

# TOWN OF MIDDLEBOROUGH COMMUNITY PRESERVATION PLAN

## **Vision**

The residents of Middleborough desire a community which is family-oriented and which retains its small town character while preserving an abundance of open space, offering diverse recreational opportunities, protecting its unique natural and historic resources, and providing a wide variety of housing options for its residents.

Open space has always defined the Town of Middleborough's rural character, and will continue to do so. Protected open space provides a beautiful and forever changing natural setting in which we live our lives. Residents wish to recognize, preserve and enhance the natural resources and rural character of Middleborough and to expand the passive recreational use of protected open spaces for both themselves and visitors. Open space preservation seeks to maintain the rural, small town character of Middleborough; to protect its natural resources, river corridors, important wildlife habitats and scenic vistas; to promote agricultural and forestry uses and protect its fisheries; and to safeguard municipal water supplies.

The provision of both active and passive recreational opportunities helps promote the health and well-being of the community's residents, and affords leisure activities which enhance the quality of life. Residents seek to encourage wholesome recreational opportunities for Middleborough's children; to maintain and improve existing recreational opportunities; to improve accessibility to all recreational areas for residents with disabilities; to develop new recreational opportunities including athletic fields, multi-use trails, bike paths and water resources; and to maintain access to forested land for fishing, hunting, hiking and other pursuits.

Historic resources contribute to our understanding of the historical development of our unique heritage, culture and character. Middleborough is a community rich in historic, cultural, architectural and archaeological resources which date back many years before the incorporation of the town in 1669. Historic preservation seeks to recognize, restore, preserve and enhance the historic character and heritage of Middleborough in its entirety; to optimize the use, enjoyment and accessibility of the town's historic resources by residents and visitors alike; and to protect the contribution such resources make to the town's character, history and future.

It is important that a variety of housing opportunities that serve all segments of the community be made available, and Middleborough should continue to provide and develop housing units that are both affordable and desirable to young families, the elderly, veterans and those with special needs. The widest variety of housing options for the residents of Middleborough should be afforded, while balancing the preservation of the community's natural and historic resources with the housing and economic needs of the community.

The Middleborough Community Preservation Committee (CPC) was established by Middleborough Town Meeting to make recommendations for community preservation under the terms of the Massachusetts Community Preservation Act (CPA). In creating this plan, the CPC solicited input from the public, as well as Middleborough town boards, committees and department heads, and reviewed numerous reports and studies including the Middleborough's Open Space and Recreation Plan (2008), Master Plan (2002), Community Development Plan (2004), Historic Preservation Plan (1989), Town Fields Study Report (2003), Affordable Housing Plan, and Housing Production Plan.

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## OPEN SPACE PRESERVATION

### Overview

CPA funds may be expended for the acquisition, creation and preservation and protection of open space. Protected open space can take many forms. Land for the protection of municipal water supplies including well sites, aquifers, re-charge areas and watersheds; agricultural land; fields; forests; riparian sites; scenic vistas; historic and archaeological sites; and parcels within densely populated sections of town may all be considered. In all cases open space acquisition is a means for preservation of the town's rural, natural and historic character. Open space preservation may be accomplished through outright purchase, conservation easements and restrictions, purchase of development rights or other means.

### Community Preservation Goals

#### Goal 1: Preserve and protect the scenic beauty and existing rural character of Middleborough

Residents value the farmland, forests, wetlands, scenic vistas, countryside and historic village centers that contribute to the rural character of Middleborough. Future development should not diminish or detract from the features that define our community. It is therefore a goal of the Community Preservation Committee to protect those parcels that are of critical importance in both populated and rural areas.

#### Goal 2: Preserve, protect, and maintain the quality of Middleborough's natural resources

The rivers, lakes, ponds forests and fields that comprise Middleborough's natural resources should remain free of compromise resulting from incompatible business and industrial uses on adjoining properties, and it is an objective of CPC to protect such resources from adverse impact. It is also a goal of the CPC to work toward connection between natural resources through linking parcels into greenbelts, river trails and other passive enhancements of Middleborough's natural features.

#### Goal 3: Strengthen the viability of Middleborough's farms, forests and fisheries

Middleborough residents benefit from the presence of viable farms, forests and fisheries. The acquisition and preservation of significant parcels will increase the amount of land under cultivation thereby preserving open space and promoting agriculture and forestry locally. Additionally, the acquisition or protection of lands necessary for the preservation and rehabilitation of the community's fisheries, and in particular its historically-significant alewife fishery, will be of critical importance.

#### Goal 4: Protect water quality

Constant protection and improvement of Middleborough's water quality will always be an important objective of the CPC. Not just well sites, but the vast wetlands that comprise vital water re-charge areas will continue to be under significant pressure. Water supplies need to keep pace with population growth and the demands of neighboring water-challenged towns may well have a residual effect on municipal

supplies. Safeguarding Middleborough's water resources is vital to the community's future.

### **Specific Criteria for CPA funded Open Space Projects**

The CPC supports projects that further the community's preservation goals. While the CPC welcomes a variety of participants and projects, an understanding of the statutory guidelines will help applicants through the process. In order to be eligible for CPA funding under the open space category, resources must be determined to be significant for one or more reasons such as the site's proximity to sensitive river corridors, its role in providing water resource protection, its value as agricultural or forested land, its suitability for passive recreational use, its value as a scenic vista, its historic or archaeological significance or other important considerations. Assigning "multiple values" to a site is very important for CPC consideration

Open Space projects may also be undertaken in concert with:

- The Massachusetts Division of Fisheries and Wildlife
- The Taunton River Watershed Alliance
- Southeastern Regional Planning Economic Development District
- The Wildlands Trust
- Trustees of Reservations
- Massachusetts Audubon Society
- Neighboring communities
- Other agencies as determined

In deciding whether to recommend funding for specific open space projects, the CPC will consider:

- Level of significance to the Town of Middleborough
- Public benefit
- Public support
- Integrity of property including proximity to other natural resources
- Amount of additional financial or in-kind services beyond CPC funds committed to the project.
- Administrative and financial management capabilities and record of the applicant to ensure that the project is completed in a timely manner and that the resource can be maintained for continued public benefit
- Potential loss or destruction of the resource if proposed action is not taken
- Consistency with Middleborough's Open Space and Recreation Plan (2008), Master Plan (2002), Community Development Plan (2004), Historic Preservation Plan (1989) and other pertinent documents

The CPA as approved by the Massachusetts legislature specifically excludes funding for maintenance.

## RECREATIONAL LAND

### Overview

CPA funds may be expended for the acquisition, creation, and preservation, rehabilitation and restoration of land for recreational use, and for the rehabilitation or restoration of such land. Recreational use is defined as active or passive recreational use including, but not limited to, the use of land for community gardens, trails, and noncommercial youth and adult sports, and the use of land as a park, playground or athletic field. Recreational use shall not include horse or dog racing or the use of land for a stadium, gymnasium or similar structure. Rehabilitation is defined as the remodeling, reconstruction and capital improvements, or the making of extraordinary repairs to make resources functional for their intended use, including but not limited to improvements to comply with the Americans with Disabilities Act and other federal, state or local building or access codes. With respect to land for recreational use, "rehabilitation" shall include the replacement of playground equipment and other capital improvements to the land or the facilities thereon which make the land or the related facilities more functional for the intended recreational use. The acquisition of artificial turf for athletic fields shall be prohibited.

### Community Preservation Goals

#### **Goal 1:** Create additional athletic fields

Creating new athletic fields will provide additional recreational opportunities for the community while reducing the wear on existing fields through overuse.

#### **Goal 2:** Create new recreational opportunities

To provide a diversity of recreational opportunities, new multi-use trails, equestrian facilities, neighborhood playgrounds, bicycle and motorbike facilities and interpretive nature areas should be provided as community-wide resources. Access to recreational lands for fishing, hunting, canoeing, boating, swimming, hiking, wildlife appreciation and other activities should also be secured.

#### **Goal 3:** Improve existing recreational facilities

Providing access to existing recreational land along the community's lakes and rivers and in its forests is critical. In order to improve access to existing recreational facilities and to enhance the experience of those who enjoy them, accessibility for those residents with disabilities, parking, restrooms and other amenities should be provided or improved.

#### **Goal 4:** Create a green belt of recreational paths

Develop a unified system of multi-use paths by mapping and linking existing recreational paths, particularly near densely populated areas of town.

#### **Goal 5:** Provide recreational accessibility to the Nemasket and Taunton Rivers

Providing access to these two waterways not only improves passive recreational opportunities within Middleborough, but encourages protection of valuable, scenic and historic lands in the river corridors.

### **Specific Criteria for CPA funded Recreational Land Projects**

The CPC supports projects that further the community's preservation goals. While the CPC welcomes a variety of participants and projects, an understanding of the statutory guidelines will help applicants through the process.

In deciding whether to recommend funding for specific recreational land projects, the CPC will consider:

- Public benefit
- Public support
- Amount of additional financial or in-kind services beyond CPA funds committed to the project
- Administrative and financial management capabilities and record of the applicant in order to ensure that the project is completed in a timely manner, and that the historic resource can be maintained for continued public benefit
- Future maintenance and staffing costs to ensure that newly created recreational opportunities may be maintained for continued public benefit
- Consistency with Middleborough's Open Space and Recreation Plan (2008), Town Fields Study Report (2003), Master Plan (2002), Community Development Plan (2004), Historic Preservation Plan (1989) and other pertinent documents

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## HISTORIC PRESERVATION

### Overview

CPA funds may be expended for the acquisition, preservation, rehabilitation and restoration of historic resources. An historic resource is defined as a building, structure, object, site, landscape, document, artifact or other real property that is either listed **or eligible for listing** on the **National or** State Register of Historic Places, or is determined by the local Historical Commission to be significant in the history, architecture, archaeology or culture of Middleborough.

Community Preservation Act (CPA) funds invested in the preservation of historic property requires that the property be protected by a permanent preservation restriction. A proposal for the historic preservation of any type of resource must also demonstrate evidence of public benefit.

### Community Preservation Goals

**Goal 1:** Acquire, preserve, rehabilitate and/or restore and provide permanent protection for historic, cultural, architectural or archaeological resources of significance, especially those that are threatened

The preservation of historic resources is critical for maintaining the character of the community, preserving a record of its development and providing for its future as a unique, diverse, economically-viable and livable community. The community is committed to fostering local preservation of historic resources through currently available tools including a Structure Demolition Delay By-Law, design oversight under the Site Plan Review zoning provision within the commercial district, preservation restrictions and easements, and continuing partnerships with local and state boards and organizations such as the Middleborough Planning Board, Middleborough Conservation Commission and Massachusetts Historical Commission. Future goals will be the pursuit of local historic districts within Middleborough, establishment of certified local government, and extension of design oversight to all historic districts. Priorities for preservation include, but are not limited to, resources within the Nemasket and Taunton River corridors and within the four existing National Register Districts: Middleborough Waterworks NR Historic District (1990), Middleborough Center Historic District (2000), Muttock NR Historic and Archaeological District (2000) and South Middleborough NR District (2009), as well as properties individually listed on the National or State Register of Historic Places.

**Goal 2:** Preserve, rehabilitate and/or restore town-owned properties, features, artifacts, documents or resources of historical significance

In order to maintain a economically vibrant, architecturally-distinct, livable and vital downtown district, the goal of the community is to ensure the preservation, rehabilitation and/or restoration of municipally-owned historic resources.

**Goal 3:** Preserve, rehabilitate and/or restore the historic function of a property or site

### Specific Criteria for CPA funded Historic Preservation Projects

The CPA sets a preliminary standard for historic preservation projects. In order for an historic resource to be eligible for CPA funding, it must first be determined to be not just historic (i. e. old), but to be of historic significance. In order to be historically significant, a property must have maintained an historic integrity and also must have gained significance beyond age through association with noteworthy people or events, through architectural significance, or through the potential to yield important historical or archaeological information.

There are **three** **two** ways a resource may qualify as historically significant:

- Listing on the **National or** State Register of Historic Places
- **A written determination by the Massachusetts Historical Commission that the resource is eligible for listing on the National or State Register of Historic Places**
- A written determination by the Middleborough Historical Commission that a resource is significant in the history, archaeology, architecture or culture of Middleborough.

If a resource is not already listed on the **National or** State Register of Historic Places **or** **if there is no written determination of eligibility by the Massachusetts Historical Commission**, prospective applicants may request a written determination of historical significance through the Middleborough Historical Commission. Once a resource has been officially determined to be of historical significance, it is eligible for funding consideration by the CPC.

In deciding whether to recommend funding for specific historic resource projects, the CPC will consider:

- Level of historical significance to the Town of Middleborough
- Public benefit
- Public support
- Integrity of the historic resource or property including location on original site, location in original historic context, retention of elements of historic design or style, retention of original materials, retention of elements of historic workmanship, and retention of association with the history of the town
- Appropriateness and professionalism of proposed work including whether work will comply with the Secretary of the Interior's Standards for the Treatment of Historic Properties
- Amount of additional financial or in-kind services beyond CPA funds committed to the project
- Administrative and financial management capabilities and record of the applicant in order to ensure that the project is completed in a timely manner, and that the historic resource can be maintained for continued public benefit
- Potential loss or destruction of the resource if proposed action is not taken
- Consistency with Middleborough's Master Plan (2002), Community Development Plan (2004), Historic Preservation Plan (1989) and other pertinent documents



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## AFFORDABLE HOUSING

### Overview

CPA funds may be used to acquire, create, and preserve and support community housing as defined in the statute as housing for low and moderate income individuals and families, including low or moderate income senior housing. "Support of community housing", shall include, but not be limited to, programs that provide grants, loans, rental assistance, security deposits, interest-rate write downs or other forms of assistance directly to individuals and families who are eligible for community housing or to an entity that owns, operates or manages such housing, for the purpose of making housing affordable. The CPA requires the CPC to recommend, wherever possible, the adaptive reuse of existing buildings or construction of new buildings on previously developed sites.

Individual and family incomes shall be based on the area wide median income as determined by the United States Department of Housing and Urban Development. Low income is defined as an annual income of less than 80% of the area wide median income. Moderate income is defined as less than 100% of the area wide median income. Low or moderate senior income is defined as low or moderate income for persons over 60.

As of June 2011, 4.6% of Middleborough's housing units were classified as affordable "subsidized housing" by the Commonwealth of Massachusetts Department of Housing and Community Development (for the purposes of Chapter 40B). As long as Middleborough does not meet the Commonwealth's standard of 10% of its available housing stock deemed affordable, the town will continue to be subject to Chapter 40B development.

The intent of the CPC is to make recommendations that will support community housing needs and be consistent with Middleborough's vision as reflected in the Master Plan, Community Development Strategy, the Community Development Plan, the Affordable Housing Plan and the Housing Production Plan, as well as the Commonwealth's Sustainable Development Principles. The Town recognizes the need to ensure that housing is available for the elderly and families of all income levels. The complexity of this issue requires thoughtful consideration of the many options available to the Town of Middleborough. We acknowledge that funding of the housing needs of our town is a complex issue. Over the next years, we will continue to address these pressing needs with practical and fundable solutions. The CPA therefore can serve as an effective tool in providing housing alternatives for our community needs and developing an effective shield against 40B development proposals that would circumvent Middleborough's zoning laws. The Community Preservation Committee welcomes working with developers to provide creative alternatives to conventional chapter 40B proposals.

### Community Housing Goals

**Goal 1:** Meet local housing needs among eligible low and moderate incomes, while promoting diversity and the stability of individuals and families living in Middleborough

The preservation and creation of community housing is a proven method for promoting diversity, allowing individuals and families with more limited means to afford to live in our community. The town can utilize Community Preservation funds to offer current and future residents a wide range of housing options, including mixed-use housing, re-use of existing houses and buildings, senior residential developments, supportive housing alternatives and live/work spaces.

**Goal 2: Rehabilitating and preserving housing stock affordable to low to moderate income persons**

New housing units can be created by pursuing substantial rehabilitation and adaptive reuse of existing buildings. Locations suitable for new residential development need to be identified and should be consistent with relevant town plans. Areas where town services are available may be better able to support the development of higher density housing for the elderly and families. Such areas would support the reuse of deteriorating commercial buildings, the creation of second floor downtown rental housing and infill construction on vacant lots.

**Goal 3: Ensure that new community housing is harmonious with the existing community**

Developments will incorporate a number of characteristics designed to maintain a density consistent with surrounding locations throughout the town while conserving the natural landscape. Infill developments and new developments should incorporate the characteristics of traditional neighborhood residential design.

**Goal 4: Maintain the rural, residential and historic character of the town**

Appreciation and preservation of historic properties and architectural character should be encouraged. Creation of higher density developments should be encouraged to protect open space for conservation and recreation. Care should be taken as to any housing development in environmentally sensitive areas in order to protect the Town's environmental assets.

**Goal 5: Work towards meeting the 10% State 40B standard for community housing**

In order to ensure future community housing development is consistent with the needs and character of the town, Middleborough must meet the Commonwealth's 10% community housing standard. Until that milestone is achieved, the town will be considered deficient in this area and will continue to be vulnerable to Chapter 40B applications.

**Goal 6: Leverage other public and private resources to the greatest extent possible**

Middleborough does not receive federal or state funding for community housing on an entitlement basis. We need to be creative in leveraging public and private resources to make community housing development possible. Combining Community Preservation funds with the various private, state, and federal resources that are available on a non-entitlement "competitive" basis will demonstrate creativity. This will include Community Development Block Grants, Federal Home Loan Bank Funds, State HOME funds, Housing Stabilization funds, and Housing Innovations funds, and Federal Low Income Housing Tax credits. The Community Preservation Committee will work with the

Middleborough Housing Authority, the Planning Department, and the Middleborough Office of Economic Development to meet these goals.

### **Specific Criteria for CPA funded Affordable Housing Projects**

The CPC supports projects that further the community's preservation goals. While the CPC welcomes a variety of participants and projects, an understanding of the statutory guidelines will help applicants through the process. In deciding whether to recommend funding for specific affordable housing projects, the CPC will consider:

- Public benefit
- Public support
- Amount of additional financial or in-kind services beyond CPC funds committed to the project.
- Administrative and financial management capabilities and record of the applicant to ensure that the project is completed in a timely manner and that the resource can be maintained for continued public benefit
- Consistency with Middleborough's Master Plan, Community Development Plan, Housing Production Plan or other planning documents related to housing preservation that have undergone a public planning process

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