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# TOWN OF WAREHAM

## COMMUNITY PRESERVATION PLAN

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Revised June 2006

### INTRODUCTION

*THE COMMUNITY PRESERVATION ACT, MGL CHAPTER 44B (CPA), IS LEGISLATION WHICH ALLOWS CITIES AND TOWNS IN THE COMMONWEALTH OF MASSACHUSETTS TO ADOPT A PROPERTY TAX SURCHARGE WITH SURCHARGE REVENUES PLUS MATCHING FUNDS FROM THE STATE TO BE ALLOCATED FOR THE “ACQUISITION, CREATION AND PRESERVATION OF OPEN SPACE, THE ACQUISITION, CREATION AND PRESERVATION OF HISTORIC STRUCTURES AND LANDSCAPES AND THE CREATION AND PRESERVATION OF COMMUNITY HOUSING.”<sup>1</sup>*

Wareham enacted the CPA approving a 3% real estate tax surcharge (with an initial \$100,000 property value exclusion) which qualifies the Town to receive matching funds from the Commonwealth each year. The state funds are generated by recording fees at the Registrar of Deeds and are estimated at \$26 million available for local CPA fund matches each year. It is anticipated that Wareham will receive a 100% match of CPA funds from the Commonwealth for coming fiscal year. To date, a total of 104 towns have now passed the Community Preservation Act, understanding the benefits it brings to municipalities wanting to preserve and enhance their communities in important ways.

### *Committee*

Consistent with the requirements of the CPA, the Wareham Community Preservation Committee (CPC) was formed to review and recommend CPA projects for Town Meeting approval. The CPC, appointed by the Selectmen, includes representatives of the town’s Conservation Commission, Historical Commission, Planning Board, Housing Authority, Recreation Commission, Open Space Committee and three at-large citizen members. (Committee member names are listed at the end of this plan.)

The Wareham CPC has determined:

- It will solicit and encourage projects.
- Although it will fund projects, it will not implement them.
- It will be guided by community goals described in public surveys or set forth in other public documents that are the result of public input and scrutiny.
- It will attempt to meet multiple community preservation goals in each project.
- It will communicate goals and mission to the public.

The CPC has reviewed existing Town studies, including the *Town of Wareham Comprehensive Community Plan 1998* (1998 Master Plan), the *Wareham Open Space and Recreation Plan 1997-2002* (1997 Open Space Plan) and the *2002 Community Preservation Act Survey* (CPA Survey), and the CPA-funded *Meeting Housing Needs in Wareham* (2004 Housing Study and Recommendations).

<sup>1</sup> Massachusetts General Laws, Chapter 267 of 2000, Section 1, Chapter 44B, the Massachusetts Community Preservation Act (MA CPA)

Pertinent goals published in these reports are incorporated in this report and will form the criteria for projects recommended by the CPC. Other projects may be submitted, though applications consistent with Town goals as espoused in these documents will receive preference.

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## OVERVIEW

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In November of 1997, citizens of Wareham were asked to complete a survey in order to provide input to the 1998 Master Plan. When asked to rank priorities, respondents to that survey indicated that keeping taxes low was of greatest importance, followed by preserving Wareham's small town character and thirdly, protecting our natural resources.

Just five years later, the escalating threat of over-development and suburban sprawl led Wareham voters to a reassessment of priorities: while preservation of Wareham's small town character and protection of natural resources remain of paramount importance, as a community, citizens realized they must pay to protect their most valuable treasures.

To that end, at Town Meeting in October of 2001 and again—*resoundingly*--in April 2002 town elections, the residents of Wareham voted to pass the Community Preservation Act. Voters willingly added a surcharge to real estate taxes for the purpose of protecting open space, historical preservation or providing community housing: in short, to preserve Wareham's small town character and protect natural resources. Wareham's vision of the future is clear. Since 2003, the Community Preservation Act has provided financial means to meet specific goals to support that vision and continues to do so.

**Excerpts from the 1998 Vision Statement for Wareham...**Residents wish to protect the natural features and community character that make the place unique.<sup>2</sup>

*A sense of history should also be maintained.*<sup>3</sup>

*Access to the natural environment is an important component to the quality of life enjoyed by residents. To some, access means the views and vistas they pass on the drive to work. For others it is the chance to walk along the shore or hike in the woods. Fresh and saltwater recreation plays a vital role in the life of the community. Regardless of the*

*way people enjoy the outdoors, residents wish to preserve the natural environment to be enjoyed by current and future generations.<sup>4</sup>*

*The value of open space to the community cannot be overemphasized. Open space provides habitat for animals, buffers between incompatible land uses, is a haven from the pace of modern life and demands minimal services from the local government. Efforts should be made to preserve open space for future generations to enjoy, particularly, large contiguous tracts.<sup>5</sup>*

<sup>2</sup> *Town of Wareham Comprehensive Master Plan 1998 (Master Plan), page 5*

<sup>3</sup> *Ibid.* page 5

<sup>4</sup> *Ibid.* page 6

<sup>5</sup> *Ibid.* page 6

## **OPEN SPACE**

### ***Definition***

The CPA defines open space as including “but not ...limited to land to protect existing and future well fields, aquifers and recharge areas, watershed land, agricultural land, grasslands, fields, forestland, fresh and salt water marshes and other wetlands, ocean, river, stream, lake and pond frontage, beaches, dunes and other coastal lands, lands to protect scenic vistas, land for wildlife or nature preserve and land for recreational use.”<sup>6</sup>

### **Background**

With 57 miles of coastline and a total area of just under 24,000 acres, Wareham is fortunate to claim nearly 60% of its land as open space, agricultural or recreational land. However, between 1971 and 1999, Wareham lost 12.2% of its agricultural land, 12.2% of its forest/wetland and open spaces and 20.2% of its recreation land to other uses. And, urban land use increased by 32.1% over the same period. <sup>7</sup>

Since enactment of Proposition 2-1/2, many municipalities, including Wareham, have had difficulty appropriating funds for the purchase and protection of open space. Across the Commonwealth, national, regional and local conservation organizations and land trusts have attempted to bridge the funding gap and have, by purchase or through conservation restrictions, protected thousands of acres of open space. While Wareham does enjoy property protected by Massachusetts Audubon, the Wildlands Trust of Southeastern Massachusetts, the Trustees of the Reservation/Buzzards Bay Coalition and most recently, the Wareham Land Trust, only 4.7% of that open space is permanently protected.<sup>8</sup>

### ***Critical Issues***

*Wareham’s dependence on the cranberry industry and on private voluntary preservation of green space and open vistas is precarious and will eventually be threatened by development pressures. The important source of open space provided by cranberry and*

*agricultural land is not permanently protected open space since the resource depends on the continued viability of the industry.*<sup>9</sup>

*If cranberry production ever becomes economically unfeasible, the community can anticipate major real estate speculation of bog lands, especially since many bogs are located along or near open water.*<sup>10</sup>

<sup>6</sup> MA CPA

<sup>7</sup>Sources: SRPEDD Website:

Agricultural land use includes intensive and extensive agriculture, and orchards, nursery, cranberry bogs. Forest/wetland/open space land use includes forest, nonforested freshwater wetland, abandoned agriculture; power lines; areas of no vegetation, and salt marsh. Urban land use includes residential, industrial areas; urban open space (parks, cemeteries, public and institutional greenspace; also vacant undeveloped land).

1971 data = MaConnell, WP, *Planning & Development Series No. 23*, 1973

1999 data =downloaded from MASSGIS website

<sup>8</sup>SRPEDD Website

<sup>9</sup> *Master Plan*, page 94

<sup>10</sup> *Master Plan*, page 70

Prior to the spring of 2002, the last open space purchase by the Town of Wareham occurred in 1976 when the town purchased land now known as the Birch Island Conservation Area. In May 2002, the new Wareham Land Trust executed a purchase of 66 acres on Fearing Hill on behalf of the Town of Wareham. However, with the decrease in cranberry prices, the situation addressed in the 1998 Master Plan (see previous page) has come to pass. Unprecedented development pressures are being brought to bear on the Town, in part, by landowners removing property from agricultural protection. In addition, the relatively low cost of land in Wareham, compared to other locales, continues to attract developers. Now more than ever before, open space in Wareham must be protected before it—and our small town/rural quality of life—are lost forever. The Town will continue to rely heavily on private organizations to preserve and protect our open space. However, through the CPA, the Town of Wareham can become an active participant or partner in the effort to protect our most valuable resource.

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### ***OPEN SPACE STRATEGY***

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Results from the CPA Survey were consistent with both the 1998 Master Plan and the 1997 Open Space Plan insofar as Wareham residents particularly identified protection of our water supply as a critical open space acquisition goal. To that end, the CPC encourages projects that seek to protect open space throughout our watershed, within the Plymouth Aquifer and especially, properties contiguous with Wareham or Onset water supplies.

The CPC welcomes projects that will preserve waterfront property from development as again, the 1998 Master Plan, 1997 Open Space Plan and CPA Survey all found protection of Wareham's water resources, including coastal waters, river systems, ponds and wetlands to be of primary concern to Wareham residents. As an example, acquisitions of land along the Weweantic, Red Brook, Agawam and Wankinko rivers are important for

the reasons mentioned as well as for preservation of wildlife habitat and endangered species.

The CPC invites open space projects to create greenbelts and wildlife corridors by linking rivers, streams or other protected forests, meadows or marshes, again, an oft-cited Town priority as well as one echoed by the Baylands Land Trust of the Buzzards Bay Coalition in its Five Year Watershed Action Plan (WAP—November 2002 draft).

***Additional CPA open space funding criteria include:***

Protection of biodiverse habitats or vegetation  
Habitats for threatened or endangered species of plants or animals  
Passive recreation opportunities  
Land access for environmental education  
Flood control benefits  
Provide connections with existing trails or potential trail links  
Preserve Wareham's rural and agricultural character  
Special consideration for purchase of former cranberry lands  
Creating access to fresh and salt water beaches and ponds

Open space projects that incorporate multiple objectives and involve other organizations (governmental conservation agencies or private land trusts) to leverage funding potential will receive priority consideration.

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## HISTORIC PRESERVATION

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### ***Definition***

The CPA provides for the “acquisition, creation and preservation of historic structures and landscapes which in turn are defined as follows: ‘a building, structure, vessel or real property that is listed or eligible for listing on the state register of historic places or has been determined by the local historic preservation commission to be significant in the history, archeology, architecture or culture of a city or town.’ ”<sup>11</sup>

### **Background**

Wareham's history is long and culturally diverse. The Town was settled as a fishing and farming community in the seventeenth century. Industries, such as salt works, shipbuilding and iron foundries blossomed in the next century, leaving behind a wealth of historically significant residential and commercial buildings and structural remains. In the nineteenth and early twentieth centuries, shorefront communities and religious summer camps grew to prominence leaving yet another layer of historical strata to preserve or restore.

Current efforts to preserve Wareham's historic properties are directed by the Historical Commission (Town-appointed), the Historic District Commission (Town-appointed), the Historical Society (private, non-profit), and from time-to-time, project-specific groups, such as the Tremont Nail Factory Master Plan Committee.

The Historical Commission has just completed a CPA-funded local inventory of all historic structures. The Historic District Commission is responsible for protecting the Town's three historic districts. The Historical Society owns and maintains several historic properties and structures.

Several Wareham properties of national significance are included on the National Register of Historic Places and many other properties of state significance are included on the Massachusetts Historical Commission inventory of historic places. Other sites are of regional or local significance such as Native American archeological sites and historic structures or remnants of buildings important to the cranberry business or to the local Cape Verdean community.

### ***Critical Issues***

*Future growth and development within the town could be a threat to the preservation of historic landscapes and structures.<sup>12</sup>*

Historic properties in all categories are at risk either through simple neglect or the threat of demolition to make way for new homes and subdivisions. A recent example is the Oak Grove School on Onset Avenue, which has suffered from neglect over the decades. It has been identified as National Register eligible and is being restored, in part, with CPC funding, and will be leased for Head Start classes and for use by the community.

<sup>11</sup> MA CPA

<sup>12</sup> *Ibid*

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## ***HISTORICAL PRESERVATION STRATEGY***

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The CPA provides a funding source to assist in the preservation of the most significant of Wareham's historical properties. The CPA seeks historical projects that include one or more of the following:

- Acquisition of threatened properties of historical significance
- Protection, preservation, or restoration of historic, cultural, architectural or archaeological resources of significance, especially those that are threatened, including historic records and artifacts
- Protection, preservation, rehabilitation or restoration of town-owned properties of historic and/or cultural importance
- Protection of resources to retain historic integrity, in terms of location, context, design,

- style, workmanship and materials
- Preservation of historic landscapes and vistas
- Preservation of historic buildings for conversion to community housing or other community uses.

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## COMMUNITY HOUSING

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### *Definition*

Community housing includes low and moderate income housing for individuals and families, including low or moderate income senior and disabled person housing.

Low-income housing is defined as housing for those persons and families whose annual income is less than 80 percent of the area-wide median income (as determined by the United States Department of Housing and Urban Development).

Moderate-income housing is defined as housing for those persons and families whose annual income is less than 100% of the area-wide median income (as determined by the United States Department of Housing and Urban Development).

Low or moderate-income senior housing is defined as housing for persons age 60 or over who would qualify for low or moderate income housing.<sup>13</sup> Persons with disabilities may qualify at a lower age than 60.

### **Background**

*Wareham is a suburban community with a higher percentage of lower cost homes than other towns in the region. The mix of housing ranges from large, waterfront estates to modest summer cottages to manufactured (mobile) homes.*<sup>14</sup>

<sup>13</sup> MA CPA

<sup>14</sup> *Master Plan*, page 12.

**Currently, 6%** of Wareham's housing units is classified as "affordable" by the Massachusetts Department of Housing and Community Development (for the purpose of chapter 40B).<sup>15</sup> However, as home to 17 trailer parks, the most of any community in Massachusetts, Wareham has an additional 926 units of low-cost housing, which represents another 8.7% of the total housing market.<sup>16</sup> However, until such time as the

Commonwealth reclassifies mobile homes for chapter 40B purposes or the town grows through the addition of a substantial amount of new “affordable” housing stock, Wareham is vulnerable to developers who will treat the 40B loophole as a license to build with little regard to town zoning or planning board ordinances. Indeed, Wareham risks developments that fail to conform to our small town surroundings and could undermine the community’s larger land use goals.

This is not to say that Wareham should not strive to provide housing for all levels of its economically mixed population. Indeed, a key community goal as outlined in the Master Plan of 1998 is

*to maintain Wareham as a diversified community that provides housing opportunities for all residents regardless of age, income, ethnic origin or ability.*<sup>17</sup>

The CPC believes this goal can be achieved with the rehabilitation of existing structures and thoughtful, well-placed development. In fact, the CPA dictates: “With respect to Community Housing, the CPC shall recommend, wherever possible, the reuse of existing buildings or construction of new buildings on previously developed sites.”<sup>18</sup>

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### ***COMMUNITY HOUSING STRATEGY***

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- The CPA could provide funding for projects that:
- Survey the affordable housing environment
- Convert historic buildings, such as former churches or vacant schools, to
- affordable/community housing
- Purchase existing properties for rehab as affordable housing
- Consider funding projects driven by private organizations (such as Habitat for Humanity) with the preference that new building occur only in already-developed areas (already equipped with public water, sewage, etc.)
- Provide funding for accessibility and to assure ADA compliance for community housing
- Create housing opportunities on town-owned land
- Provide rehab opportunities for the homes of elderly and disabled persons in exchange for affordable deed restriction
- Provide funding for programs offering first and last month’s rent assistance to qualified low and moderate income persons, and otherwise assist Wareham citizens to secure safe and adequate rental housing and emergency shelter in the community

Projects that create housing units counted by the Department of Housing and Community Development as “affordable” will receive priority consideration. It is also preferred that, when possible, individuals that live and work in Wareham will receive preference for affordable housing created.

<sup>15</sup> SRPEDD Website

<sup>16</sup> US Bureau of the Census, Census 200

<sup>17</sup> *Master Plan*, page 24

<sup>18</sup> MA CPA

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## RECREATION

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### ***Definition***

Recreational use, 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. <sup>19</sup>

### **Background**

The Town of Wareham manages and maintains recreational facilities, areas and programs throughout the Town. Recreational properties include a number of playgrounds and playing fields, the Birch Island and Fearing Hill conservation areas, Minot Forest, Camp Lakota and public beaches that are maintained by the Recreation Department, School Department, Municipal Maintenance Department, Conservation Commission or Minot Forest Committee.

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## ***RECREATION STRATEGY***

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The 1997 Open Space and Recreation Plan includes the following objectives:

- Construct a multi-purpose bike trail.
- Explore possibility of connecting the bike path with other towns and the Cape Cod Canal Bike Path.
- Upgrade and expand existing recreation facilities in Wareham including parks, playgrounds and beaches.<sup>20</sup>
- Provide improved means of access to town recreational areas and encourage access to private lands for walking.<sup>21</sup>

In addition, the 1998 Master Plan and the 1997 Open Space and Recreation Plan recommends that the town

- Pursue all opportunities to acquire shore access points for public use.*<sup>22</sup>

CPA projects might include acquisition of land for any of the above-mentioned objectives or for other manners of passive and/or active recreation. Additionally, projects that also fall under the “Open Space” heading might qualify for consideration as “Recreation Projects” for funding purposes if they address linkage of existing areas of passive recreation, specifically, by creating walking or hiking trails or, as mentioned in the 1997 Open Space Plan and the 1998 Master Plan, provide shoreline access.

<sup>19</sup> MA CPA

<sup>20</sup> *Wareham Open Space and Recreation Plan 1997-2002*, page 106

<sup>21</sup> Ibid

<sup>22</sup>Master Plan, page 111

### **Community Preservation Committee:**

|                                          |                                                                |
|------------------------------------------|----------------------------------------------------------------|
| Nancy Miller, Chair                      | nancyjoymiller@comcast.net                                     |
| <i>At-large</i>                          |                                                                |
| Christy Gunnels, Clerk                   | minkcove@comcast.net                                           |
| <i>At-large</i>                          |                                                                |
| Donald Hall, Wareham Housing Authority   |                                                                |
| Michael Ponte, <i>Conservation</i>       | mponte2@netzero.net                                            |
| Sue Mellon, <i>Historical Commission</i> | <a href="mailto:SueBrownies@aol.com">SueBrownies@aol.com</a>   |
| Susan Pizzolato, <i>at-large</i>         | susnp@aol.com                                                  |
| Mary Taggart, <i>Planning Board</i>      | <a href="mailto:tag21960@comcast.net">tag21960@comcast.net</a> |
| Marjorie Teitelbaum, <i>Open Space</i>   | <a href="mailto:marteitel@aol.com">marteitel@aol.com</a>       |
| Sherbie Worthen, <i>Recreation</i>       | sherbieworthen@gmail.com                                       |

Jim Potter, liaison from the Board of Selectmen