

**ARTICLE 17**  
(Majority vote)

**COMMUNITY PRESERVATION PROGRAM**  
**DIRECT APPROPRIATIONS FROM FUND BALANCE**

To see if the Town will vote to appropriate or to set aside for later appropriation, and to authorize the Board of Selectmen and the Town Manager to expend or set aside, from the FY 2004 Community Preservation Fund balance as set forth herein, the following amounts for community preservation purposes with each item considered a separate appropriation:

<b>FY 2004 COMMUNITY PRESERVATION FUND BALANCE</b>	
Community Preservation Fund Surcharge Collected in FY 2004	\$ 539,863.00
State Community Preservation Trust Fund Receipt, October 2004	\$ 534,467.00
Interest Earned FY 2004	\$ 4,155.00
Unencumbered funds from FY 2003 Fund Balance	\$ 70,972.71
<b>Total - FY 2004 Community Preservation Fund Balance</b>	<b>\$1,149,457.71</b>
<b>APPROPRIATIONS</b>	
<b>Purpose</b>	<b>Recommended Amounts</b>
<b>Set Aside Appropriation – Open Space</b>	
A. Acquisition, creation, and preservation of Open Space, and its rehabilitation and restoration	\$ 300,000.00
<b>Spending Appropriations</b>	
B. Design and Construction of a Recreational Area at McCarthy Village	\$ 20,000.00
C. Community Housing Program Fund - Creation, Preservation, and Support of Community Housing in the Town of Acton	\$ 160,000.00
D. Jones Tavern Chimney Stabilization	\$ 30,000.00
E. Town Hall Slate Roof Replacement	\$ 120,000.00
F. Library Restoration for the Display of Acton’s Civil War Artifacts	\$ 30,150.00
G. Colonel Francis Faulkner Memorial Plaque Replacement	\$ 1,000.00
H. Pine Hawk Curatorial Display	\$ 24,000.00
I. Antique Fire Apparatus Restoration	\$ 20,000.00
J. Bruce Freeman Rail Trail Start-up Funding	\$ 75,000.00
K. Create a New Multi-Use Recreation Space at Leary Field	\$ 250,000.00
<b>Administrative Spending Appropriation</b>	
L. A fund reimbursing the Town of Acton for administrative services and operating expenses provided in support of the Community Preservation Committee	\$ 53,716.50
<b>Total Recommended Appropriations</b>	<b>\$1,083,866.50</b>
Remaining FY 2004 fund balance	\$ 65,591.21

And, whereas Massachusetts General Law, Chapter 44B requires that the Town appropriate for spending, or set-aside for future spending, from the fund balance at least 10% for open space, 10% for historic preservation, and 10% for community housing.

And, whereas the recommended appropriations for open space, historic preservation, and community housing each exceed 10% of the Community Preservation Fund balance.

And, whereas Town Meeting may vote to delete or reduce any of the recommended amounts.

Therefore, in the event that recommended amounts are deleted or reduced, vote to appropriate as a set-aside for future spending from the FY 2004 Community Preservation Fund Balance the minimum necessary amounts to allocate not less than 10% (\$114,945.78) for open space, not less than 10% (\$114,945.78) for historic preservation, and not less than 10% (\$114,945.78) for community housing.

, or take any other action relative thereto.

### **SUMMARY**

This article would make appropriations from the Town's Community Preservation Fund. In 2002, the Town adopted the Community Preservation Act, Massachusetts General Laws Chapter 44B (M.G.L. Ch. 44B). This established Acton's Community Preservation Fund through a 1.5% annual surcharge on real estate property tax bills with certain exemptions, and made the Town eligible to receive annually additional monies from the Massachusetts Community Preservation Trust Fund, which are added to the Town's Community Preservation Fund. Under the law, the Community Preservation Fund may be used to acquire, create and preserve open space; to acquire, preserve, rehabilitate, and restore historic resources; to create, preserve and support community housing; to acquire, create and preserve land for recreational use; and for certain related expenses in support of the foregoing. Community housing is defined as housing for low- and moderate-income individuals and families. This is the second year of appropriations from Acton's Community Preservation Fund.

Local adoption of the Community Preservation Act established the Acton Community Preservation Committee as a statutory committee under the Act (Chapter S of the Bylaws of the Town of Acton). The Community Preservation Committee's duties under the law are to study the needs, possibilities, resources, and preferences of the Town regarding community preservation; to engage in an open and public process of deliberation and consult with other Town Boards and Committees; and to make recommendations to Town Meeting for appropriations from the Community Preservation Fund.

In October, the Community Preservation Committee published its 2005 Community Preservation Plan with guidelines for the submission of projects seeking funding. By November 12, 2004, it had received thirteen funding applications for proposed community preservation projects. The Committee reviewed all proposals, interviewed proponents, and solicited legal opinions on the proposals to help evaluate their eligibility under M.G.L. Ch. 44B. This article represents the Committee's spending recommendations from the Community Preservation Fund balance. All recommended amounts are "up-to" spending limits. Savings, if any, will be available for future appropriations. Not all projects that were proposed to the Community Preservation Committee have been recommended for funding, and some of the recommended projects have not been recommended at the funding level that their proponents had requested. The recommended appropriations leave a remaining fund balance of \$65,591.21 that is available for future Town Meeting appropriations under the Community Preservation Act.

Under M.G.L. Ch. 44B, Town Meeting may delete or reduce any of the recommended appropriations, but may not add new items or increase appropriations. However, M.G.L. Ch. 44B requires that the Community Preservation Committee recommends in each fiscal year the spending of not less than 10% of the annual revenues in the Community Preservation Fund for each of the following: Open space (not including land for active recreation purposes); historic preservation; and community housing. The Committee may also recommend the taking by the Town of interest in real property, the set-aside of funds for later spending, and appropriation of not more than 5% of the annual revenues of the Community Preservation Fund for the Committee's administrative and operating expenses.

**A. Open Space Set-Aside**

This item sets aside a fund from which Town Meeting may appropriate spending in future years for the purpose of acquisition, creation, and preservation of open space and the rehabilitation and restoration of such open space. Together with last year’s open space appropriation, the recommended amount will bring the balance in the open space set-aside to \$500,000.

**Recommendations:**        **Board of Selectmen**        **Finance Committee**  
   **Recommended**     **Deferred**

**B. McCarthy Village Recreational Area**

The Acton Housing Authority owns McCarthy Village and rents its 35 housing units to low-income families and individuals. McCarthy Village is located on Sachem Way off Great Road just north of Harris Street. The requested appropriation is for the design and construction of a recreational area at McCarthy Village to benefit its residents. The project will be carried out by the Acton Housing Authority, which will hire a project designer and contractor. Initial concepts include items such as a picnic area, a sand volleyball court, a basketball backboard, and a horseshoe/bocce court. There are currently no recreational or playground facilities at McCarthy Village. Twenty-six children presently live there.

**Recommendations:**        **Board of Selectmen**        **Finance Committee**  
   **Recommended**     **Deferred**

**C. Community Housing Program Fund**

This requested appropriation will be for the creation, preservation, and support of community housing in the Town of Acton, and will supplement and incorporate the Community Housing Fund appropriations of 2004. The Program Fund would be used to finance new affordable housing initiatives. This set-aside fund will be retained as a special CPA fund earmarked for appropriate affordable housing activities recommended by the Acton Community Housing Corporation (ACHC) or any other entity approved by the Board of Selectmen. Many of the potential uses of the Program Fund could create affordable housing units in existing properties without the need for new construction and further sprawl. This Fund could be used in a variety of ways to serve low- and moderate-income households in Acton seeking affordable housing, both rental and homeownership.

Some of the allowable uses of the Fund include acquisition, rehabilitation, and conversion of existing housing stock; new development; refinancing or repurchase of existing affordability restrictions about to expire; purchase of new affordable housing deed restrictions; accessibility modifications of affordable units for persons with disabilities; and assistance to low- and moderate-income buyers with mortgage costs, down payments, site improvements, or closing costs.

Under ACHC’s enabling statute, expenditure of such funds by ACHC requires the approval of the Board of Selectmen. The ACHC would keep the Community Preservation Committee and the Board of Selectmen informed about the use of this Fund with periodic reports and would seek guidance as appropriate.

**Recommendations:**        **Board of Selectmen**        **Finance Committee**  
   **Recommended**     **Deferred**

**D. Jones Tavern Chimney Stabilization**

Jones Tavern in South Acton Village is an important historic and cultural resource in Acton. The pre-revolutionary tavern is on the National Register of Historic Places. Iron Work Farm in Acton, Inc. is an educational non-profit historical corporation, and has owned the property since 1964. The recommended appropriation will provide Iron Work Farm with funds to stabilize and restore the building’s four brick chimneys, which date from 1732 to 1845. The work has become necessary due to cracks and deep erosion of the mortar joints, and the disintegration of interior flue partitions. Iron Work Farm has committed \$5,000 in additional funds to the project.

**Recommendations:**        **Board of Selectmen**        **Finance Committee**  
   **Recommended**     **Deferred**

**E. Town Hall Slate Roof Replacement**

The Acton Town Hall is an important historic and cultural resource and on the National Register of Historic Places. It houses all municipal administrative functions. The slate roof on the historic portion of the building is original to the building, which was constructed in 1862-64. This recommended appropriation will provide the Town with funds to replace roof slates, flashing, deteriorated sheathing boards, and other related work as necessary. The roof began shedding slates some years ago and the failure rate seems to be accelerating. A recent inspection found many broken, cracked, and loose slates, and that the slates are weathered and near the end of their useful life. Additionally, the inspection uncovered open joints between the slates, pinholes on the ridge flashing, and water stains on interior rafters indicating current leakage. If left unattended, more moisture will infiltrate and deteriorate the building’s structural members and interior finishes, as has already occurred in the Selectmen’s hearing room, Room 204.

**Recommendations:**        **Board of Selectmen**        **Finance Committee**  
   **Recommended**     **Deferred**

**F. Library Restoration for the Display of Acton’s Civil War Artifacts**

This appropriation will restore the original Acton Memorial Library building so as to once again allow the display of Civil War era documents and artifacts that the library has in storage and that were donated by and relating to Acton citizens who fought, and often died, in the Civil War. The original library building was constructed and donated to the Town in 1890 by William Wilde in memory of Acton citizens who fought in the Civil War. It is on the National Register of Historic Places and the only Civil War memorial in Acton. During the recent library expansion, the old building was reconditioned and space was set aside for the display of the Civil War artifacts in keeping with the buildings original design. The project includes items such as the restoration of three alcoves as exhibit space; design of the exhibit; installation of protective exhibit panels and cases, text, graphics, photos, and appropriate lighting. The Acton Memorial Library Trustees have committed \$4,000 of additional funding to this project.

**Recommendations:**        **Board of Selectmen**        **Finance Committee**  
   **Recommended**     **Deferred**



## **J. Bruce Freeman Rail Trail**

The Bruce Freeman Rail Trail will be a multi-use path on the former Penn Central Railroad right-of-way in Acton, now owned by the Massachusetts Executive Office of Transportation. The Bruce Freeman Rail Trail is planned to extend 22 miles, from Sudbury to Lowell. In Acton, the trail will run 4.6 miles from the Concord line in East Acton to the Carlisle line in North Acton. The Town has previously funded a feasibility study for the Acton portion. The recommended appropriation will provide start-up funding in three areas:

- Right-of-way acquisition negotiations with the Executive Office of Transportation: While it is apparent State policy to convey the right of way at no cost, the Town is anticipating significant legal negotiations over the terms of the conveyance to ensure that Acton residents will not be saddled with potentially costly environmental liabilities. This would fund the legal support for these negotiations.
- Easement negotiations for alternative routing at Rex Lumber: The right of way runs through property owned by Rex Lumber whose land also abuts the North Acton Recreation Area (NARA). In connection with the NARA development, the Town has agreed with Rex Lumber that it would in good faith negotiate an alternate trail route through the Rex Lumber site. This would fund the legal support for these negotiations.
- A safe crossing at Route 2A (Great Road): The feasibility study recommends a signalized crossing but acknowledges that the Massachusetts Highway Department, which controls Route 2A, may opt initially for an unsignalized crosswalk and then monitor the location and evaluate if a signal would be needed. The Town feels that a simple grade crossing, even if signalized, will not be sufficient to prevent accidents. This would fund the exploration of alternatives, such as a gated at-grade crossing or a grade-separated crossing.

Remaining funds, if any, will be applied towards survey work in support of subsequent engineering and construction work. Looking ahead, the total cost for design and construction of the Acton segment of the Bruce Freeman Rail Trail is presently estimated at \$4.4 million. A safer design for the Route 2A crossings may increase the cost. The current funding structure for bikeways is 75-80% Federal, +/-10% State, and about 15% local monies.

<b>Recommendations:</b>	<b><u>Board of Selectmen</u></b>	<b><u>Finance Committee</u></b>
	<b>Recommended</b>	<b>Deferred</b>

