



TOWN OF ACTON

COMMUNITY PRESERVATION PLAN 2008

COMMUNITY PRESERVATION COMMITTEE

July 12, 2007

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INTRODUCTION

The Town of Acton Community Preservation Committee (“the Committee”) is pleased to present the 2008 Town of Acton *Community Preservation Plan* (“the Plan”). This Plan describes the process for administering the Community Preservation Act (CPA) in the Town of Acton. The Plan presents a description of the CPA as it applies to the Town, a definition of CPA goals, and a methodology and procedure by which the CPA is administered. As such, it represents an informational document for the citizens of the Town, a guideline and instructional document for applicants seeking project funding through the CPA, and a guidance document for this and future CPA Committees in making recommendations to Town Meeting for project funding. The Committee fully recognizes that this document may be modified by future CPA Committees in response to changing goals and experience with the CPA over time.

Since Acton’s adoption of the CPA in 2002, the Town has collected CPA funds through four complete fiscal years and appropriated CPA dollars in four funding rounds:

<i>Collections</i>		<i>Appropriations</i>	
FY 03:	\$ 944,456	2004 Annual Town Meeting:	\$ 873,483
FY 04:	\$1,078,485*	2005 Annual Town Meeting:	\$1,083,867
FY 05:	\$1,141,668*	2006 Annual Town Meeting:	\$1,150,553
FY 06:	\$1,308,336*	2007 Annual Town Meeting:	\$1,331,380

* Does not include interest and prior year balances carried forward

This Plan includes a summary report of these appropriations.

The Committee wishes to thank the multitude of Town citizens, Town and State officials, and Committee members, as well as members of neighboring town CPA committees for their help in the development of this Plan.

For additional information on the CPA statute and how it is being applied in towns across the State, visit the Community Preservation Coalition website at www.communitypreservation.org. For information on Acton’s Community Preservation activity, visit the Town website at www.acton-ma.gov.

THE COMMUNITY PRESERVATION ACT IN ACTON

The Community Preservation Act, M.G.L. c. 44B, ("the CPA") allows Massachusetts cities and towns to raise monies through a surcharge of up to 3% of the real estate tax levy on real property. These funds may then be used to acquire, create and preserve open space; acquire and preserve historic resources; create, preserve and support community housing; and acquire, create and preserve land for recreational use. The Act also provides significant State matching funds. State annual CPA trust fund distributions matched 100% of locally raised CPA funds in 2003 through 2006, and they are anticipated to be 100% in 2007.

As of June 2007, 127 Massachusetts cities and towns have adopted the CPA. To date, State CPA fund distributions have matched 100% of locally raised funds in all participating cities and towns. This match is distributed in two rounds, whereby the state takes 80% of the amount in the trust fund that year and divides it among all participating communities so that they receive the same percentage match. If, as has been the case to date, an 80% distribution is sufficient to pay a full 100% match to every eligible community, no further distribution round is necessary and any surplus is carried over until the next year. If in future years the first round does not generate a full match, the remaining 20% of the state trust fund will go toward a second-round distribution. To receive funds from the second round a community will have to have passed the CPA at a 3% surcharge.

Acton voters approved the Community Preservation Act, M.G.L. c. 44B (the CPA), at the April 2, 2002 Town Meeting and again at the November 5, 2002 General election. In Acton, voters elected to fund the CPA account through a 1.5% surcharge on all real estate property tax bills with two exemptions:

- Residential property owned and occupied by any person who qualifies for low-income housing, or low- or moderate-income senior housing.
- \$100,000 of taxable value of all residential real property.

The collection of CPA surcharges began with Fiscal Year (FY) 2003. Collections and appropriations for 2003, 2004, 2005, and 2006 were as follows:

	FY 2003	FY 2004	FY 2005	FY 2006
From local surcharges	\$470,991	\$ 539,863	\$ 573,504	\$ 656,254
State matching funds	\$473,465	\$ 534,467	\$ 568,164	\$ 652,082
Reserve from prior years	\$ 0	\$ 70,973	\$ 65,591	\$ 86,122
Recapture from prior years				\$ 71,985
Interest	\$ 0	\$ 4,155	\$ 29,417	\$ 58,502
Total	\$944,456	\$ 1,149,458	\$1,236,676	\$1,524,945
Appropriations	\$873,483	\$ 1,083,867	\$ 1,150,553	\$1331,380
Undedicated Reserve	\$ 70,973	\$ 65,591	\$ 86,122	\$ 193,565

For FY 2007, revenues from the local CPA surcharge are estimated at \$700,000. A 100% State match is expected.

Community Preservation Committee: Formation and Responsibilities

Consistent with the terms of the CPA and with the Community Preservation Committee Bylaw adopted at the April 2, 2002 Town Meeting, the Community Preservation Committee has been formed to administer the CPA. It consists of three at-large members appointed by the Board of Selectmen (Susan Mitchell-Hardt, Jon Benson, Nancy Tavernier); representatives of the Board of Selectmen (Walter Foster), Conservation Commission (Andrew Magee), Historical Commission (Victoria Beyer), Planning Board (Edmund Starzec), Recreation Commission (vacant), and Acton Housing Authority (Ken Sghia-Hughes); and two associate members (vacant). The Selectmen have assigned Roland Bartl, Town Planner, to provide the Committee with staff assistance.

This Plan evolved from the previous years' *Community Preservation Plans*. It incorporates lessons learned from the previous three rounds of project selections and funding appropriations. The Committee makes an ongoing effort to meet with many interest groups, including Town department heads and staff, Town committees, environmental and land trust organizations, and the general citizenry. The Committee uses the 1998 Town of Acton *Master Plan Update*, the 2002 – 2007 Town of Acton *Open Space and Recreation Plan*, the 2004 "To Live in Acton" *Community Development Plan*, and other relevant planning materials for reference and guidance. This Community Preservation Plan attempts to capture Acton's community preservation needs and goals in the four CPA target areas. This Plan also outlines the processes by which the Committee solicits, reviews, and recommends proposals for CPA funding, including the application package. It is updated every year to reflect changes in goals or emphasis.

CPA Funding Requirements

The CPA mandates that each fiscal year Acton must spend, or set aside for later spending, at least 10% of the annual Community Preservation Fund revenues that were collected from the local surcharge and State match for each of three CPA target areas: open space, historic resources, and community housing. Beyond these required allocations, Acton Town Meeting decides how much of the remaining 70% of the funds to spend on the three purposes identified above or for recreation, based on the recommendations of the Committee. The spending mix for the remaining 70% of the Fund can be modified each year, and any monies not appropriated remain in the Fund for future distribution.

A recommendation by the Committee and an appropriation by Town Meeting are both required to spend any Fund monies for particular community preservation purposes. Appropriations from the Fund, except borrowing, are made by a simple majority vote. Borrowing monies for CPA purposes requires a two-thirds majority vote.

Town Meeting may approve, reduce, or reject any amount of spending appropriation recommended by the Committee. At the Committee's recommendation, Town Meeting may also decide to set aside all or part of the annual Fund revenues for later spending by allocating revenues to a reserve for one or more community preservation purpose category. Town Meeting may not, however, increase any recommended appropriation or reservation. In addition, Town Meeting may not appropriate or reserve any fund monies on its own initiative without a prior recommendation by the Committee.

All citizens are welcome to attend the Committee's meetings. The times and locations of these meetings are posted at Town Hall and on the Town website, www.acton-ma.gov. Written comments or questions are welcome and may be submitted via email to cpc@acton-ma.gov or directed to the Community Preservation Committee, c/o Planning Department, Town Hall, 472 Main Street, Acton, MA 01720.

Gifts to Community Preservation Fund

The Town of Acton can accept monetary gifts to the Community Preservation Fund. Gifts can be designated for specific purposes consistent with the four statutory categories – open space, community housing, historic preservation, and recreation. Gifts may be made in a variety of forms, including cash and securities. Gifts to the Town of Acton are tax-deductible to the full extent allowed under the Internal Revenue Code. For more information please review the Town of Acton 2006 Guide to Giving at <http://doc.acton-ma.gov/dsweb/View/Collection-1632/Document-17630>.

HOW CPA FUNDS CAN BE USED

Community Preservation Act funds must be used for public community preservation purposes. The following guidelines summarize these public purposes.

Community preservation is defined by the Act as, "the acquisition, creation and preservation of open space, the acquisition, creation and preservation of historic structures and landscapes, and the acquisition, creation and preservation of community housing."

Preservation is defined as, "the protection of personal or real property from injury, harm or destruction, but not including maintenance."

As detailed by the CPA, Fund monies may be spent to undertake the following primary community preservation purposes:

- The acquisition, creation, and preservation of open space. Open space, as defined by the CPA, "shall include, but not be limited to, land to protect existing and future well fields, aquifers and recharge areas, watershed land, agricultural land, grasslands, fields, forest land, fresh . . . water marshes and other wetlands, . . . river, stream, lake and pond frontage, . . . lands to protect scenic vistas, land for wildlife or nature preserve and land for recreational use."
- The acquisition, creation, preservation, and support of community housing. The CPA defines community housing as, "low-and moderate- income housing for individuals and families, including low-or moderate- income senior housing." The term "support" includes expenditures such as annual payments to the Acton Housing Authority and the Acton Community Housing Corporation to preserve or expand the affordable housing supply and to augment their operating expenses.
- The acquisition and preservation of historic resources. The CPA recognizes historic resources as, "historical structures and landscapes," including "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." For CPA purposes, the local historic preservation commission is the Town of Acton Historical Commission.
- The acquisition, creation, and preservation of land for recreational use. The CPA defines recreational use 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."

Community Preservation Act funds may also be used for the following purposes:

- The "rehabilitation or restoration of . . . open space, historic resources, land for recreational use and community housing that is acquired or created" using monies from the Fund.

- A community may “set aside” revenues for “later spending.”
- Annual “administrative and operating expenses” of the Committee, not to exceed 5% of the Fund’s estimated annual revenues.
- Annual principal and interest payments, preparation, issuance, and marketing costs for bonds or notes for borrowings for community preservation purposes.
- Damages payable to property owners for real estate interests taken by the Town by eminent domain for community preservation purposes.
- “Local share for state and federal grants” for allowable community preservation purposes.
- Property acquisition-related expenses including appraisal costs, expenses for title searches, and closing fees.

Community Preservation Act funds may **not** be spent for the following purposes:

- “Replace existing operating funds, only augment them.” The Fund is a supplementary funding source intended to increase available resources for community preservation acquisitions and initiatives.
- Pay for routine maintenance, defined as, “the upkeep of any real or personal property.”
- Gymnasiums, stadiums, or any similar structure.
- Projects without a public purpose or public benefit.

The following helpful Table was provided by the Community Preservation Coalition:

Determining Project Eligibility

It’s all about the **VERBS!**

	Open Space	Historic	Recreation	Housing
Acquire	Yes	Yes	Yes	Yes
Create	Yes	-	Yes	Yes
Preserve	Yes	Yes	Yes	Yes
Support	-	-	-	Yes
Rehabilitate and/or Restore	Yes – if acquired or created with CPA \$\$	Yes	Yes – if acquired or created with CPA \$\$	Yes – if acquired or created with CPA \$\$

OPEN SPACE AND RECREATION

In the 2002-2007 Town of Acton *Open Space and Recreation Plan* (the OSRP) the residents of Acton identified three key open space and recreation goals:

- Preserve the remaining elements of Acton's rural character
- Protect the environment
- Improve recreational opportunities

In reaffirming these three key goals the residents of Acton continue to recognize the importance of open space and adequate passive and active recreational areas as critical to preserving the character of the Town and thereby the quality of life shared by its citizens.

A. Open Space Resources and Needs

Although the Town continues to experience residential development, Acton remains a community with abundant natural and scenic resources, including dedicated conservation lands, active farmlands, open fields, woodlands, and wetlands and waterways. These resources contribute to making the Town a desirable place to live, a factor which has fueled its continued residential growth. Hence, the Town lies at a crossroads, where many of its natural resources are threatened by the very development they attract.

Currently, about 14% or 1,830 acres of Acton's almost 13,000 acres are permanently protected as open space. Unprotected municipal or state-owned lands account for approximately 9% of the Town's open space (2002 – 2007 Acton OSRP). In recent years a number of open space parcels in Acton have been successfully preserved through perpetual conservation restrictions and as unprotected set-asides associated with planned residential developments. However, as a general rule, the development of the Town's "green spaces" has out-paced land protection. The CPA offers a significant tool for increasing the protection and preservation of the Town's open spaces, farmlands, and natural resources.

The CPA allows and encourages the acquisition, creation, and preservation of open space. CPA funds may be used to protect open space by outright purchase, through bonding, through purchases made in conjunction with other private and/or public funds, and/or by extinguishing or limiting development rights through the purchase of permanent land conservation or agricultural preservation easements or restrictions. In identifying multiple land preservation and funding methods, the CPA essentially recognizes the prohibitive costs of land in communities such as Acton, and similarly recognizes that CPA funds alone will likely not be sufficient for the protection of significant tracts of land.

CPA funds may also be used to support land protection efforts through the development of land protection plans or strategies, such as the development of local Open Space Plans required by the State as a prerequisite for receiving funding for land purchases. Similarly, CPA funds may be used to establish land protection trust funds, the monies of which can be used to conduct

preliminary land assessments and enable the Town to rapidly respond to land protection opportunities.

Open Space Preservation Goals

- Preserve the remaining elements of Acton's rural character, including the natural and man-made features that contribute to Acton's character such as open fields, agricultural lands, woodlands, waterways, and scenic vistas.
- Preserve open space and develop additional public open spaces and parklands including, but not limited to, areas bordering Fort Pond Brook, Nashoba Brook, the Assabet River, and their tributaries.
- Protect and maintain the remaining farmland in Town, including the preservation of the farm fields along Route 2. Encourage continued or new farming enterprises.
- Preserve large tracts of undeveloped land.
- Preserve small tracts of undeveloped land that contribute to other open space goals, such as smaller parcels that preserve village center characteristics, are located adjacent to existing protected open spaces, or that preserve corridor linkages between larger open space parcels.
- Preserve lands that protect the quality and quantity of Acton's water supply, wildlife corridors and wildlife habitat, and/or that restore polluted environmental resources.
- Obtain open space through the outright purchase of potentially developable land.
- Obtain open space through methods such as, but not limited to, acquiring development rights and encouraging property owners to protect and/or preserve their land as open space through conservation restrictions, agricultural preservation restrictions, or other means.

B. Recreational Resources and Needs

Between 1990 and 2000 the population of Acton increased by 13.8% to 20,331. Such rapid growth has put a great strain on the Town's existing recreational resources. As the population of Acton has increased, so has the need for new recreational facilities. In addition to increased demand by traditional uses and users, recreational facilities and opportunities need to be broadened to include all age groups and interests, as well as to meet the increasing demand of the youth and adult sports organizations. It is important to plan now for both short- and long-term solutions to this growth. Currently, the Town's active recreation fields and NARA Park make up about 63 acres, not including fields on school campuses. The installation of a synthetic turf surface at Leary Field and the new 10.4 acres of ball fields under development at School Street are helping to alleviate our town's shortage of fields. However, according to National Recreation and Park Association standards, Acton still has a considerable shortage of active recreation land to meet the needs of its citizens (please refer to the OSRP).

Much of the Town's permanently protected open space includes a network of foot trails that provide opportunities for passive recreation, such as hiking, cross-country skiing, and access to ponds and streams. Public swimming facilities include the High School pool and the NARA pond. Fishing and canoeing can be enjoyed at Ice House Pond, Nashoba Brook, and Fort Pond Brook.

The development of new recreational facilities should take the shape of multi-use recreational zones, which incorporate playing fields, open space, landscaping, and shade to ensure participant and spectator comfort, land protection, and aesthetic appeal. Funding of such "Rec Zones" would not only provide much-needed playing fields, but would maximize the benefit of CPA funds by creating open space buffers to offset increased development.

Recreation Goals

- Provide additional athletic fields to meet the needs of the Town's growing population and develop multi-use "Rec Zones."
- Develop regional bike trails through Acton.
- Create more expansive human and wildlife corridors.
- Provide new and enhanced playground facilities for our youngest citizens.
- Enhance resources for hiking, cross-country skiing, horseback riding, boating, and fishing on conservation lands.
- Ensure universal accessibility to recreational activities (e.g., trails, picnicking, watching at athletic fields, water-based recreation and camping) at both recreation and conservation areas.
- Acquire land to fulfill identified current and future recreational needs.
- Develop active recreational resources identified in the OSRP including playing fields, improved/new playgrounds, and improved handicapped access; also address adult senior and toddler recreational needs.

COMMUNITY HOUSING

The CPA statute defines "community housing" as housing for low- and moderate-income individuals and families, including senior housing. "Low-income housing" is for households whose annual income is less than 80% of the area-wide median income. "Moderate income housing" is for households whose annual income is less than 100% of the area-wide median income. The area-wide median income is determined annually by the United States Department of Housing and Urban Development (HUD).

Acton's area-wide¹ median income in 2007 is \$82,400 for a family of four. However, for housing units created with CPA funds to be counted toward Acton's 10% affordable housing goal, the units must serve those households whose annual income is less than 80% of the area-wide median income, which in 2007, is \$66,150 for a family of four. CPA funds can be used for housing units serving households of 80% - 100% of the Area Median Income even though they will not count toward Acton's 10%.

Acton has some lower-cost market housing units, primarily small one- and two-bedroom condominiums converted from apartments, but very few of these qualify as countable affordable housing units under State law. In Massachusetts, the term "affordable housing" applies to housing units made affordable to low-and moderate- income households by a recorded deed rider that restricts sale prices and rents in perpetuity to income eligible households. The Acton Community Housing Corporation is using CPA funds to subsidize the selling price of existing condominium units requiring recorded deed riders to restrict future re-sales to income eligible households at affordable prices.

CPA funds may be expended "for the creation, preservation and support of community housing and for the rehabilitation or restoration ... of community housing," but not including maintenance. The Acton Housing Authority and the Acton Community Housing Corporation are the local agencies primarily responsible for implementation of community housing projects.

Community Housing Resources and Needs

During the development of the *Acton Master Plan* (1991, Update 1998) and the *Community Development Plan "To Live in Acton"* (2004), residents of the Town reaffirmed their commitment to provide affordable housing. In order to retain Acton's community character, it is critical for the Town to encourage and enable a diverse range of resident households to live here. These include municipal and school employees, people who work locally, elderly residents, the adult children of Acton residents, and other first time home buyers.

The high cost of housing continues to be a major concern of Massachusetts residents. Respondents to a recent UMass Donahue Institute/CHAPA Housing Poll reported the cost of housing makes it hard to make ends meet; causes them to seriously consider moving out of Massachusetts; prevents elderly residents from staying in their town and young families from moving in; hurts the local economy because businesses are having a harder time finding and keeping workers; and prevents municipal workers from living in the towns they serve. The

¹ Boston Primary Metropolitan Statistical Area

national definition of housing affordability assumes that a home is affordable to its owners if their monthly housing costs, a mortgage payment, property taxes, and house insurance, do not exceed 30% of their monthly gross income. When households pay more than 30% of their gross income for housing costs, they are classified as "housing cost burdened." In 2004, 23.8% in Acton met the definition of housing cost burdened households.

Affordable housing opportunities help Acton attract and retain talented employees upon whom the Town depends to provide high quality public services. The average price of homes and rental units in Acton has risen far beyond what many Town employees, first-time homebuyers, and renters are able to afford. Under conventional loan underwriting standards and a 10% down payment, homebuyers at Acton's median household income of \$98,154 can afford a purchase price of about \$305,000. The average assessed value of a residential property in 2006 in Acton was \$434,000.

A 1969 State law, called the Comprehensive Permit Law, created a standard for communities to provide a minimum of 10% of their housing inventory as affordable units. In May 2007, the Massachusetts Department of Housing and Community Development certified 501 or 6.6% of Acton's 7,645² dwelling units as deed-restricted affordable housing. Acton was given a significant boost by the Board of Appeals' approval of 312 new units in Avalon Acton, a large rental project near Nagog Woods. All units in a rental project are counted toward the Town's 10%. That leaves Acton 264 affordable units short of the Town's goal of 10% low- or moderate-income housing units. The Town of Acton *Master Plan Update* and the "*To Live in Acton*" report provides more detailed information and should be referred to for additional discussion of community housing.

In 2004, the Town completed the Community Development Plan *To Live in Acton*, which identified these five housing needs in order of priority:

- Affordable rental units for very low- and low-income families;
- Affordable rental units designed for low-, moderate- and middle-income senior citizens, and persons with disabilities;
- Affordable homeownership units for moderate-income families;
- Affordable homeownership units in a range of residential use types and sizes for moderate- and middle-income seniors; and
- Homeownership units at below-market prices for middle-income households at 100%-130% of the Area Median Income.

In January 2006, Acton's *Planned Production Plan* was certified by DHCD for two years, it will expire December 30, 2007. DHCD's Planned Production regulations provide incentives to municipalities to increase their stock of Chapter 40B Housing by giving them more local control in exchange for producing units at a prescribed rate. This Plan supplements the Community Development Plan by defining specific affordable housing production goals, analyzing the capacity of municipal infrastructure and services to accommodate increased affordable housing production, and identifying specific geographic areas for future affordable housing growth.

² U.S. 2000 Census total housing unit count

Community Housing Goals

The Acton CPC has established the following goals in order to address the housing needs of the community.

- Acquire, create, preserve and support community housing and rehabilitate or restore community housing that is acquired or created under the CPA. Give preference to the reuse of existing buildings and to the construction of new buildings on previously developed sites.
- Limit or subsidize purchase price or rental fees to the Department of Housing and Community Development's established maximum low- and moderate-income limits to ensure that units are counted toward Acton's 10% goal for affordable housing.
- Promote economic diversity of Acton residents by providing housing for households earning at a range of 30%-80% of the Area Median Income.
- Provide permanent rental housing units that include support services for elderly and persons with disabilities.
- Support the Acton Housing Authority's plan to increase the inventory of affordable rental housing for families by developing more units on existing AHA land and/or purchasing additional condominium units.
- Encourage non-profit organizations to build and advocate for affordable housing in Acton.
- Encourage diversity in Acton's population by achieving a mix of homes that enhances Acton's town character and provides needed choices for all its residents.
- Encourage housing designs that preserve the character of Acton's established residential neighborhoods.
- Promote Smart Growth and be guided by sustainable development principles.

HISTORIC RESOURCES

Historic Resources are defined by the CPA as buildings, structures, vessels, or real properties that are listed or eligible for listing on the State Register of Historic Places or are significant in the history, archeology, architecture, or culture of Acton as determined by the Acton Historical Commission. CPA funds may be used for the preservation, restoration or rehabilitation of historic resources (including Town-owned historic resources), but not for routine maintenance. Unless such historic resources are in public ownership, the public purpose of investments in historic resources must be apparent, and must be protected by a permanent preservation restriction that ensures a public benefit. All projects funded in the Historic Resources category must meet the Secretary of the Interior's Standards for Rehabilitation (see Appendix 5).

Currently, Acton has a considerable number of historic assets, including municipal buildings, private homes, and ancient artifacts. Listed on the State and National Registers of Historic Places are the Faulkner House, the Jones Tavern, the Exchange Hall, the Jonathan Hosmer House, the John Robbins House, the Isaac Davis Trail (the "Line of March" of the Acton Minutemen in 1775), and the Acton Center Historic District, which includes over 40 buildings and structures. Listing on the State and National Registers recognizes the importance of these properties as resources. Acton's three Local Historic Districts are the Acton Center District, the South Acton District, and the West Acton District. Local Historic District designation under M.G.L. 40C adds all the properties within them to the State Register and provides regulatory protections to preserve the historic integrity of the districts and their buildings, structures, and sites. In addition, the Acton Cultural Resource List and Historic Properties Survey itemize and describe approximately 400 buildings, structures, and sites town wide. Many of these are outside any of the Local Historic Districts and not listed on the State or National Registers.

Historic Resources and Needs

The rural, agricultural, and historic character of Acton is currently threatened by the rapid rise of local land values. It is often more feasible to remove older structures and replace them with new, much larger structures that are frequently out of scale with their neighborhood and setting, a development trend which damages the historic integrity of the Town. The lost structures which gave a sense of history and cultural character to the neighborhood are gone forever. Similarly, the Town is frequently placed in a position of defending itself from large developments and subdivisions that diminish its rural and historic character.

Placement on the Acton Cultural Resource List provides an opportunity to explore alternatives to the demolition of historically significant buildings or structures under Acton's Demolition Delay Bylaw. Many character-contributing historic resources are not listed or adequately documented and some are at risk of demolition. The CPA gives Acton the opportunity to make real the goals and desires of its *Master Plan Update*. These goals and ambitions become much more attainable with a dedicated funding source.

Historic Preservation Goals

- Protect, preserve, and/or restore historic properties and sites throughout Acton of historical, architectural, archeological, and cultural significance. Work to assist owners with adaptive re-use of historic properties.
- Protect threatened properties of particular historical significance. Fully document the architectural and historical significance of Acton's historic resources and their current condition. Prepare historical/cultural resource-survey form and National Register application forms. Investigate and, if deemed feasible, adopt preservation restrictions for historic properties.
- Preserve the remaining rural/historic character of the Town, including, but not limited to, residential and non-residential buildings, barns, outbuildings, burial grounds, markers, monuments, stone walls, fields, cart paths, historic land- and street-scapes, and scenic vistas. Work to maintain the character of Acton's country roads.
- Continuously update and maintain the existing Town of Acton Historic Properties/Cultural Resource Inventory and archival records.
- Provide education and community outreach regarding the extensive historical and cultural resources within Acton. Develop a signage program for historic structures to increase public awareness of historical and cultural assets within Acton.

THE CPA FUNDING APPLICATION PROCESS

The Committee invites CPA funding application for the upcoming funding round. It is the responsibility of the Committee to review all applications and to make recommendation(s) as to which, if any, of these applications should be so funded. The Committee expects to bring its recommendations to the 2008 Annual Town Meeting. The Committee has developed the following four-step process for reviewing, recommending, and funding of CPA proposals.

Step 1. Submit Completed Application by November 5, 2007

Applications (15 printed copies) must be received by **Monday, November 5, 2007** to be eligible for ordinary consideration at the 2008 Annual Town Meeting. At its discretion the Committee may accept applications after the deadline for extraordinary reasons.

Applications for CPA funding must be submitted to the following address:

Community Preservation Committee
c/o Planning Department
Acton Town Hall
472 Main Street
Acton, MA 01720

Step 2. Community Preservation Committee Review and Public Comment

A. Application Review: The Community Preservation Committee will review submitted applications to determine whether the proposed projects:

1. Are eligible for Community Preservation funding; and
2. Are sufficiently developed in terms of their work plan and ripe in terms of timing for further consideration; and
3. Are consistent with the goals for CPA funding as set forth in this Plan; and
4. Are signed by the property owner.

B. Project Review Meetings: The Committee may ask applicants to meet with the Committee or its representatives to discuss their applications. These meetings will be publicly noticed. The Committee will seek public comments on proposed projects. Applicants are encouraged to meet and consult with other appropriate Town committees to assist with the vetting process, for instance with the Open Space Committee for open space acquisition proposals or with the Historical Commission for historic preservation project proposals.

C. Notification: The Committee will notify applicants of its decisions concerning recommendations. It may ask eligible applicants to submit additional information.

D. Committee Recommendations: The Committee will make its final recommendations for funding in the form of one or more warrant articles to be voted on at the 2008 Annual Town Meeting. The Committee may recommend a project as proposed by the

applicant, or may modify the project, or it may recommend partial funding or funding for only a portion or phase of the proposed project. The Committee's recommendations to Town Meeting may include detailed project scopes, conditions, and other specifications as the Committee deems appropriate to ensure CPA compliance and project performance.

Step 3. Town Meeting Vote

The Committee will present its recommendations to the 2008 Annual Town Meeting for discussion and vote. Town Meeting has the final authority to award funds from Acton's Community Preservation Act Fund. A simple majority vote is required to approve funding. A two-thirds vote is required for borrowing.

Step 4. Award Letter

For projects approved by Town Meeting, the Committee will issue award letters with information on funding amount, funding conditions, project modification as voted by Town Meeting (if any), Town staff contact information, and guidelines for project execution. A sample letter can be found in the Appendix.

Step 5. Project Execution

Funding for approved projects will be available following the issuance of the award letter subject to conditions contained in the award letter. CPA monies are public funds raised from dedicated Acton tax revenues and from State subsidies to the Town. Projects financed with CPA funds, and carried out on public property or by a public entity must comply with all applicable State and municipal requirements, including the State procurement law, which requires special procedures for the selection of products, vendors, services, and consultants.³

All CPA funds are administered and disbursed by the Town of Acton, and project management, oversight, execution, and financial control will be under the control of the Town Manager or his designee. All bid documents or requests for proposals must be approved by the Town Manager before publication. All purchases of goods and services require a Town of Acton purchase order issued by the Town Manager or his designee. Final decisions regarding the selection of goods and services are the responsibility of the Town Manager. All contractual agreements with vendors or service providers must be approved and signed by the Town Manager. Payments are made only after the receipt of goods or services. The Town Manager may approve partial payments for partially completed service as may be specified in a Town-approved service contract or on a case by case basis at his discretion.

Where a private funding source supplements a CPA appropriation for a project to be carried out by the Town of Acton or on land owned by the Town of Acton, all such private funds must be

³ For Example: Purchases over \$5,000 require the solicitation of at least three quotes. Purchases over \$25,000 require the publication of "invitations for bids" or "requests for proposals". Contracts for goods and services must be awarded to the lowest qualified bidder, which may be someone other than who assisted the applicant with a project application. Project purchases cannot be split to avoid the State procurement laws.

donated to the Town of Acton before any goods or services are procured for the project and must be utilized first before CPA funds can be accessed.

The aforementioned guidelines do not strictly apply where a CPA appropriation is made as a grant to a non-governmental entity or a governmental or quasi-governmental entity other than the Town of Acton. However, the Community Preservation Committee and the Town Manager, or his designee, may require accounting and reporting procedures that are appropriate in the context of the project and satisfy the Town's need to comply with municipal finance laws.

For questions about procurements and other financial requirements and procedures the applicant should contact the Town Treasurer, John Murray, at (978) 264-9612. General questions concerning the application process should be directed to Roland Bartl, Town Planner, via email at cpc@acton-ma.gov, or by calling (978) 264-9636. Mr. Bartl will assist the applicant directly or will direct the Applicant's inquiry to the appropriate Town staff.

The Committee may request project status updates from Fund recipients. The purpose of such update is to aid the Committee in refining the Plan and to identify issues that may assist future applicants.

GUIDELINES FOR SUBMISSION

The following guidelines should be utilized in preparing an application for CPA funding. These guidelines should be utilized in consideration of the applicable Plan goals, and in conjunction with the "Review and Recommendation Criteria" section of this Plan.

- Each project funding application must be submitted using the *Community Preservation Plan* "Project Application Form." Additional pages should be added as necessary.
- Project funding applications (15 printed copies; no e-mail, please) must be received by **Monday, November 5, 2007** to be considered at the 2008 Annual Town Meeting. Submit applications to:

Community Preservation Committee
c/o Planning Department
Acton Town Hall
472 Main Street
Acton, MA 01720

- Project funding applications should be for funding within a 5-year completion period.
- If submitting multiple applications, projects should be submitted in order of priority.
- Applicants should review the CPA, the Acton CPA Bylaw (Chapter S), and this *Community Preservation Plan* prior to submitting CPA funding applications.
- Applicants should prepare itemized project scopes, with details describing each item and its estimated cost.
- Prior to submittal, applicants are encouraged to clarify with the Committee, the Planning Department, or their own legal counsel as to the eligibility of their project under the Community Preservation Act (M.G.L. Ch. 44B).
- Applicants should obtain professionally prepared quotes for project costs whenever possible. If such quotes are not available, detailed cost estimates may be used provided the basis of the estimates is fully explained.
- If the funding application is part of a longer-term project, the applicant should include the total project cost.

Applicants should take the following factors into consideration when completing the application. In evaluating project proposals, the Committee will use these factors in conjunction with the criteria outlined under "Review and Recommendation Criteria":

Community Character:

- a) encourage and preserve open space and agriculture

- b) promote/maintain diversity in housing stock
- c) preserve historic resources
- d) re-use existing structures
- e) enhance social, economic, cultural, historical, and natural resources, and their diversity
- f) preserve/revitalize historic centers/districts
- g) acquire/preserve threatened resources
- h) be consistent with Town planning documents
- i) Promote Smart Growth and sustainable development principles

Community Impact/Needs:

- a) provide present and future uses
- b) increase/expand recreational facilities
- c) protect environmental/water resources
- d) address community need/fill void in community
- e) maximize number of people affected/benefiting
- f) meet needs of under-served populations
- g) meet multiple needs and populations

Fiscal Impact:

- a) initial cost
- b) ongoing maintenance or program costs
- c) minimize financial impact on taxpayers
- d) debt commitment
- e) multiple funding sources
- f) revenue generation
- g) feasibility

Other Factors:

- a) degree of urgency
- b) required timeline or impending deadlines
- c) complexity of execution

For additional information on the CPA statute and how it is being applied in towns across the State, visit the Community Preservation Coalition website at www.communitypreservation.org. For information on Acton's Community Preservation activity, visit the Town website at www.acton-ma.gov.

REVIEW AND RECOMMENDATION CRITERIA

It is the responsibility of the Committee to review all projects proposed for funding through the CPA Fund and to make recommendations to Town Meeting as to which, if any, of the proposed projects should be funded. In order to be considered eligible for review by the Committee, a project must at a minimum meet the statutory requirements of the CPA.

A project submitted to and deemed eligible for consideration by the Committee will be evaluated in relation to the following "Review and Recommendation Criteria." Recommendations for funding will be based on how well the individual projects meet these criteria, recognizing that all criteria may not apply to every project. The Committee will also give due consideration to the urgency of the project, with particular consideration given to those projects whose successful implementation is constrained by scheduling factors not controlled by the applicant.

- The project is consistent with the goals of the Town of Acton *Community Preservation Plan*.
- The project is consistent with the Town of Acton *Master Plan Update*, the Town of Acton *Open Space and Recreation Plan*, *Community Development Plan "To Live in Acton"* (2004), and other Town planning documents that have received wide scrutiny and input. These are available at the Acton Planning Department, the libraries, and on www.acton-ma.gov. In the case of Historic Resource projects, the work specified is consistent with the Secretary of the Interior's Standards for Rehabilitation – see Appendix 5.
- The project is economically or otherwise reasonably feasible to implement.
- The project serves a currently under-served population.
- The project serves multiple needs and populations and/or addresses more than one focus area of the CPA.
- The project leverages additional or multiple sources of public and/or private funding.
- The project utilizes, preserves, protects, or enhances currently Town-owned open space, recreation, historic and/or housing assets.
- The project is consistent with recent Town Meeting actions.
- The applicant/applicant team has successfully implemented projects of similar type and scale, or has demonstrated the ability and competency to implement the project as proposed.
- The applicant has site control, or the written consent by the property owner to submit an application.

PROJECT APPLICATION FORM – 2008

Applicant: _____

Submission Date: _____

Applicant's Address, Phone Number and Email

Purpose: (Please select all that apply)

- Open Space
- Community Housing
- Historic Preservation
- Recreation

Town Committee (if applicable): _____

Project Name: _____

Project Location/Address: _____

Amount Requested: \$ _____

Project Summary: In the space below, provide a brief summary of the project.

Estimated Date for Commencement of Project: _____

Estimated Date for Completion of Project: _____

APPLICATION INSTRUCTIONS AND REQUIRED ATTACHMENTS

Submit 15 complete printed copies (e-mails will not be accepted) of the application, including all attachments, to:

**Community Preservation Committee
c/o Planning Department
Acton Town Hall
472 Main Street
Acton, MA 01720**

Attach the following with all applications:

- **Narrative:** A complete and detailed description of the project and, when applicable, of the property involved and its proposed use. Describe how the project will benefit the Town and the citizens of Acton and how the project is consistent with the Community Preservation Plan's "Guidelines for Submission" and "Review and Recommendation Criteria." Include a work plan showing the anticipated steps or phases for completion of the project and the timing and estimated cost of each phase.
- **Site Control:** A copy of the deed, purchase and sale agreement, option agreement, or other document to prove that the applicant has site control; or the property owner's written consent to the application and to the proposed project. If site control is not established, please explain in detail.
- **Project Scope:** An itemized project scope, with details describing each item and its estimated cost.
- **Cost Estimate:** Professionally prepared appraisal; or professionally prepared cost estimate (or detailed cost estimate with full explanation by line item and back-up material).
- **Feasibility:** List and explain all further action or steps that will be required for completion of the project, such as environmental assessments, zoning or other permits and approvals, agreement on terms of any required conservation, affordability, or historic preservation restrictions, subordination agreements, and any known or potential barriers or impediments to project implementation.
- **Maps:**
USGS topographical map, assessors map, or other map as appropriate, showing location of the project.
- **Photographs** of the site, building, structure, or other subject for which the application is made.

Include the following, if applicable and available:

- Record plans of the land.
- Natural resource limitations (wetlands, flood plain, etc.).

- Zoning (district, dimensional and use regulations as applies to the land).
- Inspection reports.
- 21E Reports and other environmental assessment reports.
- Architectural plans and specifications for new construction and rehabilitation.
- Site plans and specifications.
- Maps, renderings, etc.
- Historic inventory sheet.
- Existing conditions report.
- Names and addresses of project architects, contractors, and consultants.
- Other information deemed useful for the Committee in considering the project.

Notes:

- Following the initial review of all applications, the Community Preservation Committee may request from applicants additional or more detailed information, and further clarifications to the submitted proposals. The Committee may request from the applicant a legal opinion to help it assess CPA project eligibility and to provide answers to any other questions that the Committee may have before finalizing its recommendation to Town Meeting.
- Once the Committee has made a preliminary selection of projects for funding, the Committee will work with the applicants for those projects to advance them for funding by Town Meeting.
- The Committee reserves the right to attach conditions, and to require deed restrictions and additional agreements, before its favorable funding recommendation to Town Meeting.

APPENDIX

1. 2007 Project Proposals and Committee Funding Recommendations

CPC Final Project Recommendations for Funding from FY 06 Fund Balance					
	Applicant	Project Proposals	CPA Category	Request Amount	Recommended Amounts
1	Acton Housing Authority	Capital Fund	Community Housing	\$ 50,000	\$ 64,000.00
2	Acton Housing Authority	Support Services	Community Housing	\$ 35,000	\$ 35,000.00
3	Acton Community Housing Corporation	Comm. Housing Program Fund	Community Housing	\$ 100,000	\$ 170,000.00
4	Acton -Boxborough Regional Schools	Athletic Field Lighting	Recreation	\$ 150,000	\$ 175,000.00
5	Town of Acton	Bruce Freeman Rail Trail Design	Recreation	\$ 202,000	\$ 202,000.00
6	Town of Acton	East Acton Village Green	Historic Preservation	\$ 70,000	\$ 70,000.00
7	Town of Acton	Archeological Survey	Historic Preservation	\$ 35,000	\$ 35,000.00
8w	Town of Acton	Faulkner Room Ceiling Repair	Historic Preservation	WITHDRAWN	
9	Town of Acton	Granite Markers	Historic Preservation	\$ 5,000	\$ 5,500.00
10w	Town of Acton	NARA Master Plan	Recreation	WITHDRAWN	
11	Town of Acton	Groener Land Acquisition	Open Space	\$ 100,000	\$ 100,000.00
12	Town of Acton	Open Space Set-Aside	Open Space	\$ 350,000	\$ 350,000.00
13	Town of Acton	53 River St. Land Acquisition	General CPA Purposes	\$ 750,000	\$ 0.00
14w	Town of Acton	468 Main St. Land Acquisition	General CPA Purposes	WITHDRAWN	
15	Community Preservation Committee	Historic Preservation Set-Aside	Historic Preservation	\$ 20,834	\$ 55,334.00
16	Community Preservation Committee	Hist. Preserv. Make-up/Set-aside	Historic Preservation	\$ 4,130	\$ 4,130.00
17	Comm. Preserv. Com./Town of Acton	Administration (5%)		\$ 65,416	\$ 65,416.00
				\$ 1,937,379	\$ 1,331,380.00

The 2007 Annual Town Meeting adopted the Committee's recommendations.

The annual Open Space Reserve Fund appropriations are cumulative and subject to future appropriation by Town Meeting for specific projects or land acquisitions. The total Open Space Reserve Fund after the 2007 Annual Town Meeting is \$1,250,000.

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2. Article 32⁴ Community Preservation Program (Majority Vote) 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 2006 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:

FY 2006 COMMUNITY PRESERVATION FUND BALANCE		
FY 2006 Community Preservation Fund Revenues		
Community Preservation Fund Surcharge Collected in FY 2006		\$ 656,254.18
State Community Preservation Trust Fund Receipt, October 2006		\$ 652,082.00
Other FY 2006 Community Preservation Fund Components		
Interest Earned FY 2006		\$ 58,502.20
Recapture of unspent previous years' project appropriations (02/07)		\$ 71,984.64
Unencumbered FY 2005 Fund Balance		\$ 86,122.12
Total - FY 2006 Community Preservation Fund Balance		\$1,524,945.14
APPROPRIATIONS		
Purpose		Recommended Amounts
Set Aside Appropriations for		
A. Acquisition, creation, and preservation of open space, and its rehabilitation and restoration		\$ 350,000.00
B. Acquisition, preservation, rehabilitation and restoration of historic resources		\$ 55,334.00
C. Acquisition, preservation, rehabilitation and restoration of historic resources; compensates for under-spending in 2004		\$ 4,130.00
Spending Appropriations		
D. Capital Fund, Acton Housing Authority		\$ 64,000.00
E. Support Services, Acton Housing Authority		\$ 35,000.00
F. Community Housing Program Fund		\$ 170,000.00
G. Athletic Field Lighting		\$ 175,000.00
H. Bruce Freeman Rail Trail Design		\$ 202,000.00
I. East Acton Village Green		\$ 70,000.00
J. Communitywide Archaeological Reconnaissance Survey		\$ 35,000.00
K. Granite Street Marker Restoration		\$ 5,500.00
L. Groener Land Purchase at 191 Nagog Hill Road		\$ 100,000.00
Administrative Spending Appropriation		
M. A fund reimbursing the Town of Acton for administrative services and operating expenses provided in support of the Community Preservation Committee		\$ 65,416.00
Total Recommended Appropriations		
		\$1,331,380.00
Remaining FY 2006 fund balance		\$ 193,565.14

⁴ Article 32 of the 2007 Annual Town Meeting Warrant

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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 meet or exceed 10% of the 2006 Community Preservation Fund revenues.

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 2006 Community Preservation Fund Balance the minimum necessary amounts to allocate not less than 10% of the FY 2006 Community Preservation Fund revenues for open space (\$130,833.62), not less than 10% of the FY 2006 Community Preservation Fund revenues for historic preservation (\$130,833.62), not less than 10% of the FY 2006 Community Preservation Fund revenues (\$130,833.62) for community housing, and to set aside for future spending on historic preservation not less than \$4,130.00, which had been recaptured as unspent 2004 Community Preservation appropriations and closed to the Community Preservation Fund.

, 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 (the Act). 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 Act, the Community Preservation Fund may be used to acquire, create and preserve open space; to acquire, preserve, rehabilitate, and restore historic resources; to acquire, create, preserve and support community housing; to acquire, create and preserve land for recreational use; to rehabilitate and restore open space, land for recreational use and community housing that is acquired or created with CPA funds; 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 fourth 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 August 2006, the Community Preservation Committee published its 2007 Community Preservation Plan with guidelines for the submission of projects seeking funding. The

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Committee received fourteen 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 the Act. Four proposals were withdrawn or not funded during the review period for various reasons. This article represents the Committee's recommendation for appropriations from the available Community Preservation Fund balance, which includes nearly \$72,000 in left-over funds recaptured from completed Community Preservation projects approved in previous years. All recommended amounts are "up-to" spending limits. Savings, if any, will be available for future appropriations. All proposed projects that remained after the withdrawals are recommended for funding, whereby some of the projects are recommended at higher funding levels than the proponents had originally requested. As in previous years the recommended appropriations include a set-aside for open space. This year, the recommended appropriations also include two separate set-asides for historic resources. One is to meet this year's required 10% minimum funding level as required in the Act; the other is to meet the 10% threshold for 2004 after two historic resources projects funded in that year were completed under budget. The recommended appropriations leave a remaining fund balance of \$193,565.14 that is available for future Town Meeting appropriations in all eligible funding categories under the Act.

The Act states that Town Meeting may delete or reduce any of the recommended appropriations, but may not add new items or increase the recommended appropriations. The Act also 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 resources; and community housing. The Committee may also recommend the taking by the Town of interest in real property (not recommended this year), the borrowing of funds for Community Preservation (not recommended this year), 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. Together with the previous years' open space set-aside appropriations, the recommended amount will bring the balance in the open space set-aside to \$1,250,000.

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

B. Set-Aside for Historic Resources

This item sets aside a fund from which Town Meeting may appropriate spending in future years for the purpose of acquiring, preserving, rehabilitating, and restoring historic resources. The number of historic resource projects proposed this year, and their funding amounts do not total 10% of the required spending level for this year as the Act requires. The recommended set-aside amount ensures compliance with the Act.

Recommendations:	<u>Board of Selectmen</u>	<u>Finance Committee</u>
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F. Community Housing Program Fund

This requested appropriation will be for the acquisition, creation, preservation, and support of community housing in the Town of Acton. It will replenish the Community Housing Program fund which received previous Community Preservation Fund appropriations in 2004 and 2005. The Program Fund can be used for 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 financial assistance to low- and moderate-income buyers. 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. 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.

The ACHC represented to the Community Preservation Committee, that a particular focus in the coming year will be a condominium Buy-Down Program. After having studied various options and models, the ACHC has chosen to implement a purchase price buy-down program. It will pay the seller of a unit a certain amount to lower the price to affordable levels for households with incomes between 60% and 80% of the Area Median Income. In exchange, a deed restriction will be placed on the unit that will keep it affordable in perpetuity and count towards Acton's Subsidized Housing Unit Inventory under M.G.L. Ch. 40B.

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

G. Athletic Field Lighting at the Acton-Boxborough Regional High School

This recommended appropriation to the Acton Boxborough Regional School District will help fund the installation of sports lighting for the varsity baseball field, practice football/soccer field and five tennis courts at the High School. The work will include the installation of light poles with concrete foundations, electrical panel and control box, wiring, light fixtures, and protective netting. The investment of the Town's Community Preservation Funds in this project acquires for the Town open space for recreation through expanded use hours of the fields, with details for the terms and hours of use during the hours of field lighting determined in an enforceable inter-municipal agreement between the Town of Acton and the Acton-Boxborough Regional School District. The project will also be funded with at least \$110,000 from private sources, and Acton Boxborough Community Education will contribute \$15,000.

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

H. 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

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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 appropriated \$250,000 of Community Preservation funding for this project in the prior two years. This recommended appropriation is the third phase of funding for the acquisition of land, the design, and all related costs to the Town for the Bruce Freeman Rail Trail project. The initial survey and design work has begun, which will help identify solutions to some of the more difficult issues along the trail such as right of way encroachments and road crossings. This will also better define the project cost, which is currently estimated at \$4.4 million. Additional design funding and all construction funding will come from Federal and State transportation funding sources.

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

I. East Acton Village Green

The Town owns approximately 1 acre of land at the corner of Great Road and Concord Road in East Acton Village with shore line on Ice House Pond. It straddles the former Framingham-Lowell railroad right-of-way, which is programmed to become the Bruce Freeman Rail Trail. Old photographs document that the site was once the location of the East Acton depot and a formal green. This project would transform this parcel from its present condition into a new Village Green. The proposal includes new landscaping elements, park benches, walkways, and a small historical kiosk and plaza at the site of the foundation of the former depot. Accommodations are made in the design for the future Bruce Freeman Rail Trail. The East Acton Village Planning Committee initiated the East Acton Village Green project in 2003. The Massachusetts Downtown Assistance Grant program funded the design. Landscape Architects of The Cecil Group prepared the plan under the direction of the East Acton Village Planning Committee. The plan proposes to use durable materials for the architectural elements for long lasting and maintenance free enjoyment of this small open space in the East Acton Village. \$35,000 of this appropriation is for historic preservation purposes and \$35,000 is allocated for recreation purposes. This appropriation will also be funded by an additional \$30,000 anticipated to come from private donations.

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

J. Communitywide Archaeological Reconnaissance Survey

This recommended appropriation will fund a community-wide archaeological reconnaissance survey to identify the patterns of prehistoric and Colonial occupation and activities in Acton, and to determine known and probable locations of archaeological resources associated with those patterns. Under the project, the Town would engage professional expertise in this field of science to undertake the survey. The project goal is to identify areas in Acton that most likely have archaeological sensitivities so that the Town can achieve more effective protection of significant archaeological resources. Deliverables will be an archaeological sensitivity map for prehistoric and historic sensitive areas with a guide for nonprofessionals to use the map; a survey report in accordance with the Secretary of the Interior standards; and management recommendations for the protection of identified resources and sensitive areas.

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3. Community Preservation Committee 2006 Annual Report

The Community Preservation Committee (CPC) is responsible for the administration of the Community Preservation Fund, the selection of projects for recommendation to Town Meeting for funding, and the monitoring of the progress of funded community preservation projects. By statute, Community Preservation funds may be allocated to those projects that support the acquisition, creation, and preservation of open space, historic resources, community housing, and land for recreational use.

The CPC enjoyed continued success in 2006, its fourth year of operation. With Article 22 on the April 2006 Annual Town Meeting warrant, the Committee recommended sixteen projects totaling \$1,172,553.40, that included a \$400,000 set-aside for future open space preservation, a fund balance of \$86,122.12, and funds to cover administrative costs. Citizens at Town Meeting voted overwhelmingly in favor of the full article. Several of those approved projects, such as the acquisition of town-owned land for affordable housing at 28 Willow & 214 Central St., the Gates school playground, a woodland path for Leary Field, Town Hall slate roof replacement, and the new Elm Street Basketball courts have already been completed, while others are ongoing.

As of June 30, the Town raised \$656,254 from the local CPA surcharge for FY2006 and in October 2006 received \$652,082 in State matching funds. Together with \$58,502 interest earned in FY 2006, and \$86,122 that remained unallocated from the previous year, Acton's total FY2007 Community Preservation Fund balance is \$1,452,960.

In June, the Committee began the process of updating the Community Preservation Plan. They held a public hearing on the Plan's needs statements and solicited comments from representatives of interest groups eligible for CPA funding. Attendees provided good input to the Plan and alerted the Committee to future proposals that may be submitted. The Draft Plan was distributed to the community in July and approved by the Committee in August. The Committee published its 2007 Community Preservation Plan with updated guidelines and information for applicants seeking community preservation funds and posted it on the Town website.

In September, the CPC held a workshop for prospective applicants. Prior applicants from each category made presentations on previous projects. They described the process as they experienced it, made suggestions for improvements, and updated the Committee on the progress of their projects. The CPC also presented information on procurement procedures that must be followed under public bidding laws and provided handouts. Sample applications were made available and a list of potential project ideas was discussed.

In November, the Committee began deliberations on thirteen submissions filed for the 2007 funding cycle. The CPC will use the same process from previous years: review all proposals, solicit legal opinion on the eligibility for some projects, interview the applicants, solicit input from Town Boards, including the Selectmen and Finance Committee, and seek general public input. The Committee's FY2007 recommendations will be presented for action at the April 2007 Town Meeting.

The Community Preservation Committee generally meets every 2nd and 4th Thursday of the month in the Acton Memorial Library meeting room. All CPC meetings are open to the public and the Committee welcomes public participation throughout the process. Citizens may email

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the Committee at cpc@acton-ma.gov or contact the Town Planning office at (978) 264-9636 with questions, comments, and feedback. For additional information and to view the current Community Preservation proposals, citizens may visit the Community Preservation page on the Town website at www.acton-ma.gov.

2006 CPC Members:

Catherine Coleman, At-large, Chair
Ken Sghia-Hughes, Acton Housing Authority representative, Vice Chair
Ed Starzec, Planning Board representative, Clerk
Jon Benson, Associate
Peter Berry, At-large
Victoria Beyer, Historical Commission representative
Walter Foster, Board of Selectmen representative
Matt Lundberg, Recreation Commission representative
Andrew Magee, Conservation Commission representative
Susan Mitchell-Hardt, At-large
Nancy Tavernier, Associate
Roland Bartl, Town Planner, staff support

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4. Sample Award Letter



**Community Preservation
Committee**

TOWN OF ACTON
472 Main Street
Acton, Massachusetts 01720
Telephone (978) 264-9636
Fax (978) 264-9630
cpc@acton-ma.gov
www.acton-ma.gov

April 26, 2007

Ms. Kelley A. Cronin
Executive Director
Acton Housing Authority
68 Windsor Avenue
P.O. Box 681
Acton, MA 01720-1408

Re: 2007 CPA Project Funding – Capital Fund for the Acton Housing Authority

Dear Ms. Cronin:

Congratulations to the Acton Housing Authority on being a recipient of Community Preservation funds (CPA funds) in 2007. Your effort and cooperation during this year's project selection process helped secure the overwhelming support at the Annual Town Meeting for the Community Preservation Committee's (CPC) spending recommendations. Voters agreed that each project is worthwhile and now they expect that each will be well executed. Before you move forward with the project, please pay close attention to the following important instructions and funding conditions:

- The Town contact person assigned to your project is Roland Bartl, Planning Director. All necessary documentation and communication with the Town regarding this project shall be directed to him.
- CPA funding for your project is available immediately following the release date of this letter, however:
- CPA funds shall be disbursed only after project completion to your satisfaction and consistent with the approved project scope, and after:
 - a) receipt by the Town contact person of an invoice by you for payment (or reimbursement) for completed services, including all back-up documentation and invoices for the entire project by the contractor(s) who performed the work;

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b) verification that all applicable state purchasing and ethics regulations, local bylaws, and Town financial policies have been met; and

c) the assigned staff person has verified that the conditions of this award letter have been met.

CPA fund disbursements may also be made in installments after completion of project phases defined in a contract for services or purchase order.

- Payments will be made for the amount invoiced by the contractor(s) up to \$64,000.
- Funds cannot be released until the Board of Selectmen has signed the Accounts Payable Warrant at a public meeting.
- As a public agency the Acton Housing Authority is responsible to ensure that the procurements of goods and services for CPA funded projects, including procurements that are partially funded with monies donated by private entities towards the project, will abide by all applicable State and municipal requirements. They require certain procedures for expenses of \$5,000.00 or more, including a requirement that certain State funded projects are done with a specified minimum participation level by minority- and women-owned businesses. Please contact your legal counsel if you have any questions.
- CPA funds shall be used only for preservation work of the Acton Housing Authority's housing stock that is legally eligible under the CPA statute, M.G.L. chapter 44B. As determined during the CPC's project review, eligible preservation work includes the following:
 - ✓ heating system replacements
 - ✓ roof and gutter replacements
 - ✓ window and door replacements
 - ✓ installation of smoke eliminatorsor similar work items.
- CPA funds shall not be use for rehabilitation or maintenance including, but not limited to, the following work originally proposed in the project application:
 - handicapped accessible doors
 - bathroom retrofitting for people with disabilities
 - concrete landings
 - energy audit
 - heating systems assessment
 - heating system upgrades
- Any preservation work on a building that is older than 60 years shall require consultation with the Acton Historical Commission for a determination if the Secretary of the Interior standards for the preservation of historic resources apply.
- Any significant changes to the project as limited herein shall require CPC approval. Please contact Roland Bartl, Planning Director (978-264-9636; rbartl@acton-ma.gov) to help determine what change is significant, and if necessary to schedule an appointment with the CPC.
- Upon full completion of the project, you must certify completion in writing to the assigned staff person. Once he receives your certification, your project account will be closed and no further funds shall be available for this project.

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APPENDIX

- Any CPA funds awarded to this project and not used upon project completion will be returned to the general CPA fund of the Town and made available for future appropriation by Town Meeting for other projects.
- Good publicity for your project is very important. It is exciting for Acton citizens to know where their CPA funds are being spent. It is also essential that the CPA remains strong at the State level. Therefore, the CPC asks that you make every effort to credit the source of this funding in written materials and with signs at the project location stating **"This project has been generously supported by the Town of Acton Community Preservation Fund."** If possible, submit a letter to the Beacon detailing how the funds have benefited your project.

The Community Preservation Committee would appreciate a notice when work on the project has commenced, periodic updates concerning the progress of your project, and especially upon completion. For updates or general questions please contact the CPC via email - cpc@acton-ma.gov, or by calling the Planning Department at (978) 264-9636. Finally, please sign and return to Roland Bartl, the attached acceptance form. Thank you for working in partnership with the CPC to make a significant and lasting difference in our Town.

Sincerely,



Catherine L. Coleman
Chair
Community Preservation Committee

cc: Board of Selectmen
John Murray, Assistant Town Manager
Roland Bartl, Planning Director
Karen Kukala, Assistant Finance Director

APPENDIX

**Re: 2007 CPA Project Funding – Capital Fund for the Acton Housing Authority;
up to \$64,000.**

The Acton Housing Authority accepts the foregoing grant of Community Preservation funds and agrees to be bound by the conditions stated in this award letter.



Ms. Kelley A. Cronin
Executive Director
Acton Housing Authority
68 Windsor Avenue
P.O. Box 681
Acton, MA 01720-1408

Dated: May 8, 2007

APPENDIX

5. The Secretary of the Interior's Standards for the Treatment of Historic Properties

*The Secretary of the Interior is responsible for establishing standards for all national preservation programs under Department authority and for advising federal agencies on the preservation of historic properties listed in or eligible for listing in the National Register of Historic Places. There are four distinct, but interrelated, approaches to the treatment of historic properties -- Preservation, Rehabilitation, Restoration, and Reconstruction. **Preservation** focuses on the maintenance and repair of existing historic materials and retention of a property's form as it has evolved over time. **Rehabilitation** acknowledges the need to alter or add to a historic property to meet continuing or changing uses while retaining the property's historic character. **Restoration** is undertaken to depict a property at a particular period of time in history, while removing evidence of other periods. **Reconstruction** re-creates vanished or non-surviving portions of a property for interpretive purposes.*

STANDARDS FOR REHABILITATION

Rehabilitation is defined as the act or process of making possible a compatible use for a property through repair, alterations, and additions while preserving those portions or features which convey its historical, cultural, or architectural values.

1. A property will be used as it was historically or be given a new use that requires minimal change to its distinctive materials, features, spaces, and spatial relationships.
2. The historic character of a property will be retained and preserved. The removal of distinctive materials or alteration of features, spaces, and spatial relationships that characterize a property will be avoided.
3. Each property will be recognized as a physical record of its time, place, and use. Changes that create a false sense of historical development, such as adding conjectural features or elements from other historic properties, will not be undertaken.
4. Changes to a property that have acquired historic significance in their own right will be retained and preserved.
5. Distinctive materials, features, finishes, and construction techniques or examples of craftsmanship that characterize a property will be preserved.
6. Deteriorated historic features will be repaired rather than replaced. Where the severity of deterioration requires replacement of a distinctive feature, the new feature will match the old in design, color, texture, and, where possible, materials. Replacement of missing features will be substantiated by documentary and physical evidence.
7. Chemical and physical treatments, if appropriate, will be undertaken using the gentlest means possible. Treatments that cause damage to historic materials will not be used.
8. Archeological resources will be protected and preserved in place. If such resources must be disturbed, mitigation measures will be undertaken.
9. New additions, exterior alterations, or related new construction will not destroy historic materials, features, and spatial relationships that characterize the property. The new work will be differentiated from the old and will be compatible with the historic materials, features, size, scale and proportion, and massing to protect the integrity of the property and its environment.
10. New additions and adjacent or related new construction will be undertaken in such a manner that, if removed in the future, the essential form and integrity of the historic property and its environment would be unimpaired.