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# Preliminary Relocation Plan

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North Carver Urban  
Renewal Plan

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November, 2016

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## Preliminary Relocation Plan North Carver Urban Renewal Plan

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## **Section A. Narrative Description of the Relocation Program**

The North Carver Urban Renewal plan is comprised of a project area of approximately 300 acres and is located along US Route 44 on the south, Route 58 on the east, the Plympton, MA town line on the north and the Middleborough, MA town line on the west. The project entails the assembly of a redevelopment site to support Phase 1 development. The content of the plan provides detail regarding the project particulars.

The plan as currently proposed may involve the displacement of approximately six (6) parcels occupied by both commercial enterprises and residents. Among these parcels, there are three (3) homeowner occupied properties; three (3) commercial or owner-non occupant investment property and one (1) residential tenant. In addition, there are two (2) properties utilized as cranberry bogs which are included within the plan for statistical purposes only but may or may not be eligible for relocation benefits. This preliminary relocation plan has been prepared exclusively for this project and outlines the anticipated relocation program and procedures that will be undertaken by the Carver Redevelopment Authority in connection with its assistance to displaced occupants. In keeping with generally accepted practices, this relocation plan may be amended and modified as the various project phases are finalized. In addition, no potentially displaced occupants were interviewed for this relocation plan. It is understood that the properties identified in the Urban Renewal Plan for this project may change as the program evolves and until the actual properties to be acquired is more defined and the eventual timing of any property acquisitions is established that it is preferable for site occupants and property owners to wait on obtaining information from potentially displaced occupants for a later date. Eventual interviews with occupants and the information obtained from such interviews will be added to the relocation plan as an addendum and will subsequently be submitted to the Massachusetts Bureau of Relocation for review, consideration and approval.

All relocation activities will comply with applicable state and federal regulations and will be supported by a relocation plan prepared in accordance with applicable federal and state requirements, including the requirements of 760 CMR 27.00, Relocation Assistance Regulations. No displacement will occur until a relocation plan has been finalized and approved by the Department of Housing and Urban Development (DHCD)'s Bureau of Relocation.

All eligible lawful occupants determined to be displaced as a result of the property acquisition for this project will be provided relocation assistance and payments pursuant to the Uniform Relocation Assistance and Real Property Acquisition Act of 1970, as amended; 42 U.S.C. Section 4601 *et seq.*; and the applicable implementing regulations set forth in Title 49, Part 24 of the Code of Federal Regulations (together the "Uniform Act"). In addition, the WRA will adhere to the requirements of Massachusetts General Laws, Chapter 79A, and 760 Code of Massachusetts Regulations, Part 27.00. In any instances where there is a conflict between federal or state laws

and/or regulations, with respect to relocation payments or benefits to eligible displaced occupants, the displacing agency will make every effort to apply the requirements of whichever law or regulation provides the greater benefit to the displaced occupant.

The Carver Redevelopment Authority will seek designation as the relocation advisory agency for this project and will be responsible for providing required relocation assistance and payments to persons displaced due to this project. This designation will be updated in consultation with the Bureau of Relocation. The Carver Redevelopment Authority will retain the services of independent professionals with experience in implementing the Uniform Act to provide comprehensive assistance to displaced persons and businesses. In addition, the Carver Redevelopment Authority will work closely with local real-estate brokers and appraisers, state and local officials to ensure that any adverse impact of displacement on the affected occupants is minimized.

During the relocation process, the Carver Redevelopment Authority will provide ongoing information relative to available space, assistance programs including, but not limited to, small business loan programs and other data that may be useful to displaced occupants.

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**Section B. Displacement Number**

Approximately seven (7) displacements have been identified for inclusion within this plan. In addition, there are two (2) properties operating as cranberry bogs. An inventory is provided below:

<b>North Carver Urban Renewal Plan</b>		
<b>Occupant Inventory–November 2016</b>		
<b>Occupant Name</b>	<b>Address/Unit</b>	<b>Type</b>
Landscaper	1 Park Avenue	Business Tenant Landscaper
Contractor Yard	18 Montecello St.	Business Tenant Contractor Yard
Owner–non occupant	10–B Montecello St.	Business Tenant Owner–non occupant
Residential tenant	10–B Montecello St.	Residential Tenant
Tassinari	12 Montecello St.	Resident Homeowner Occupant
Kuscher	16 Montecello St.	Resident Homeowner Occupant
Allen	20 Montecello St.	Resident Homeowner Occupant
Bog	10–A Montecello St.	Bog – agricultural
Bog	10–B Montecello St.	Bog–agricultural

The names of all lawful eligible occupants will be determined and/or confirmed prior to and/or as a part of undertaking occupant interviews. Inclusion of any entity on this list does not establish eligibility for relocation assistance or benefits and is subject to change or review depending upon the eventual accepted plan to acquire property.

### **Section C. Estimated Date of Displacement**

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It has not been determined presently when land acquisition activities will commence. It is understood that relocation of both residential properties and commercial occupants will take time. For residential properties, time will be needed for the homeowners and tenant to find and secure suitable replacement dwellings and coordinate moves to new dwellings. For commercial properties, it time to relocate will depend upon the particular needs of the occupants and any issues that will need to be considered in terms of securing replacement commercial space. More detail regarding timing will be included within the required relocation plan to be filed with the Massachusetts Bureau of Relocation and based upon interviews with affected occupants.

### **Section D. Site Occupant Needs**

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As noted above, site occupant surveys have not been undertaken at this time due to the fact that site occupants may change between now and the point in the future when acquisition of property and relocation of occupants may occur. In addition, when it is determined when property acquisition may take place, all occupants will be asked to meet with Carver Redevelopment Authority staff and/or consultants to prepare a site occupant survey. The site occupant survey will determine the needed number of square feet, space layout, maximum rent, and any specific needs. For residential occupants, the survey will include assessment of family composition, income requirements/limitations, access for transportation, student needs or concerns, special egress issues and other issues to be considered.

It is intended that the Carver Redevelopment Authority will continue to meet with site occupants over the course of the relocation process to update information pertaining to their relocation needs. A comprehensive record of each eligible occupant's relocation needs will be maintained within the site occupant record and will be updated as required.

In general, for residential occupants, the market for residential properties to purchase or rent in Carver and the immediate area is quite strong. There is on average between 14-16 single family homes listed on MLS for sale in Carver between \$200,000 and \$300,000. The homes appear to be functionally equivalent to the single family homes identified within this plan.

With regard to the commercial occupants to be displaced, historically relocation of contractor yard or landscaping business are fairly straightforward to relocate. Issues with zoning and availability of space to accommodate the needs of the businesses would appear to be not insurmountable.

Concerning the two (2) properties upon which there are or may be some agricultural operation, namely cranberry bogs, determining whether or not relocation issues would be applicable would depend upon the nature of the enterprise; i.e., if it meets the definition of “farm” within the Uniform Act; income generated by such an enterprise; presence of any personal property on site that will need to be relocated and any determinations made as part of the real estate appraisal process. More information will be determined as a full relocation plan is prepared that may identify the relocation needs for these parcels.

### **Section E. Estimated Cost of Relocation**

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The total cost of relocation for this project is estimated to be between \$250,000 and \$300,000. This estimate was developed based on maximum fixed payments available for smaller businesses and average claims paid for homeowner occupants and residential occupants. This estimate excludes consulting fees to prepare and implement the relocation plan. Actual costs will depend, of course, on many factors unknown at this time, including, but not limited to, determinations of eligibility for the bogs, acquisition costs of the dwellings and rental values.

### **Section F. Description of Funding Sources**

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Project funding will come from a combination of local, state and federal sources. For determining relocation benefits available to affected occupants, all funding will result in benefits available in accordance with the Uniform Relocation Act and MGL c. 79A.

### **Section G. Assurance Statement**

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The relocation assistance program and the relocation payments provided by the Carver Redevelopment Authority will comply with Massachusetts General Laws Chapter 79A of as most recently amended by Chapter 863 of the Acts of 1973, and with the regulations contained in 760 CMR 27.00. A signed assurance statement from will be forwarded to the Bureau of Relocation with the final relocation plan,

## **Section H. Concurrent Projects**

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Currently, there are no other land acquisition activities under way or planned by other governmental agencies in the area identified within the North Carver Urban Renewal Plan. Therefore, the Carver Redevelopment Authority does not anticipate the need to coordinate the relocation of occupants for this project with other governmental agencies.

## **Section I. Real/Personal Property Report**

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Real-estate appraisals will be prepared for the properties scheduled for acquisition. The appraisers involved will be notified by the Carver Redevelopment Authority that the appraisals must clearly distinguish items of property that are part of the real estate from items that are personal property and eligible for relocation assistance. Appraisers will be provided with the definition of personal property that is contained in MGL 79A, Section 1. The Carver Redevelopment Authority will review the appraisals to verify that the personal property is clearly and consistently delineated. If there are discrepancies between the appraisal reports, the Carver Redevelopment Authority will meet with the appraisers in order to clarify these discrepancies. Tenants and/or owners will be involved, as necessary.

Due to the nature of the properties involved significant issues or disputes arising with regard to classification of items of property as real estate or personal property are not foreseen.

## **Section J. Temporary Moves and Other Policies**

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- 1) Temporary Moves. Temporary moves will be kept to a minimum and will be used only in emergency situations and as a temporary resource for a limited period of time when permanent relocation resources are not immediately available. Temporary relocation costs will include only eligible expenses and will not include rent or real estate improvements at the temporary location. Any temporary move with a duration of six months or more will be considered a permanent move.
- 2) Use-and-Occupancy Agreement. Any tenant and/or owner occupying acquired property will be required to execute a use-and-occupancy agreement within 45 days of acquisition. The agreement will stipulate the terms and conditions for occupancy.

Use-and-occupancy charges for commercial tenants will be set in relation to fair-market value for such use and occupancy and set no higher than rent paid upon acquisition, except that fees may be increased to cover the cost of providing services rendered plus any municipal taxes and water and sewer bills. Use-and-occupancy agreements also will stipulate that any unpaid use-and-occupancy charges to be withheld from the occupant's relocation payment. Other provisions of the agreement will include:

- a) Use-and-occupancy fee to be charged
- b) Starting date of occupancy
- c) Date on which payments will be due
- d) Date on which the fee will begin to accrue
- e) Identification of utilities or services to be furnished by either party
- f) Rights of tenant to pro rata refund of advance use-and-occupancy fees in event of a move before the end of a rental period.

3) Fixed Payment in Lieu of Moving Benefit. The Carver Redevelopment Authority may determine that it would be beneficial to business concerns to be displaced for this project if the Carver Redevelopment Authority made some adjustments and/or clarifications to the Fixed Payment in Lieu of Moving Benefit available to such businesses. To that end, the Carver Redevelopment Authority will apply the following policies: First, all businesses that elect to apply for the benefit will be assumed to meet the requirement that they have experienced a loss of patronage. Secondly, documentation required to support average net earnings will consist of a signed statement from the business certifying earnings. Copies of tax records will not be required. Thirdly, businesses that file for a relocation payment based upon the Fixed Payment in Lieu of Moving benefit will not be prohibited from filing a claim for supplemental incentive payments as determined by the Carver Redevelopment Authority.

4) Claim Forms. All displaced occupants will be provided with copies of the required relocation claim forms and will be offered assistance in completing them. All occupants who seek any relocation payment must file the appropriate claim form and will be advised in advance as to the documentation required to support any relocation claims made. Failure to file relocation claim forms with the Carver Redevelopment Authority within the time period specified in the applicable relocation regulations will be grounds for denial of requested relocation payments.

5) Advisory Services. The Carver Redevelopment Authority will be available to provide necessary assistance and advisory services to occupants displaced by this project. These services will include, but not be limited to, referrals to real estate and rental agents, move planners, financial advisors, and suitable government programs.

However, with regard to displaced commercial entities, the Carver Redevelopment Authority is not obligated to provide any displaced occupant with a referral to a replacement location that replicates or provides the displaced business with a competitive advantage it may currently have due to the occupancy terms at its present location.

## **Section K. Summary of Appeal Procedures**

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Any claimant aggrieved by a determination as to the amount or eligibility of a relocation payment or the claimant's eligibility to receive a relocation payment may request further review. The request will include the following information: name and address of the displacee; reference to notice and specific amount of claim denied or partially approved; any information and/or documentation that may be pertinent to the claim; and a request for information relative to the claim, if not provided in the determination. This request for further review must be submitted within 60 days from the date the occupant receives written notice of a final determination by the Carver Redevelopment Authority.

- 1) Carver Redevelopment Authority Hearing. The Carver Redevelopment Authority, at one of its regularly scheduled meetings, will schedule a hearing to be conducted order to provide an opportunity for the aggrieved claimant and Carver Redevelopment Authority representatives to present oral and/or written arguments.
- 2) Decision. Within 30 days following the hearing, the Town of Carver will render a written decision as to the amount or eligibility of the claim with an explanation of the reasons supporting the decision. The decision will include information on the claimant's option to request review of the decision by the Bureau of Relocation. The decision will be sent to the claimant by certified mail, return-receipt requested. If the claimant does not request review of the decision by the Bureau of Relocation within 30 days of receipt of the decision, the Carver Redevelopment Authority decision will be final.
- 3) Review by the Bureau of Relocation. Bureau of Relocation policies and procedures are found in the state Relocation Assistance Regulations, 760 CMR 27.00. Claimants may contact the Relocation Bureau Director, Commonwealth of Massachusetts, Department of Housing and Community Development, 100 Cambridge Street, Boston, MA 02114, (617) 573-1400.