(s) or electronic mail address will meet any requirements for written notice under the Contract.

MMARS Document ID(s): Enter the MMARS 20 character encumbrance transaction number associated with this Contract which must remain the same for the life of the Contract. If multiple numbers exist for this Contract, identify all Doc Ids.

RFR/Procurement or Other ID Number or Name: Enter the Request for Response (RFR) or other Procurement Reference number, Contract ID Number or other reference/tracking number for this Contract or Amendment and will be entered into the Board Award Field in the MMARS encumbrance transaction for this Contract.

NEW CONTRACTS (left side of Form):

Complete this section ONLY if this Contract is brand new. (Complete the CONTRACT AMENDMENT section for any material changes to an existing or an expired Contract, and for exercising options to renew or annual contracts under a multi-year procurement or grant program.)

PROCUREMENT OR EXCEPTION TYPE: Check the appropriate type of procurement or exception for this Contract. Only one option can be selected. See [State Finance Law and General Requirements](#), [Acquisition Policy and Fixed Assets](#), the [Commodities and Services Policy](#) and the [Procurement Information Center \(Department Contract Guidance\)](#) for details.

Statewide Contract (OSD or an OSD-designated Department). Check this option for a Statewide Contract under OSD, or by an OSD-designated Department.

Collective Purchase approved by OSD. Check this option for Contracts approved by OSD for collective purchases through federal, state, local government or other entities.

Department Contract Procurement. Check this option for a Department procurement including state grants and federal sub-grants under [815 CMR 2.00](#) and [State Grants and Federal Subgrants Policy](#), Departmental Master Agreements (MA). If multi-Department user Contract, identify multi-Department use is allowable in Brief Description.

Emergency Contract. Check this option when the Department has determined that an unforeseen crisis or incident has arisen which requires or mandates immediate purchases to avoid substantial harm to the functioning of government or the provision of necessary or mandated services or whenever the health, welfare or safety of clients or other persons or serious damage to property is threatened.

Contract Employee. Check this option when the Department requires the performance of an [Individual Contractor](#), and when the planned Contract performance with an Individual has been classified using the [Employment Status Form](#) (prior to the Contractor's selection) as work of a Contract Employee and not that of an Independent Contractor.

Legislative/Legal or Other. Check this option when legislation, an existing legal obligation, prohibition or other circumstance exempts or prohibits a Contract from being competitively procured, or identify any other procurement exception not already listed. Legislative "earmarks" exempt the Contract solely from procurement requirements, and all other Contract and state finance laws and policies apply. Supporting documentation must be attached to explain and justify the exemption.

CONTRACT AMENDMENT (Right Side of Form)

Complete this section for any Contract being renewed, amended or to continue a lapsed Contract. All Contracts with available options to renew must be amended referencing the original procurement and Contract doc ids, since all continuing contracts must be maintained in the same Contract file (even if the underlying appropriation changes each fiscal year.) "See [Amendments, Suspensions, and Termination Policy.](#)"

Enter Current Contract End Date: Enter the termination date of the Current Contract being amended, even if this date has already passed. (Note: Current Start Date is not requested since this date does not change and is already recorded in MMARS.)

Enter Amendment Amount: Enter the amount of the Amendment increase or decrease to a Maximum Obligation Contract. Enter "no change" for Rate Contracts or if no change.

AMENDMENT TYPE: Identify the type of Amendment being done. Documentation supporting the updates to performance and budget must be attached. **Amendment to Scope or Budget.** Check this option when renewing a Contract or executing any Amendment ("material change" in Contract terms) even if the Contract has lapsed. The parties may negotiate a change in any element of Contract performance or cost identified in the RFR or the Contractor's response which results in lower costs, or a more cost-effective or better value performance than was presented in the original selected response, provided the negotiation results in a better value within the scope of the RFR than what was proposed by the Contractor in the original selected response. Any "material" change in the Contract terms must be memorialized in a formal Amendment even if a corresponding MMARS transaction is not needed to support the change. Additional negotiated terms will take precedence over the relevant terms in the RFR and the Contractor's Response only if made using the process outlined in [801 CMR 21.07](#), incorporated herein, provided that any amended RFR or Response terms result in best value, lower costs, or a more cost effective Contract.

Interim Contracts. Check this option for an Interim Contract to prevent a lapse of Contract performance whenever an existing Contract is being re-procured but the new procurement has not been completed, to bridge the gap during implementation between an expiring and a new procurement, or to contract with an interim Contractor when a current Contractor is unable to complete full performance under a Contract.

Contract Employee. Check this option when the Department requires a renewal or other amendment to the performance of a Contract Employee.

Legislative/Legal or Other. Check this option when legislation, an existing legal obligation, prohibition or other circumstance exempts or prohibits a Contract from being competitively procured, or identify any other procurement exception not already listed. Legislative "earmarks" exempt the Contract solely from procurement requirements, and all other Contract and state finance laws and policies apply. Attach supporting documentation to explain and justify the exemption and whether Contractor selection has been publicly posted.

COMMONWEALTH TERMS AND CONDITIONS

Identify which [Commonwealth Terms and Conditions](#) the Contractor has executed and is incorporated by reference into this Contract. This Form is signed only once and recorded on the Vendor Customer File (VCUST). See [Vendor File and W-9s Policy](#).

COMPENSATION

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Identify if the Contract is a **Rate Contract** (with no stated Maximum Obligation) or a **Maximum Obligation Contract** (with a stated Maximum Obligation) and identify the Maximum Obligation. If the Contract is being amended, enter the new Maximum Obligation based upon the increase or decreasing Amendment. The Total Maximum Obligation must reflect the total funding for the dates of service under the contract, including the Amendment amount if the Contract is being amended. The Maximum Obligation must match the MMARS encumbrance. Funding and allotments must be verified as [available and encumbered](#) prior to incurring obligations. If a Contract includes both a Maximum Obligation component and Rate Contract component, check off both, specific Maximum Obligation amounts or amended amounts and Attachments must clearly outline the Contract breakdown to match the encumbrance.

PAYMENTS AND PROMPT PAY DISCOUNTS

Payments are processed within a 45 day payment cycle through EFT in accordance with the Commonwealth [Bill Paying Policy](#) for investment and cash flow purposes. Departments may NOT negotiate accelerated payments and Payees are NOT entitled to accelerated payments UNLESS a prompt payment discount (PPD) is provided to support the Commonwealth's loss of investment earnings for this earlier payment, or unless a payments is legally mandated to be made in less than 45 days (e.g., construction contracts, Ready Payments under [G.L. c. 29, s. 23A](#)). See [Prompt Pay Discounts Policy](#). PPD are identified as a percentage discount which will be automatically deducted when an accelerated payment is made. Reduced contracts rates may not be negotiated to replace a PPD. If PPD fields are left blank please identify that the Contractor agrees to the standard 45 day cycle; a statutory/legal exemption such as Ready Payments ([G.L. c. 29, § 23A](#)); or only an initial accelerated payment for reimbursements or start up costs for a grant, with subsequent payments scheduled to support standard EFT 45 day payment cycle. Financial hardship is not a sufficient justification to accelerate cash flow for all payments under a Contract. Initial grant or contract payments may be accelerated for the first invoice or initial grant installment, but subsequent periodic installments or invoice payments should be scheduled to support the Payee cash flow needs and the standard 45 day EFT payment cycle in accordance with the Bill Paying Policy. Any accelerated payment that does not provide for a PPD must have a legal justification in Contract file for audit purposes explaining why accelerated payments were allowable without a PPD.

BRIEF DESCRIPTION OF CONTRACT PERFORMANCE

Enter a brief description of the Contract performance, project name and/or other identifying information for the Contract to specifically identify the Contract performance, match the Contract with attachments, determine the appropriate expenditure code (as listed in the [Expenditure Classification Handbook](#)) or to identify or clarify important information related to the Contract such as the Fiscal Year(s) of performance (ex. "FY2012" or "FY2012-14"). Identify settlements or other exceptions and attach more detailed justification and supporting documents. Enter "Multi-Department Use" if other Departments can access procurement. For Amendments, identify the purpose and what items are being amended. Merely stating "see attached" or referencing attachments without a narrative description of performance is insufficient.

ANTICIPATED START DATE

The Department and Contractor must certify WHEN obligations under this Contract/Amendment may be incurred. Option 1 is the default option when performance may begin as of the [Effective Date](#) (latest signature date and any required approvals). If the parties want a new Contract or renewal to begin as of the upcoming fiscal year then list the fiscal year(s) (ex. "FY2012" or "FY2012-14") in the Brief Description section. Performance starts and encumbrances reflect the default [Effective Date](#) (if no FY is listed) or the later FY start date (if a FY is listed). Use Option 2 only when the Contract will be signed well in advance of the start date and identify a specific future start date. Do not use Option 2 for a fiscal year start unless it is certain that the Contract will be signed prior to fiscal year. Option 3 is used in lieu of the [Settlement and Release Form](#) when the Contract/Amendment is signed late, and obligations have already been incurred by the Contractor prior to the [Effective Date](#) for which the Department has either requested, accepted or deemed legally eligible for reimbursement, and the Contract includes supporting documents justifying the performance or proof of eligibility, and approximate costs. Any obligations incurred outside the scope of the [Effective Date](#) under any Option listed, even if the incorrect Option is selected, shall be automatically deemed a settlement included under the terms of the Contract and upon payment to the Contractor will release the Commonwealth from further obligations for the identified performance. All settlement payments require justification and must be under same encumbrance and object codes as the Contract payments. Performance dates are subject to [G.L. c.4, § 9](#).

CONTRACT END DATE

The Department must enter the date that Contract performance will terminate. **If the Contract is being amended and the Contract End Date is not changing, this date must be re-entered again here.** A Contract must be signed for at least the initial duration but not longer than the period of procurement listed in the RFR, or other solicitation document (if applicable). No new performance is allowable beyond the end date without an amendment, but the Department may allow a Contractor to complete minimal close out performance obligations if substantial performance has been made prior to the termination date of the Contract and prior to the end of the fiscal year in which payments are

appropriated, provided that any close out performance is subject to appropriation and funding limits under state finance law, and CTR may adjust encumbrances and payments in the state accounting system to enable final close out payments. Performance dates are subject to [G.L. c.4, § 9](#).

CERTIFICATIONS AND EXECUTION

See [Department Head Signature Authorization Policy](#) and the [Contractor Authorized Signatory Listing](#) for policies on Contractor and Department signatures.

Authorizing Signature for Contractor/Date: The Authorized Contractor Signatory must (in their own handwriting and in ink) sign AND enter the date the Contract is signed. See section above under "[Anticipated Contract Start Date](#)". Acceptance of payment by the Contractor shall waive any right of the Contractor to claim the Contract/Amendment is not valid and the Contractor may not void the Contract. **Rubber stamps, typed or other images are not acceptable.** Proof of Contractor signature authorization on a [Contractor Authorized Signatory Listing](#) may be required by the Department if not already on file.

Contractor Name /Title: The Contractor Authorized Signatory's name and title must appear legibly as it appears on the [Contractor Authorized Signatory Listing](#).

Authorizing Signature For Commonwealth/Date: The [Authorized Department Signatory](#) must (in their own handwriting and in ink) sign AND enter the date the Contract is signed. See section above under "[Anticipated Start Date](#)". **Rubber stamps, typed or other images are not accepted.** The Authorized Signatory must be an employee within the Department legally responsible for the Contract. See [Department Head Signature Authorization](#). The Department must have the legislative funding appropriated for all the costs of this Contract or funding allocated under an [approved Interdepartmental Service Agreement \(ISA\)](#). A Department may not contract for performance to be delivered to or by another state department without specific legislative authorization (unless this Contract is a Statewide Contract). For Contracts requiring Secretariat signoff, evidence of Secretariat signoff must be included in the Contract file.

Department Name /Title: Enter the Authorized Signatory's name and title legibly.

CONTRACTOR CERTIFICATIONS AND LEGAL REFERENCES

Notwithstanding verbal or other representations by the parties, the "Effective Date" of this Contract or Amendment shall be the latest date that this Contract or Amendment has been executed by an authorized signatory of the Contractor, the Department, or a later Contract or Amendment Start Date specified, subject to any required approvals. The Contractor makes all certifications required under this Contract under the pains and penalties of perjury, and agrees to provide any required documentation upon request to support compliance, and agrees that all terms governing performance of this Contract and doing business in Massachusetts are attached or incorporated by reference herein:

Commonwealth and Contractor Ownership Rights. The Contractor certifies and agrees that the Commonwealth is entitled to ownership and possession of all "deliverables" purchased or developed with Contract funds. A Department may not relinquish Commonwealth rights to deliverables nor may Contractors sell products developed with Commonwealth resources without just compensation. The Contract should detail all Commonwealth deliverables and ownership rights and any Contractor proprietary rights.

Qualifications. The Contractor certifies it is qualified and shall at all times remain qualified to perform this Contract; that performance shall be timely and meet or exceed industry standards for the performance required, including obtaining requisite licenses, registrations, permits, resources for performance, and sufficient professional, liability; and other appropriate insurance to cover the performance. If the Contractor is a business, the Contractor certifies that it is listed under the [Secretary of State's website](#) as licensed to do business in Massachusetts, as required by law.

Business Ethics and Fraud, Waste and Abuse Prevention. The Contractor certifies that performance under this Contract, in addition to meeting the terms of the Contract, will be made using ethical business standards and good stewardship of taxpayer and other public funding and resources to prevent fraud, waste and abuse.

Collusion. The Contractor certifies that this Contract has been offered in good faith and without collusion, fraud or unfair trade practices with any other person, that any actions to avoid or frustrate fair and open competition are prohibited by law, and shall be grounds for rejection or disqualification of a Response or termination of this Contract.

Public Records and Access The Contractor shall provide full access to records related to performance and compliance to the Department and officials listed under [Executive Order 195](#) and [G.L. c. 11, s.12](#) seven (7) years beginning on the first day after the final payment under this Contract or such longer period necessary for the resolution of any litigation, claim, negotiation, audit or other inquiry involving this Contract. Access to view Contractor records related to any breach or allegation of fraud, waste and/or abuse may not be denied and Contractor can not claim confidentiality or trade secret protections solely for viewing but not retaining documents. Routine Contract performance compliance reports or documents related to any alleged breach or allegation of non-compliance, fraud, waste, abuse or collusion may be provided electronically and shall be provided at Contractor's own expense. Reasonable costs for copies of non-routine Contract related records shall not exceed the rates for public records under [950 C.M.R. 32.00](#).

Debarment. The Contractor certifies that neither it nor any of its subcontractors are currently debarred or suspended by the federal or state government under any law or

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regulation including, [Executive Order 147](#); [G.L. c. 29, s. 29F](#) [G.L. c. 30, § 39R](#), [G.L. c. 149, § 27C](#), [G.L. c. 149, § 44C](#), [G.L. c. 149, § 148B](#) and [G.L. c. 152, s. 25C](#).

Applicable Laws. The Contractor shall comply with all applicable state laws and regulations including but not limited to the applicable [Massachusetts General Laws](#); the Official [Code of Massachusetts Regulations](#); [Code of Massachusetts Regulations](#) (unofficial); [801 CMR 21.00](#) (Procurement of Commodity and Service Procurements, Including Human and Social Services); [815 CMR 2.00](#) (Grants and Subsidies); [808 CMR 1.00](#) (Compliance, Reporting and Auditing for Human And Social Services); [AICPA Standards](#); confidentiality of Department records under [G.L. c. 66A](#); and the [Massachusetts Constitution Article XVIII](#) if applicable.

Invoices. The Contractor must submit invoices in accordance with the terms of the Contract and the Commonwealth [Bill Paying Policy](#). Contractors must be able to reconcile and properly attribute concurrent payments from multiple Departments. Final invoices in any fiscal year must be submitted no later than August 15th for performance made and received (goods delivered, services completed) prior to June 30th, in order to make payment for that performance prior to the close of the fiscal year to prevent reversion of appropriated funds. Failure to submit timely invoices by August 15th or other date listed in the Contract shall authorize the Department to issue an estimated payment based upon the Department's determination of performance delivered and accepted. The Contractor's acceptance of this estimated payment releases the Commonwealth from further claims for these invoices. If budgetary funds revert due to the Contractor's failure to submit timely final invoices, or for disputing an estimated payment, the Department may deduct a penalty up to 10% from any final payment in the next fiscal year for failure to submit timely invoices.

Payments Subject To Appropriation. Pursuant to [G.L. c. 29 § 26, § 27](#) and [§ 29](#), Departments are required to expend funds only for the purposes set forth by the Legislature and within the funding limits established through appropriation, allotment and subsidiary, including mandated allotment reductions triggered by [G.L. c. 29, § 9C](#). A Department cannot authorize or accept performance in excess of an existing appropriation and allotment, or sufficient non-appropriated available funds. Any oral or written representations, commitments, or assurances made by the Department or any other Commonwealth representative are not binding. The Commonwealth has no legal obligation to compensate a Contractor for performance that is not requested and is intentionally delivered by a Contractor outside the scope of a Contract. Contractors should verify funding prior to beginning performance.

Intercept. Contractors may be registered as Customers in the Vendor file if the Contractor owes a Commonwealth debt. Unresolved and undisputed debts, and overpayments of Contract payments that are not reimbursed timely shall be subject to intercept pursuant to [G.L. c. 7A, s. 3](#) and [815 CMR 9.00](#). Contract overpayments will be subject to immediate intercept or payment offset. The Contractor may not penalize any state Department or assess late fees, cancel a Contract or other services if amounts are intercepted or offset due to recoupment of an overpayment, outstanding taxes, child support, other overdue debts or Contract overpayments.

Tax Law Compliance. The Contractor certifies under the pains and penalties of perjury tax compliance with [Federal tax laws](#); [state tax laws](#) including but not limited to [G.L. c. 62C](#), [G.L. c. 62C, s. 49A](#); compliance with all state tax laws, reporting of employees and contractors, withholding and remitting of tax withholdings and child support and is in good standing with respect to all state taxes and returns due; reporting of employees and contractors under [G.L. c. 62E](#), withholding and remitting [child support](#) including [G.L. c. 119A, s. 12](#); [TIR 05-11](#); [New Independent Contractor Provisions](#) and applicable [TIIRs](#).

Bankruptcy, Judgments, Potential Structural Changes, Pending Legal Matters and Conflicts. The Contractor certifies it has not been in bankruptcy and/or receivership within the last three calendar years, and the Contractor certifies that it will immediately notify the Department in writing at **least 45 days prior** to filing for bankruptcy and/or receivership, any potential structural change in its organization, or if there is **any risk** to the solvency of the Contractor that may impact the Contractor's ability to timely fulfill the terms of this Contract or Amendment. The Contractor certifies that at any time during the period of the Contract the Contractor is required to affirmatively disclose in writing to the Department Contract Manager the details of any judgment, criminal conviction, investigation or litigation pending against the Contractor or any of its officers, directors, employees, agents, or subcontractors, including any potential conflicts of interest of which the Contractor has knowledge, or learns of during the Contract term. Law firms or Attorneys providing legal services are required to identify any potential conflict with representation of any Department client in accordance with Massachusetts Board of Bar Overseers (BBO) rules.

Federal Anti-Lobbying and Other Federal Requirements. If receiving federal funds, the Contractor certifies compliance with federal anti-lobbying requirements including [31 USC 1352](#); [other federal requirements](#); [Executive Order 11246](#); [Air Pollution Act](#); [Federal Water Pollution Control Act](#) and [Federal Employment Laws](#).

Protection of Personal Data and Information. The Contractor certifies that all steps will be taken to ensure the security and confidentiality of all Commonwealth data for which the Contractor becomes a holder, either as part of performance or inadvertently during performance, with special attention to restricting access, use and disbursement of personal data and information under [G.L. c. 93H](#) and [c. 66A](#) and [Executive Order 504](#). The Contractor is required to comply with [G.L. c. 93I](#) for the proper disposal of all paper and electronic media, backups or systems containing personal data and information, provided further that the Contractor is required to ensure that any personal data or information

transmitted electronically or through a portable device be properly encrypted using (at a minimum) [Information Technology Division \(ITD\) Protection of Sensitive Information](#), provided further that any Contractor having access to credit card or banking information of Commonwealth customers certifies that the Contractor is PCI compliant in accordance with the [Payment Card Industry Council Standards](#) and shall provide confirmation compliance during the Contract, provide further that the Contractor shall immediately notify the Department in the event of any security breach including the unauthorized access, disbursement, use or disposal of personal data or information, and in the event of a security breach, the Contractor shall cooperate fully with the Commonwealth and provide access to any information necessary for the Commonwealth to respond to the security breach and shall be fully responsible for any damages associated with the Contractor's breach including but not limited to [G.L. c. 214, s. 3B](#).

Corporate and Business Filings and Reports. The Contractor certifies compliance with any certification, filing, reporting and service of process requirements of the [Secretary of the Commonwealth](#), the [Office of the Attorney General](#) or other Departments as related to its conduct of business in the Commonwealth; and with its incorporating state (or foreign entity).

Employer Requirements. Contractors that are employers certify compliance with applicable state and [federal employment laws](#) or regulations, including but not limited to [G.L. c. 5, s. 1](#) (Prevailing Wages for Printing and Distribution of Public Documents); [G.L. c. 7, s. 22](#) (Prevailing Wages for Contracts for Meat Products and Clothing and Apparel); [minimum wages and prevailing wage programs and payments](#); [unemployment insurance](#) and contributions; [workers' compensation and insurance](#), [child labor laws](#), [AGO fair labor practices](#); [G.L. c. 149](#) (Labor and Industries); [G.L. c. 150A](#) (Labor Relations); [G.L. c. 151](#) and [455 CMR 2.00](#) (Minimum Fair Wages); [G.L. c. 151A](#) (Employment and Training); [G.L. c. 151B](#) (Unlawful Discrimination); [G.L. c. 151E](#) (Business Discrimination); [G.L. c. 152](#) (Workers' Compensation); [G.L. c. 153](#) (Liability for Injuries); [29 USC c. 8](#) (Federal Fair Labor Standards); [29 USC c. 28](#) and the [Federal Family and Medical Leave Act](#).

Federal And State Laws And Regulations Prohibiting Discrimination including but not limited to the [Federal Equal Employment Opportunity \(EEO\) Laws](#) the [Americans with Disabilities Act](#); [42 U.S.C. Sec. 12,101, et seq.](#), the [Rehabilitation Act](#); [29 USC c. 16 s. 794](#); [29 USC c. 16 s. 701](#); [29 USC c. 14, 623](#); the [42 USC c. 45](#); (Federal Fair Housing Act); [G.L. c. 151B](#) (Unlawful Discrimination); [G.L. c. 151E](#) (Business Discrimination); the Public Accommodations Law [G.L. c. 272, s. 92A](#); [G.L. c. 272, s. 98](#) and 98A, [Massachusetts Constitution Article CXIV](#) and [G.L. c. 93, s. 103](#); [47 USC c. 5, sc. II, Part II, s. 255](#) (Telecommunication Act); Chapter 149, [Section 105D](#), [G.L. c. 151C](#), [G.L. c. 272, Section 92A, Section 98](#) and [Section 98A](#), and [G.L. c. 111, Section 199A](#), and [Massachusetts Disability-Based Non-Discrimination Standards For Executive Branch Entities](#), and related Standards and Guidance, authorized under Massachusetts Executive Order or any disability-based protection arising from state or federal law or precedent. See also [MCAD](#) and [MCAD links and Resources](#).

Small Business Purchasing Program (SBPP). A Contractor may be eligible to participate in the SBPP, created pursuant to [Executive Order 523](#), if qualified through the SBPP COMMBUYS subscription process at: [www.commbuys.com](#) and with acceptance of the terms of the SBPP participation agreement.

Limitation of Liability for Information Technology Contracts (and other Contracts as Authorized). The [Information Technology Mandatory Specifications](#) and the [IT Acquisition Accessibility Contract Language](#) are incorporated by reference into Information Technology Contracts. The following language will apply to Information Technology contracts in the U01, U02, U03, U04, U05, U06, U07, U08, U09, U10, U75, U98 object codes in the [Expenditure Classification Handbook](#) or other Contracts as approved by CTR or OSD. Pursuant to Section 11. Indemnification of the Commonwealth Terms and Conditions, the term "other damages" shall include, but shall not be limited to, the reasonable costs the Commonwealth incurs to repair, return, replace or seek cover (purchase of comparable substitute commodities and services) under a Contract. "Other damages" shall not include damages to the Commonwealth as a result of third party claims, provided, however, that the foregoing in no way limits the Commonwealth's right of recovery for personal injury or property damages or patent and copyright infringement under Section 11 nor the Commonwealth's ability to join the contractor as a third party defendant. Further, the term "other damages" shall not include, and in no event shall the contractor be liable for, damages for the Commonwealth's use of contractor provided products or services, loss of Commonwealth records, or data (or other intangible property), loss of use of equipment, lost revenue, lost savings or lost profits of the Commonwealth. In no event shall "other damages" exceed the greater of \$100,000, or two times the value of the product or service (as defined in the Contract scope of work) that is the subject of the claim. Section 11 sets forth the contractor's entire liability under a Contract. Nothing in this section shall limit the Commonwealth's ability to negotiate higher limitations of liability in a particular Contract, provided that any such limitation must specifically reference Section 11 of the Commonwealth Terms and Conditions. In the event the limitation of liability conflicts with accounting standards which mandate that there can be no cap of damages, the limitation shall be considered waived for that audit engagement. These terms may be applied to other Contracts only with prior written confirmation from the Operational Services Division or the Office of the Comptroller. The terms in this Clarification may not be modified.

Northern Ireland Certification. Pursuant to [G.L. c. 7 s. 22C](#) for state agencies, state authorities, the House of Representatives or the state Senate, by signing this Contract the

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Contractor certifies that it does not employ ten or more employees in an office or other facility in Northern Ireland and if the Contractor employs ten or more employees in an office or other facility located in Northern Ireland the Contractor certifies that it does not discriminate in employment, compensation, or the terms, conditions and privileges of employment on account of religious or political belief; and it promotes religious tolerance within the work place, and the eradication of any manifestations of religious and other illegal discrimination; and the Contractor is not engaged in the manufacture, distribution or sale of firearms, munitions, including rubber or plastic bullets, tear gas, armored vehicles or military aircraft for use or deployment in any activity in Northern Ireland.

Pandemic, Disaster or Emergency Performance. In the event of a serious emergency, pandemic or disaster outside the control of the Department, the Department may negotiate emergency performance from the Contractor to address the immediate needs of the Commonwealth even if not contemplated under the original Contract or procurement. Payments are subject to appropriation and other payment terms.

Consultant Contractor Certifications (For Consultant Contracts "HH" and "NN" and "U05" object codes subject to [G.L. Chapter 29, s. 29A](#)). Contractors must make required disclosures as part of the RFR Response or using the [Consultant Contractor Mandatory Submission Form](#).

Attorneys. Attorneys or firms providing legal services or representing Commonwealth Departments may be subject to [G.L. c. 30, s. 65](#), and if providing litigation services must be approved by the Office of the Attorney General to appear on behalf of a Department, and shall have a continuing obligation to notify the Commonwealth of any conflicts of interest arising under the Contract.

Subcontractor Performance. The Contractor certifies full responsibility for Contract performance, including subcontractors, and that comparable Contract terms will be included in subcontracts, and that the Department will not be required to directly or indirectly manage subcontractors or have any payment obligations to subcontractors. .

EXECUTIVE ORDERS

For covered Executive state Departments, the Contractor certifies compliance with applicable [Executive Orders](#) (see also [Massachusetts Executive Orders](#)), including but not limited to the specific orders listed below. A breach during period of a Contract may be considered a material breach and subject Contractor to appropriate monetary or Contract sanctions.

Executive Order 481. Prohibiting the Use of Undocumented Workers on State Contracts. For all state agencies in the Executive Branch, including all executive offices, boards, commissions, agencies, Departments, divisions, councils, bureaus, and offices, now existing and hereafter established, by signing this Contract the Contractor certifies under the pains and penalties of perjury that they shall not knowingly use undocumented workers in connection with the performance of this Contract; that, pursuant to federal requirements, shall verify the immigration status of workers assigned to a Contract without engaging in unlawful discrimination; and shall not knowingly or recklessly alter, falsify, or accept altered or falsified documents from any such worker

Executive Order 130. Anti-Boycott. The Contractor warrants, represents and agrees that during the time this Contract is in effect, neither it nor any affiliated company, as hereafter defined, participates in or cooperates with an international boycott (See [IRC § 999\(b\)\(3\)-\(4\)](#), and [IRS Audit Guidelines Boycotts](#)) or engages in conduct declared to be unlawful by [G.L. c. 151E, s. 2](#). A breach in the warranty, representation, and agreement contained in this paragraph, without limiting such other rights as it may have, the Commonwealth shall be entitled to rescind this Contract. As used herein, an affiliated company shall be any business entity of which at least 51% of the ownership interests are directly or indirectly owned by the Contractor or by a person or persons or business entity or entities directly or indirectly owning at least 51% of the ownership interests of the Contractor, or which directly or indirectly owns at least 51% of the ownership interests of the Contractor.

Executive Order 346. Hiring of State Employees By State Contractors Contractor certifies compliance with both the conflict of interest law [G.L. c. 268A specifically s. 5 \(f\)](#) and this order; and includes limitations regarding the hiring of state employees by private companies contracting with the Commonwealth. A privatization contract shall be deemed to include a specific prohibition against the hiring at any time during the term of Contract, and for any position in the Contractor's company, any state management employee who is, was, or will be involved in the preparation of the RFP, the negotiations leading to the awarding of the Contract, the decision to award the Contract, and/or the supervision or oversight of performance under the Contract.

Executive Order 444. Disclosure of Family Relationships With Other State Employees. Each person applying for employment (including Contract work) within the Executive Branch under the Governor must disclose in writing the names of all immediate family related to immediate family by marriage who serve as employees or elected officials of the Commonwealth. All disclosures made by applicants hired by the Executive Branch under the Governor shall be made available for public inspection to the extent permissible by law by the official with whom such disclosure has been filed.

Executive Order 504. Regarding the Security and Confidentiality of Personal Information. For all Contracts involving the Contractor's access to personal information, as defined in [G.L. c. 93H](#), and personal data, as defined in [G.L. c. 66A](#), owned or controlled by Executive Department agencies, or access to agency systems containing such information or data (herein collectively "personal information"), Contractor certifies under the pains and

penalties of perjury that the Contractor (1) has read Commonwealth of Massachusetts Executive Order 504 and agrees to protect any and all personal information; and (2) has reviewed all of the Commonwealth [Information Technology Division's Security Policies](#). Notwithstanding any contractual provision to the contrary, in connection with the Contractor's performance under this Contract, for all state agencies in the Executive Department, including all executive offices, boards, commissions, agencies, departments, divisions, councils, bureaus, and offices, now existing and hereafter established, the Contractor shall: (1) obtain a copy, review, and comply with the contracting agency's Information Security Program (ISP) and any pertinent security guidelines, standards, and policies; (2) comply with all of the Commonwealth of Massachusetts Information Technology Division's "[Security Policies](#)") (3) communicate and enforce the contracting agency's ISP and such Security Policies against all employees (whether such employees are direct or contracted) and subcontractors; (4) implement and maintain any other reasonable appropriate security procedures and practices necessary to protect personal information to which the Contractor is given access by the contracting agency from the unauthorized access, destruction, use, modification, disclosure or loss; (5) be responsible for the full or partial breach of any of these terms by its employees (whether such employees are direct or contracted) or subcontractors during or after the term of this Contract, and any breach of these terms may be regarded as a material breach of this Contract; (6) in the event of any unauthorized access, destruction, use, modification, disclosure or loss of the personal information (collectively referred to as the "unauthorized use"): (a) immediately notify the contracting agency if the Contractor becomes aware of the unauthorized use; (b) provide full cooperation and access to information necessary for the contracting agency to determine the scope of the unauthorized use; and (c) provide full cooperation and access to information necessary for the contracting agency and the Contractor to fulfill any notification requirements. Breach of these terms may be regarded as a material breach of this Contract, such that the Commonwealth may exercise any and all contractual rights and remedies, including without limitation indemnification under Section 11 of the [Commonwealth's Terms and Conditions](#), withholding of payments, Contract suspension, or termination. In addition, the Contractor may be subject to applicable statutory or regulatory penalties, including and without limitation, those imposed pursuant to G.L. c. 93H and under [G.L. c. 214, § 3B](#) for violations under M.G.L. c. 66A.

Executive Orders 523, 524 and 526. Executive Order 526 (Order Regarding Non-Discrimination, Diversity, Equal Opportunity and Affirmative Action which supersedes [Executive Order 478](#)). [Executive Order 524](#) (Establishing the Massachusetts Supplier Diversity Program which supersedes Executive Order 390). [Executive Order 523](#) (Establishing the Massachusetts Small Business Purchasing Program.) All programs, activities, and services provided, performed, licensed, chartered, funded, regulated, or contracted for by the state shall be conducted without unlawful discrimination based on race, color, age, gender, ethnicity, sexual orientation, gender identity or expression, religion, creed, ancestry, national origin, disability, veteran's status (including Vietnam-era veterans), or background. The Contractor and any subcontractors may not engage in discriminatory employment practices; and the Contractor certifies compliance with applicable federal and state laws, rules, and regulations governing fair labor and employment practices; and the Contractor commits to purchase supplies and services from certified minority or women-owned businesses, small businesses, or businesses owned by socially or economically disadvantaged persons or persons with disabilities. These provisions shall be enforced through the contracting agency, OSD, and/or the Massachusetts Commission Against Discrimination. Any breach shall be regarded as a material breach of the contract that may subject the contractor to appropriate sanctions.

TAX COMPLIANCE AFFIDAVIT

The undersigned pursuant to Massachusetts General Laws, Chapter 62C, Section 49A hereby certifies under penalties of perjury that *Full Circle Technologies Inc.* has complied with all laws of the Commonwealth of Massachusetts relating to taxes, reporting of employees and contractors, and withholding and remitting child support.

Signature of Affiant

Print Name of Affiant

**JOINT TRANSPORTATION PLANNING GROUP (JTPG)
MUNICIPAL REPRESENTATIVE APPOINTMENT
2016 - 2017**

Please be advised that the following individual, Ruth Geofroy has been appointed to represent the City/Town of Middleborough on the JTPG for the period May 27, 2016 through May 24, 2017.

Signed: _____

Mayor/Chair, Board of Selectmen

Please Verify Contact Information for JTPG Appointees

JTPG	Name:	_____
REPRESENTATIVE	Street:	_____
	City/Town:	_____
	Telephone:	_____
	Email address:	_____

Please Verify Contact Information for JTPG Alternates

ALTERNATE:	Name:	<u>Ruth Geofroy</u>
(OPTIONAL)	Street:	<u>20 Center St</u>
	City/Town:	<u>Middleborough</u>
	Telephone:	<u>508-946-8425</u>
	Email address:	<u>RGeofroy@middleborough.com</u>

**PLEASE RETURN THIS FORM BY MAIL, EMAIL [SSOUSA@SRPEDD.ORG](mailto:ssousa@srpedd.org) OR FAX (508-823-1803)
BY APRIL 30 TO
STACY ROYER - SRPEDD, 88 BROADWAY, TAUNTON, MA 02780**

**JOINT TRANSPORTATION PLANNING GROUP (JTPG)
MUNICIPAL REPRESENTATIVE APPOINTMENT
2016 - 2017**

Please be advised that the following individual, CHRISTOPHER PECK has been appointed to represent the City/Town of MIDDLEBOROUGH on the JTPG for the period May 27, 2016 through May 24, 2017.

Signed: _____

Mayor/Chair, Board of Selectmen

Please Verify Contact Information for JTPG Appointees

JTPG Name: CHRISTOPHER PECK
REPRESENTATIVE Street: 48 WAREHAM STREET
 City/Town: MIDDLEBOROUGH
 Telephone: 508-946-2481
 Email address: CPECK@MIDDLEBOROUGH.COM

Please Verify Contact Information for JTPG Alternates

ALTERNATE: Name: _____
(OPTIONAL) Street: _____
 City/Town: _____
 Telephone: _____
 Email address: _____

**PLEASE RETURN THIS FORM BY MAIL, EMAIL SSOUSA@SRPEDD.ORG OR FAX (508-823-1803)
BY APRIL 30 TO
STACY ROYER - SRPEDD, 88 BROADWAY, TAUNTON, MA 02780**

APPLICATION FOR LICENSE
(PLEASE TYPE OR PRINT CLEARLY)

DATE 5/21/16

NAME OF APPLICANT Michael Warren / Middleborough Property LLC

DAYTIME TELEPHONE (508) 947-5333

EMAIL ADDRESS mwarren@fresidegrille.com

NAME OF BUSINESS Fireside Grille

ADDRESS OF PROPERTY TO BE LICENSED 30 Bedford St., Middleboro

MAP & LOT M48, 2966

TYPE OF LICENSE REQUESTED (Check One or More)

TYPE OF LICENSE

- Liquor License
- Class I Automobile Dealer License
- Class II Automobile Dealer License
- Class III Automobile Dealer License
- Weekday Entertainment
- Automatic Amusement Device
- Sunday Entertainment
- Other

Signature Acoustic Entertainment

Amend license to include Acoustic Entertainment outdoors

Please bring to the Treasurer/Collector's office @ the Town Hall Annex, 20 Center Street, 3rd floor to obtain confirmation/signature that no outstanding taxes/municipal charges exist.

From 5pm - 8pm Fri + Sat.

Dear Treasurer/Collector:

Please inform this department as to whether or not the above listed property owner/applicant/petitioner owes the Town of Middleborough any outstanding taxes and/or municipal charges that remain unpaid for more than one year.

Does Property Owner/Applicant/Petitioner owe Taxes/Municipal Charges? NO

[Handwritten signature]
[Handwritten signature]

2016 ENTERTAINMENT LICENSES

ISSUED TO	Map/Lot	ADDRESS	ENTERTAINMENT	FEE	PAID
Burt Wood School of Performing Arts/ The Alley Theatre	M50P, L5389	133 Center Street	M-Sat. 1 pm - 12 a.m. Various kinds	\$100	
Role Enterprises, d.b.a. The Central Café	M50N, L5294	254 Centre Street, P.O. Box 425 Mail: 304 Tispaquin St. Attn Mark Hannon	9 pm to 12 a.m. twice/yr. Band	\$100	
Middleboro Restaurants, Inc. d.b.a. Fireside Grille	M048, L966	30 Bedford Street	Thur, Fri, Sat 8 am-11 pm Acoustic Singers	\$100	
Harry's Bar & Grille	M048, L3973	407 West Grove Street	Guitarist or Trivia M-Sat. 10 a.m. - 12 a.m.	\$100	
Knights of Columbus (Christopher Bldg Assoc.)	M049, L5868	262 West Grove Street	Sat. 7 pm - 12 a.m. DJ	\$100	
Middleboro Lodge of Elks #1274	M50N, L5968	24 High Street	M-Sat. 10 a.m. - 1 a.m. Band/DJ	\$100	
Mitchell Memorial Club, Inc.	M58E, L2618	29 Elm Street	Functions-Dj's various hours	\$100	
The Boston Tavern	M058, 5557	58 E. Grove Street	D.J. or band M-Sat 10 a.m. - 12 a.m.	\$100	
John J. Glass, Jr. Post 2188 VFW	M50N, L5974	30 Station Street	Fri & Sat DJ & Live band 8 p.m. - 12 a.m.	\$100	
Dave's Diner	M48, L4758	390 West Grove Street	Mon-Sat 10 a.m. - 12 a.m. DJ/Trivia/Guitarist	\$100	
Buddy's Pizza Pub, Inc.	M48, L395	547 West Grove Street	Fri & Sat 9 pm-12 a.m Karaoke/Live Music/DJ	\$100	