



Commonwealth of Massachusetts
EXECUTIVE OFFICE OF HOUSING &
LIVABLE COMMUNITIES

Maura T. Healey, Governor ◆ Kimberley Driscoll, Lieutenant Governor ◆ Edward M. Augustus Jr., Secretary

September 30, 2024

Angie Lopes Ellison
Town Administrator
Town of Fairhaven
40 Center Street
Fairhaven, MA 02719

Re: Fairhaven Smart Growth Overlay District (FSGOD) – Preliminary Determination of Eligibility

Dear Ms. Ellison:

Thank you for the Town of Fairhaven's submission of an application for a Preliminary Determination of Eligibility pursuant to G.L. Chapter 40R for the proposed Fairhaven Smart Growth Overlay District (FSGOD/ District). Fully subject to a forthcoming formal Letter of Conditional Eligibility from Secretary Augustus, the Executive Office of Housing and Livable Communities (EOHLC) preliminarily finds that the proposed District satisfies the requirements for conditional eligibility.

Each of the two non-abutting Subdistricts (Waterfront Area and Plaza Area) that comprise the FSGOD fall within a 40R eligible location, more specifically a respective Area of Concentrated Development. To the extent consistent with the Secretary's forthcoming formal Letter of Conditional Eligibility, this interim preliminary determination of eligibility is further subject to the following conditions:

- Any concerns, questions, necessary modifications, etc. as identified by EOHLC in the attached draft Smart Growth Zoning have been resolved and received administrative approval by EOHLC prior to local adoption.
- Eligibility for any upfront Zoning Incentive Payment prior to evidence of a corresponding number of Bonus Units (i.e., newly As-of-right 40R units approved for construction, etc.) may be contingent upon the degree to which the finalized Smart Growth Zoning places an aggregate limit on *all* non-residential use on Developable Land within the District thereby ensuring that a minimum of 51% of the total gross floor area developed under the 40R zoning on such land will be devoted to residential use (or associated accessory uses).
- Prior to evidence satisfactory to EOHLC that Pedestrian Access exists or will be established along all portions of Alden Road adjacent to the District, EOHLC may require that the use of all or a portion of any 40R payments that the Town of Fairhaven receives are directed to addressing such Smart Growth infrastructure.

On behalf of EOHLC, we appreciate the Town of Fairhaven's efforts to advance Smart Growth and housing production pursuant to G.L. Chapter 40R. At the town's request, we are working with our state and non-profit partners to explore additional resources to assist the town and its consultant team in bringing a finalized 40R proposal to Town Meeting. We expect to be able to follow up shortly with the Secretary's formal confirmation of this determination. In the meantime, if you or your staff have any questions, please do not hesitate to contact me.

Sincerely,

A handwritten signature in black ink that reads "Bill Reyelt". The signature is written in a cursive, flowing style.

Bill Reyelt
Principal Planner, Smart Growth Programs

cc: Hugh Bruce Webb, Town of Fairhaven
Adam J. Costa, Mead, Talerman & Costa, LLC
Dillon Sussman, Dodson Flinker