

**ARTICLE 22**  
(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 2005 Community Preservation Fund balance as set forth herein, the following amounts for community preservation purposes, with such expenditures to be subject to conditions to be specified in award letters from the Community Preservation Committee, with each item considered a separate appropriation:

<b>FY 2005 COMMUNITY PRESERVATION FUND BALANCE</b>	
Community Preservation Fund Surcharge Collected in FY 2005	\$ 573,503.55
State Community Preservation Trust Fund Receipt, October 2005	\$ 568,164.00
Interest Earned FY 2005	\$ 29,416.76
Unencumbered funds from FY 2004 Fund Balance	\$ 65,591.21
<b>Total - FY 2005 Community Preservation Fund Balance</b>	<b>\$1,236,675.52</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	\$ 400,000.00
<b>Spending Appropriations</b>	
B. Land Acquisition & Development – 28 Willow & 214 Central St.	\$ 160,000.00
C. Recreational Area at McCarthy Village	\$ 22,000.00
D. Rental Housing Planning and Feasibility Study	\$ 25,000.00
E. New Basketball Courts at Douglas School, Elm Street	\$ 20,000.00
F. Leary Field Woodland Path	\$ 25,000.00
G. New Gates School Playground	\$ 16,000.00
H. Site Preparation and Construction - Habitat for Humanity Home	\$ 35,000.00
I. Jones Tavern Roof and Gutters Replacement	\$ 41,000.00
J. Historic Stone Chamber Restoration	\$ 20,000.00
K. Bruce Freeman Rail Trail Design	\$ 175,000.00
L. Fitzgerald Piano Preservation	\$ 18,000.00
M. School Street Twin Ball Fields	\$ 69,000.00
N. Town Hall Slate Roof Replacement	\$ 65,470.00
O. Arboretum Universal Access Trail	\$ 24,000.00
<b>Administrative Spending Appropriation</b>	
P. A fund reimbursing the Town of Acton for administrative services and operating expenses provided in support of the Community Preservation Committee	\$ 57,083.40
<b>Total Recommended Appropriations</b>	<b>\$1,172,553.40</b>
Remaining FY 2005 fund balance	\$ 64,122.12

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 2005 Community Preservation Fund Balance the minimum necessary amounts to allocate not less than 10% (\$123,667.60) for open space, not less than 10% (\$123,667.60) for historic preservation, and not less than 10% (\$123,667.60) 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 third 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 September 2005, the Community Preservation Committee published its 2006 Community Preservation Plan with guidelines for the submission of projects seeking funding. By November 14, 2005, it had received sixteen applications for funding of proposed items and 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 recommendation for appropriations from the Community Preservation Fund balance. All recommended amounts are "up-to" spending limits. Savings, if any, will be available for future appropriations. All projects that were proposed to the Community Preservation Committee have been recommended for funding, though 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 \$64,122.12 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 the recommended 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 the previous years' open space set-aside appropriations, the recommended amount will bring the balance in the open space set-aside to \$900,000.

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

**B. Land Acquisition and Development – 28 Willow Street & 214 Central Street**

This recommended appropriation will provide funding to the Acton Community Housing Corporation (ACHC) for the acquisition of property located at 28 Willow and 214 Central Streets, and will help cover other costs that the ACHC may incur relative to the development of up to three units of community housing on said property. The Town of Acton is the current property owner. The property is shown on the 2004 Town Atlas plate F-2B as parcels 64 and 65. The total acquisition cost will be around \$202,500. The ACHC will pay \$42,500 from existing affordable housing gift funds. With State Priority Development Funding the ACHC has completed a feasibility study for a community housing project on the property and advanced preliminary plans in consultation with the surrounding residents. The ACHC has received site approval for the project from the Massachusetts Department of Housing and Community Development under the Local Initiative Program. An application for the project will be submitted to the Board of Appeals for a Comprehensive Permit under M.G.L. c. 40B.

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

**C. Recreational Area at McCarthy Village**

The Acton Housing Authority (AHA) 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. In 2005 Town Meeting appropriated \$20,000 of CPA funds to the AHA for the design and construction of a recreation area at McCarthy Village to benefit the residents who live there. The AHA used about \$4,500 for design. The project construction is now more accurately priced at about \$42,000. This recommended appropriation will help close the funding gap. The design includes spaces for Volleyball, Basketball, Tether Ball, Four Square, walkways, benches, and picnic tables. It is expected that the remaining funding gap of \$4,500 can be closed by redesigning and slightly reducing the project size. There are currently no recreational or playground facilities at McCarthy Village.

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

**D. Rental Housing Planning and Feasibility Study**

Housing authorities are closely regulated by the Massachusetts Department of Housing and Community Development. Until recently, housing authorities could not access private funding sources. Regulatory changes in September 2005 have opened new opportunities. The new rules give housing authorities more flexibility to leverage from and partner with private resources. The Acton Housing Authority (AHA) seeks to retain professional advice on how it can best use and apply the new rules to maintain and expand its current rental housing inventory. This recommended appropriation to the AHA is to fund the study. The disbursement of funds shall be subject to approval by the Community Preservation Committee or its designee of a detailed and adequate study scope of services.

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

**E. Basketball Court at Douglas School, Elm Street**

Two old basketball courts presently exist at Elm Street near the Douglas School in West Acton. They have deteriorated beyond repair, are considered unsafe to use, and are therefore no longer a recreational asset. This recommended appropriation to the Acton Public Schools will help fund the creation of two new state-of-the-art outdoor basketball courts. Construction will involve the complete demolition and removal of all existing equipment and surfaces, preparation and grading of the subsurface, new asphalt, and new basketball equipment. There are no other outdoor basketball courts in Acton. The total project cost is estimated at \$40,000. It is anticipated that the Acton Schools will contribute \$6,000, and that private funding sources will make up the remaining \$14,000.

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

**F. Leary Field Woodland Path**

This recommended appropriation to the Acton-Boxborough Regional Schools will build a walkway from the upper school parking lot to the new Leary Field. The path will be accessible for persons with disabilities. It was an integral component of the Leary Field project that Town Meeting helped fund with a CPA appropriation last year. However, it was not built due to the higher than expected costs of other project elements.

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

**G. Gates School Playground**

This recommended appropriation to the Acton Public Schools will help fund the creation of a brand new playground structure at the Gates School in West Acton with a total estimated cost of \$44,000. It will completely replace an existing older structure made of pressure-treated wood that no longer meets safety standards and has deteriorated to a point where it is considered unsafe. The Acton School Committee has voted to contribute \$10,000. An additional \$18,000 is anticipated from private funding sources and in-kind services and volunteer labor.

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

**H. Site Preparation and Construction - Habitat for Humanity Home**

This recommended appropriation to Habitat for Humanity will assist Habitat with the cost of site preparation and general construction of a new home in Acton for a low- to moderate-income family or household. The cash cost of a typical Habitat home in this area is about \$100,000. Habitat has raised funds from private donations and will continue to do so to complete the project. In addition Habitat is seeking a donation of the land, in kind contributions from professional contractors, and expects to rely hundreds of volunteer hours. The disbursement of CPA funds shall be subject to the following conditions:

- (1) Habitat shall own a property in Acton, or have secured a legally binding interest to acquire a property in Acton with an instrument sufficient in the opinion of the Board of Selectmen or its designee;
- (2) Said property shall have been found suitable and appropriate for an affordable housing unit by the Acton Board of Selectmen, which determination the Board of Selectmen may make based on location, neighborhood context, site conditions, and other relevant factors;
- (3) Habitat shall have received a building permit for the home on the accepted property;
- (4) Habitat shall grant to the Town of Acton an affordable housing deed restriction for said home and property that is in form and contents acceptable to the Board of Selectmen or its designee;
- (5) Specifically, the affordable housing deed restriction shall limit the unit to qualifying purchasers at initial sale and upon resale with a combined household income at or below 55% of the Boston Primary Metropolitan Statistical Area median income; and the restriction shall run with the home and property in perpetuity.

<b>Recommendations:</b>	<b><u>Board of Selectmen</u></b> <b>Recommended</b>	<b><u>Finance Committee</u></b> <b>Deferred</b>
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**I. Jones Tavern Roof and Gutters**

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. This recommended appropriation to Iron Work Farm will provide funds to replace the Jones Tavern roof, gutters and downspouts. The estimated total project cost is \$49,000. Iron Work Farm will pay \$8,000. Last year Town meeting appropriated CPA funds to restore the Tavern’s four chimneys. This project is the second phase of capital investments that will help secure the historic building. The disbursement of funds shall be subject to an amendment of the existing preservation restriction to reflect the additional grant of CPA funds.

<b>Recommendations:</b>	<b><u>Board of Selectmen</u></b> <b>Recommended</b>	<b><u>Finance Committee</u></b> <b>Deferred</b>
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**J. Historic Stone Chamber Restoration**

This recommended appropriation will fund the restoration by the Town of an historic stone chamber located on the Town-owned Nashoba Brook Conservation Land. The chamber is in dire need of stabilization - parts have already collapsed, and other walls are unstable. The restoration’s aim is to return the structure to a condition that both resolves present safety concerns and reestablishes architectural principles from the time when it was originally constructed. Prior to this undertaking, the applicant proposes to conduct a thorough historical research study, to investigate the historical context within which the chamber was originally built. The Acton Historical Commission has determined that the subject stone chamber is a significant historical resource of the Town of Acton. The New England Antiquities Research Association has offered \$1,000 in support on this project. The disbursement of CPA funds shall be subject to the condition that all work shall be performed in accordance with applicable State regulations with oversight by the Acton Historical Commission.

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

**K. Bruce Freeman Rail Trail**

The Bruce Freeman Rail Trail will be a multi-use recreational 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 conducted a feasibility study for the Acton portion, and appropriated \$75,000 of CPA funding for this project last year. This recommended appropriation is the second phase of funding for the acquisition of land and design by the Town of the Bruce Freeman Rail Trail. The total cost for design and construction of the Acton segment of the Bruce Freeman Rail Trail is presently estimated at \$4.4 million, about 85% of which will be funded by the Federal and State governments. Alternate designs for the Route 2A crossings may increase the cost.

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

**L. Fitzgerald Piano Preservation**

This recommended appropriation helps fund the restoration by the Town of an antique “baby grand” piano that was presented to the Town in 1926 as a gift from the Honorable John Francis Fitzgerald, former Congressman and Mayor of Boston and father of Rose Fitzgerald Kennedy. The gift was made in memory of Mayor Fitzgerald’s wife’s parents, who resided in Acton, and was presented on the occasion of the opening of the Acton High School. The piano has been in storage since 2000, and has fallen into disrepair and obscurity. The Acton Historical Commission declared the piano a valuable cultural and historical resource of the Town. The restored piano will be on display in the Acton Memorial Library or Town Hall, where it will be used for occasional performances. As such it will be a permanent fixture in an historic building in one of Acton’s Historic Districts. The restoration is estimated to cost approximately \$21,000. The proponents of this project plan to raise additional funds from private sources to close the funding gap, pay for the costs of installing the piano in the library, and to establish an endowment to ensure future upkeep.

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

