TOWN OF ACTON

COMMUNITY PRESERVATION PLAN
~~2012~~2013

COMMUNITY PRESERVATION COMMITTEE

September 13 ~~22~~, ~~2011~~2012

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INTRODUCTION

The Town of Acton Community Preservation Committee ("the Committee") is pleased to present the ~~2012~~ 2013 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 ~~seven~~ nine complete fiscal years and appropriated CPA dollars in ~~seven~~ nine funding rounds:

Collections		*Appropriations*	
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
FY 07:	$1,372,423*	2008 Annual Town Meeting:	$1,466,605
		10/2008 Special Town Meeting:	$ 730,000**
FY 08:	$1,181,612*	2009 Annual Town Meeting:	$ 955,155
FY 09:	$ 969,260*	2010 Annual Town Meeting	$1,973.662***
FY 10:	$ 949,752*	2011 Annual Town Meeting	$1,295,696****
FY 11:	$ 958,847*	2012 Annual Town Meeting	$1,194,470

* Includes CPA collection from local surcharge at the fiscal year end and State Trust Fund "match" received in the following October. Does not include interest, prior year balances carried forward, and recaptured funds from closed out prior year projects.

** From CPA Open Space Set-Aside Fund.

*** The $1,000,000 appropriation from the CPA Open Space Set-Aside Fund at the 2010 Annual Town Meeting was reduced to $830,000 at the October 2010 Special Town Meeting.

**** $84,000 from CPA Historic Set-Aside Fund.

Summaries of these appropriations are at http://www.acton-ma.gov/index.aspx?nid=260~~)~~.

The Committee wishes to thank the multitude of Town citizens, Town and State officials, the Massachusetts Community Preservation Coalition, 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.

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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; acquire, create, preserve and support community housing; and acquire, create and preserve land for recreational use. The Act also provides significant State matching funds. Annual State CPA trust fund distributions matched 100% of locally raised CPA funds in 2003 through 2007, 67% in 2008, 35% in 2009, and 27% in 2010 and 2011. The growing number of communities that have adopted the CPA and reduced State trust fund revenues indicate that the percentage of State distributions in the coming years will remain at lower levels without the ~~passage~~ enactment of ~~pending~~ CPA reform legislation, which as of June 2012 has passed the House and is pending in the Senate.

As of ~~May~~ June 201~~1~~2, 148 Massachusetts cities and towns have adopted the CPA. Each year the state match is distributed in two rounds to the participating cities and towns. In the first round, the state divides 80% of the amount in the trust fund among all participating communities so that they receive the same percentage match. If the first round does not generate a full match, the remaining 20% of the trust fund will go toward a second-round distribution. To receive funds from the second round a community must have passed the CPA at a 3% surcharge.

Acton voters approved the Community Preservation Act, M.G.L. c. 44B, at the 2002 Annual Town Meeting and at the November 2002 General election. Acton 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. Revenues and appropriations for 2003 through 201~~0~~1 as audited were as follows:

	FY 2003	FY 2004	FY 2005	FY 2006	FY 2007	FY 2008	FY 2009	FY 2010	Formatted Table
From local surcharges	$ 470,991	$ 539,237	$ 573,504	$ 656,254	$ 682,528	$ 703,908	$ 718,787	$ 746,873	$ 756,534
State matching funds	$ 473,465	$ 534,467	$ 568,164	$ 652,082	$ 690,311	$ 473,581	$ 250,473	$ 202,879	$ 202,313
Reserve from prior years	$ 0	$ 70,973	$ 64,966	$ 85,497	$ 188,700	$ 232,238	$ 571,694	$ 495,160	$ 324,593
Recapture from prior years	$ 0	$ 0	$ 0	$ 67,745	$ 0	$ 15,751	$ 43,164	$ 101,055	$ 83,833
Interest	$ 0	$ 4,155	$ 29,417	$ 58,502	$ 137,304	$ 101,371	$ 54,705	$ 30,322	$ 21,994
Total	$ 944,456	$1,148,832	$1,236,051	$1,520,080	$1,698,843	$1,526,849	$1,638,823	$1,576,289	$1,389,267
Appropriations	$ 873,483	$1,083,867	$1,150,553	$1,331,380	$2,196,605*	$ 955,155	$1,973,663**	$1,295,696***	$1,194,470
Undedicated Reserve	$ 70,973	$ 64,966	$ 85,497	$ 188,700	$ 232,238	$ 571,694	$ 495,160	$ 324,593	$ 194,797

* $730,000 from CPA Open Space Set-Aside Fund
** $830,000 from CPA Open Space Set-Aside Fund.

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*** $84,000 from CPA Historic Set-Aside Fund

For FY 201~~1~~2, revenues from the local CPA surcharge are estimated at $~~750,000~~_____. The level of State matching funds currently is estimated at +/-$~~190,000~~_____ (~~25~~__%).

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Appropriations from the Community Preservation Fund during Fiscal Years 2003-2010 have contributed a total of $3,~~125~~625,000 to the Open Space Set-Aside Fund.
The CPC recommended, and Town Meeting approved three open space purchases.

(1) +/- 12 acre Groener land off Nagog Hill Road by the Nagog Hill Conservation Area (2007; $100,000 from general CP funds).
(2) +/-5.25 acres off Piper Lane in South Acton plus a conservation restriction on +/-0.2 acres of adjacent land~~;~~ ~~$730,000~~ (2008; $730,000 from Open Space Set-Aside).
(3) +/-10.2 acres off Stow and Martin Streets in South Acton plus a conservation restriction on +/-3.1 acres of adjacent land~~;~~ ~~$830,000~~ (2010; $830,000 from Open Space Set-Aside).

Overall, actual acquisition costs were slightly below the appropriation amounts. The current Open Space Set-Aside Fund balance is $~~1~~2,~~565~~077,~~000~~537.

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, Walter Foster; Corrina Roman-Kreuze); representatives of the Board of Selectmen (Janet Adachi), Conservation Commission (Andrew Magee), Historical Commission (Victoria Beyer), Planning Board (Roland Bourdon III), Recreation Commission (Elizabeth Mercier), and Acton Housing Authority (Ken Sghia-Hughes); and two associate members (F. Doré Hunter & Peter Ashton). The Selectmen have assigned the Planning Department to provide the Committee with staff assistance.

This Plan evolved from the previous years' *Community Preservation Plans*. It incorporates lessons learned from the previous 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*~~Acton 2020 Comprehensive Community Plan (Master Plan adopted in 2012), the 2002 – 2007 Town of Acton *Open Space and Recreation Plan*, ~~the 2004 *"To Live in Acton" Community Development Plan*, the April 2009 Report "Emerging Vision and Goals for Acton's Future" (Acton – Today, Tomorrow, Together)~~ 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

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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 favorable 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.

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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, preservation, rehabilitation, and restoration 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."[1]

Comment [rb1]: Footnote may need updating or deletion if House adopts CPA reform before September.

[1] In October 2008, the Massachusetts Supreme Judicial Court decided *Seideman v. City of Newton*, which clarified the permissible use of CPA funds for recreational purposes. The SJC ruled that:

- CPA funds cannot be used for the creation of new or different recreational uses on existing land that is already devoted to recreation use and that was not originally acquired with CPA funds.

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

- The "rehabilitation or restoration of open space, land for recreational use and community housing that is acquired or created" using CPA monies.
- Revenues "set aside" 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 appraisals, land surveys, baseline studies to establish conservation values, title searches, legal fees, costs regarding the issuance of the required restriction on the land, and other closing expenses for the project~~costs, expenses for title searches, and closing fees~~.
- If you intend to grant your perpetual restriction to a not-for-profit conservation organization, the amount you request at Town Meeting may have to include a grant to the holder to establish an endowment for ongoing site monitoring and potential enforcement by the holder.

Comment [rb2]: SMH

Comment [rb3]: SMH

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

"The word 'create' means '[t]o bring into being' or 'to cause to exist.' . . . Land for recreational use is not being created where a municipality chooses simply to enhance or redevelop that which already exists. . . . ."

◊ Land that had been used for a purpose other than recreational use, including blighted land, can be acquired for or converted to recreation use using CPA funds; and CPA funds can be used to acquire land for or convert land to recreation use that, at some point in the past, ceased to exist for recreational purposes.

◊ CPA funds can be appropriated for the "preservation" of land for recreational use, with "preservation" under the CPA meaning specifically protection of such land from injury, harm or destruction.

◊ CPA funds cannot be used for extensive improvements and upgrades to parks and existing recreation facilities, which are not encompassed by the statutory definition of "preservation." Where the goals of proposed projects are to "maximize recreational opportunities; improve accessibility; bring an orderly flow to the fragmented sections of the parks; enhance beautification; use better materials to raise standards of safety and cleanliness; increase park usage; improve signage, decorative fencing, and landscaping; provide more seating throughout the parks; and boost the spirit and involvement of the neighborhood community," the municipality "is not seeking to 'preserve' the parks by protecting them from decay and destruction, see G.L. c. 44B, § 2, but to improve substantially the parks' over-all quality, attractiveness, and usage."

◊ CPA funds can be used to acquire land for recreational use "by gift, purchase, devise, grant, rental, rental purchase, lease *or otherwise*" (emphasis added). . . . The word 'otherwise' is broad enough to include a 'transfer' of land for recreational use." For instance, land already owned by a municipality and designated for a particular non-recreation purpose "could be 'acquired' for recreational use by transferring it from one municipal entity to another."

- As a replacement or substitute for operating funds. The CPA is a supplementary funding source intended to increase available resources for community preservation acquisitions and initiatives.
- Payment 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 CP Funds	Yes	Yes – if acquired or created with CP Funds	Yes – if acquired or created with CP Funds

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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 12% or 1,583 acres of Acton's approximate 12,990 acres are considered protected as "conservation lands." The degree of protection offered these lands varies in accordance with the method of their original acquisition, but very little (fewer than 20 acres) is permanently protected by state-approved conservation restrictions. The Acton Water District owns approximately 400 acres for water supply protection purposes, and approximately 787 acres have been set-aside for open space and/or recreational use in association with cluster housing developments under the Acton Zoning Bylaw (PCRC or OSD), but none of these lands is protected by permanent conservation restrictions. Since 2005 a number of open space parcels in Acton have been successfully preserved through purchase in fee by a land trust, legislative actions and permanent conservation restrictions, including the Whitcomb land in Heath Hen Meadow Brook (16 acres and the Kingman Pasture on Esterbrook Road (6.5 acres) permanently protected by Acton's local land trust, the Acton Conservation Trust, the MCI Concord farm fields (107 acres), the Groener parcel at Nagog Hill (12 acres)[†], the Haartz Corporation woods (20 acres), the Gaebel parcel at Great Hill (5.5 acres)[†] and, most recently the Caouette-Simeone farm fields (~~13~~ 10 acres)[†]. However, over time, 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.

Comment [rb4]: SMH

Comment [rb5]: SMH

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

[†] These projects were funded with CPA funds.

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.

Conservation Restrictions are required for all lands acquired under CPA for Open Space and Recreation; until this document is completed and filed, the terms of the CPA acquisition have not been technically completed.

CPA funds may be used for drafting conservation restrictions, as well as for conducting the associated baseline documentation, for all open space and recreation purchases under CPA. Funds for drafting the Conservation Restriction and Baseline Documentation may be appropriated as part of the CPA Warrant Article that acquires the property. If the Town intends to grant a perpetual restriction to a not-for profit conservation organization, the amount you request at Town Meeting may have to include a grant to the holder to establish an endowment for ongoing site monitoring by the holder and for potential enforcement. Alternatively, if the Warrant Article hasn't specified such an appropriation, the Open Space Committee may request funds from the Open Space Acquisition and Preservation Fund to cover drafting the Conservation Restriction, Baseline Documentation, expenses.

Comment [rb6]: SMH

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. 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 as well as 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

Comment [rb7]: Recreation section updates by Betsy Mercier and Cathy Fochtman.

The CPA statute 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." The Town's priorities for recreational opportunities and facilities are documented in the 2002-2007 Town of Acton *Open Space and Recreation Plan* (the OSRP). A key goal in that document is to improve Acton's recreational opportunities, recognizing the importance of adequate passive and active recreational areas as critical to preserving the character of the Town and the quality of life for its citizens.

Recreation Resources

Active recreation is a very high priority among Acton's youth and adults, many of whom participate in the Town's athletic leagues. Acton's active recreation fields and NARA Park make up about 63 acres, not including fields on school campuses. CPA funds have helped to improve and expand opportunities for active recreation through the installation of a synthetic turf surface at ~~Ed~~ Leary Field, construction of the T.J. O'Grady Skate Park, installation of new basketball courts at Elm Street, and lighting at the ABRHS baseball field and tennis courts. The development of 10.6 acres at School Street is pending and is anticipated to ~~has~~ help~~ed to~~ alleviate shortages of field space. In 2012, CPC funds were appropriated for the addition of a beginner's bowl and parking spaces at the T.J. O'Grady Skate Park.

Currently, the Town maintains six playgrounds. Others are available at the elementary schools, including a CPA-supported playground at Gates Elementary School. The Town, working with a private organization, The Miracle League of Massachusetts, a youth baseball organization, has begun construction at NARA Park of a Miracle Field to accommodate athletes with disabilities. There are also plans to construct a multi-use picnic pavilion at NARA Park~~ and is exploring the possibility of building a Miracle Field to accommodate athletes with disabilities~~.

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. CPA appropriations have enabled the building of a Universal Access Path at the Arboretum, ~~and~~ the Woodland Path at Leary Field, and have funded the design phases of the Assabet River and Bruce Freeman Rail Trails.

Public swimming facilities include the High School pool and the NARA pond. Citizens can enjoy fishing and canoeing at Ice House Pond, Nashoba Brook, and Fort Pond Brook.

Recreation Needs

Between 2000 and 2010, the population of Acton increased by 7.8% to 21,924. Such rapid growth has put a great strain on the Town's existing recreational resources.

As Acton's population has grown, so has the popularity of its recreation programs. There is a need for recreational opportunities 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. New avenues are being actively explored. 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).

The Town's playgrounds are insufficient to serve Acton's significant population of families with young children, many of whom travel to playgrounds in neighboring towns. Furthermore, many of the playgrounds are aging and creating safety concerns. A group of citizens and parents who are concerned specifically about the age and safety of the Goward Playground have formed the "Friends of the ~~Park Goward~~ Playground ~~Renovation~~" organization. Working closely with the Town, Friends of the Playground has raised $25,000 to date to rebuild the playground,~~project~~ and Town Meeting voted in 2012 to appropriate $150,000 from the municipal budget to support the project. Friends of the Playground and the Town are collaborating on the design of the space~~are working closely with the Town to raise funds for and design a new facility~~. To meet the needs of its population, the Town will also need other playgrounds to be updated.

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. Opportunities to repurpose existing recreation areas should not be overlooked. An effective method to increase existing field availability is to renovate with synthetic turf. The Lower Fields project at ABRHS is slated to replace grass fields with two synthetic turf fields, parking, lighting and a snackbar/bathroom facility. This new Rec Zone on existing school property will substantially increase available field time for both school athletic teams and Town athletic leagues. The addition of sports lighting to previously unlit fields can also increase field availability by extending useable time into the evening hours. The ABRHS Sport Lighting project accomplished this goal by accommodating Town leagues after school hours at the baseball field, and tennis players at the courts.

Recreation Goals

The recreation goals specified in the OSRP are:

- 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.

- 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.
- 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.

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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 estimated area-wide[3] median income in 2010 is $91,800 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. In 2010, this is about $73,440 for a family of four by the Massachusetts Department of Housing and Communities Development. 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 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 may use 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 acquisition, creation, preservation and support of community housing and for the rehabilitation or restoration … of community housing acquired with CPA funds," 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 2009 UMass Donahue Institute/CHAPA Housing Poll[4] reported that residents of Massachusetts remain deeply concerned about the affordability of housing in spite of recent

[3] Boston Primary Metropolitan Statistical Area
[4] http://www.chapa.org/files/f_1239649661HousingPoll2009Final.pdf

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declines in housing prices in local markets across the Commonwealth. When compared to other major public policy issues, housing affordability and jobs rank as the public policy issues of greatest concern to state residents. In this poll, housing affordability ranked ahead of other major public policy issues including health care and public safety. These concerns cause residents to seriously consider moving out of Massachusetts; prevent elderly residents from staying in their town and young families from moving in; hurt the local economy because businesses are having a harder time finding and keeping workers; and prevent municipal workers from living in the towns they serve. The 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. Across the state in 2008, one in six homeowners were paying more than 50% of their income on total housing costs.

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 the area median household income of $90,200 can afford a purchase price of about $300,000. The average assessed value of a residential property in 2009 in Acton was $415,149.

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 June 2009, the Massachusetts Department of Housing and Community Development certified 518 or 6.72% of Acton's 7,645[5] dwelling units as deed-restricted affordable housing. That leaves Acton 247 affordable units short of the Town's goal of 10% low- or moderate-income housing units based on the 2000 U.S. Census.

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.

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.

[5] 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%-100% 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.

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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 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 Forms 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.

Some of the projects aided by CPC funds are: Restoration of the Town Monument; Jones Tavern chimney, roof & gutters; Slate roof replacement & restoration of 1864 windows on Town Hall; Windsor Avenue Antique Fire House Exterior; West Acton Citizens' Library windows and exterior; Town Archaeological Survey; update of Cultural Resource List; and restoration of historic windows and professional assessment of preservation needs for the Acton Community Center, Inc. (Theatre III).

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 economical 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 historic resources are not listed or adequately documented and some are at risk of

demolition. The CPA gives Acton the opportunity to realize the goals of its *Master Plan Update*. These goals become much more attainable with a dedicated funding source.

Historic Preservation Goals

- Protect, preserve, and/or restore historic properties and sites throughout Acton, which are of historical, architectural, archeological, and cultural significance. Work to assist owners with adaptive re-use of historic properties.

- Protect threatened properties of historical significance by fully documenting the architectural and/or historical significance on survey forms for Acton's Cultural Resource List, and National Register application forms when applicable. 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 Acton Cultural Resource List and archival records.

- Provide education and community outreach regarding the extensive historical and cultural resources within Acton. A signage program for historic structures to increase public awareness of historical and cultural assets within Acton has been developed and shall continue~~..~~.

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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 ~~2012~~ 2013 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 ~~14~~26, 2012~~1~~

Applications shall consist of:

- 3 double-sided printed copies of the complete application (Project Application Form and all attachments),
- 1 electronic copy of the complete application in *.doc or *.pdf format, and
- 12 double-sided printed copies of only the Project Application Form and Narrative attachment.

Applications must be received by Monday, November ~~14~~26, 2012~~1~~ to be eligible for ordinary consideration at the 2012 Annual Town Meeting. At its discretion the Committee may vote to extend or waive the deadline due to special circumstances or for compelling 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
cpc@acton-ma.gov

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

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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 ~~2012~~ 2013 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 ~~2012~~ 2013 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. Projects financed with CPA funds 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.[6]

All CPA funds are administered and disbursed by the Town of Acton. 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

[6] 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.

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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 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~~929-~~9~~6612~~1~~1 or treasurer@acton-ma.gov. General questions concerning the application process should be directed to Roland Bartl, Planning Director, via email at cpc@acton-ma.gov, or by calling (978) ~~264-9636~~929-6631. 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.

The Committee has signs that give funding credit to the Acton CPA program. The signs are available at the Acton Planning Department and should be posted at project sites.

The use of CPA project funds must commence with 3 years and 1 month from the date of the Town Meeting appropriation (see Acton Town Charter). The funding for any project not started within said time is automatically rescinded, unless Town Meeting has expressly voted to renew the appropriation. Any funds that are unused and left over after the completion of a project are recaptured and returned to the CP Fund for future CPA project appropriations.

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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 shall consist of:

    - 2 double-sided printed copies of the complete application (Project Application Form and all attachments),
    - 1 electronic copy of the complete application in *.doc or *.pdf format, and
    - 12 double-sided printed copies of only the Project Application Form and Narrative attachment.

  Applications must be received by Monday, November ~~14~~26, 2012~~1~~ to be considered at the 2012 Annual Town Meeting. Submit applications to:

  Community Preservation Committee
  c/o Planning Department
  Acton Town Hall
  472 Main Street
  Acton, MA 01720
  cpc@acton-ma.gov

- Funding applications should be for projects that can commence immediately and that can be completed within 5 years.

- 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.

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- Every project cost estimate should include a line item for contingencies with an explanation for the contingency amount and circumstances that might result in a project cost overrun.

- If the funding application is part of a longer-term project that will rely on other existing or anticipated funding sources, including additional future CPA project applications, 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

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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.

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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*~~Acton 2020 Comprehensive Community Plan, the Town of Acton *Open Space and Recreation Plan*, ~~*Community Development Plan "To Live in Acton"* (2004), 2009 Report "Emerging Vision and Goals of Acton's Future",~~ 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.
- The applicant has given notice of the proposed project to abutters and the neighborhood where the project is proposed.

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PROJECT APPLICATION FORM – ~~2012~~2013

Applicant: _____ **Submission Date:** _____

Applicant's Address, Phone Number and Email

_____
_____
_____

Purpose: (Please select all that apply)

- **O** Open Space
- **O** Community Housing
- **O** Historic Preservation
- **O** 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.

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Estimated Date for Commencement of Project: _____

Estimated Date for Completion of Project: _____

APPLICATION INSTRUCTIONS AND REQUIRED ATTACHMENTS

Submit:

- **3 double-sided printed copies of the complete application (Project Application Form and all attachments),**
- **1 electronic copy of the complete application in *.doc or *.pdf format, and**
- **12 double-sided printed copies of only the Project Application Form and Narrative attachment**

to:

Community Preservation Committee
c/o Planning Department
Acton Town Hall
472 Main Street
Acton, MA 01720
cpc@acton-ma.gov

Submission Deadline: Monday, November ~~14~~26, 201~~1~~2[7]

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

[7] Monday, November ~~14~~26, 201~~1~~2 is the deadline to be eligible for ordinary consideration at the 201~~2~~3 Annual Town Meeting. At its discretion the Committee may vote to extend or waive the deadline due to special circumstances or for compelling reasons.

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historic preservation restrictions, subordination agreements, and any known or potential barriers or impediments to project implementation.

- **Neighbor(hood) Outreach:** For new development projects, such as new community housing or new recreation facilities, provide evidence that neighbors have been contacted and had an opportunity to comment on the proposed project. Provide documentation on how the project application is responsive to the neighbors' comments and concerns.
- **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.
- Cost estimate for the preparation of baseline documentation and conservation and/or historic preservation restriction.
- 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 ask an applicant to provide a Historic Properties Survey Form as part of their application. 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 or as a condition in the award letter.

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APPENDIX

1. ~~2011~~ 2012 Project Proposals and Committee Funding Recommendations

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APPENDIX

2012 CPC Project Deliberations --- Status: Final after 03/08/12

		Project	CPA Category	Requested Amounts	Final Recommended Amounts
1	ToA - Open Space Com.	Open Space Set-Aside Funds	OS	$ 400,000	$ 500,000
1a	CPC	Historic Set-Aside Fund (2007 10% make-up)	HP	$ 528.00	$ 528.00
2	ToA - HDC/SATSAC	Landscape Mitigation, S.A. Train Station	HP	$ 160,000	$ -
3	ToA - HDC	Preservation Loan Program (withdrawn)	HP	$ 150,000	$ -
4	ToA - Mun. Properties	468 Main Street Access Project	HP	$ 70,000	$ 70,000
5	ToA - Mun. Properties	Memorial Library window restoration	HP	$ 12,000	$ 12,000
6	ToA - Mun. Properties	Town Hall Tower Clock	HP	$ 14,000	$ 14,000
7	ToA - Mun. Properties	Windsor Building Interior Restoration (withdrawn)	HP	$ 225,000	$ -
8	ACHC	Regional Housing Services Program	CH	$ 40,000	$ 40,000
9	AHA	Development Funds	CH	$ 300,000	$ 300,000
10	FOLF	Lower Fields Project / Skate Park	R	$ 210,000	$ 210,000
11	CPC/ToA	CPA Program Support = 5% of ('11 coll. surcharge + '12 MA tr. fd. distr.)	ADMIN	$ 47,942	$ 47,942
				$ 1,629,470	$ 1,194,470

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APPENDIX

2011 CPC Final Project Recommendations for Funding from FY 10 Fund Balance (02/17/11)

	Applicant	Project	CPA Category	Requested Amounts	Recommended Amounts
1	ToA - OSC	Open Space Set-Aside	OS	$ 500,000	$ 450,000
2	ToA - Health	Trail Through Time III	Gnrl. CPA	$ 66,900	$ 66,900
3	ToA - Mun. Properties	Memorial Library Arch Window	HP	$ 15,000	$ 15,000
4	ToA - Mun. Properties	Town Hall Windows II	HP	$ 75,000	$ 75,000
5	ToA - HDC/HC	Asa Parlin House	HP	$ 388,787	$ 100,000
6	ACHC	Community Housing Program Fund	CH	$ 150,000	$ 150,000
7	Acton Woman's Club	504 Main Street Restoration/Preservation	HP	$ 99,714	$ 99,714
8	Acton Community Center, Inc. (1)	Theater III Exterior Resotration (1)	HP	$ 229,500	$ 229,500
9	Acton Historical Society	Hosmer House Restoration Work	HP	$ 62,095	$ 62,095
10	CPC/ToA	CPA Program Support = 5% of ('10 coll. surcharge + '11 MA tr. fd. distr.)	ADMIN	$ 47,487	$ 47,487
				$ 1,634,483	$ 1,295,696

~~(1) Includes for item 8 recommended appropriation from the general CP Fund ($145,500) and from the Historic Preservation Set-Aside Fund ($84,000).~~

The 2012~~1~~ Annual Town Meeting adopted all the Committee's recommendations. The remaining CP Fund balance after the 2012~~1~~ Annual Town Meeting appropriations is $~~324,593.03~~194,797.

The Open Space Set-Aside Fund appropriations are cumulative and subject to future appropriation by Town Meeting for specific projects or land acquisitions. The Open Space Set-Aside Fund balance after the 2012~~1~~ Annual Town Meeting appropriations into the fund and from the fund is $2~~1~~,077~~565~~,~~000~~537.

The~~re~~ Historic Preservation Set-Aside Fund totals $528.00. There are no remaining carryover fund balances for ~~historic preservation or~~ community housing.

2. ARTICLE 32 COMMUNITY PRESERVATION PROGRAM –
(Majority vote) **DIRECT APPROPRIATIONS FROM FUND BALANCES**

To see if the Town will vote to appropriate or set aside for later appropriation, and to authorize and direct the Board of Selectmen and the Town Manager to expend or set aside, from the FY 2011 Community Preservation Fund balances as set forth herein, the amounts listed below for community preservation purposes, with such expenditures to be subject to conditions listed in the Article's Summary and to be further specified in award letters from the Community Preservation Committee, with each item considered a separate appropriation;

FY 2011 COMMUNITY PRESERVATION FUND BALANCES	
FY 2011 Community Preservation Fund Revenues	
Community Preservation Fund Surcharge Collected in FY 2011	$ 756,534.23
State Community Preservation Trust Fund Receipt, October 2011	$ 202,313.00
Other FY 2011 Community Preservation Fund Components	
Interest Earned in FY 2011	$ 21,994.22
Recapture of unspent previous years' project appropriations (2006, 2007, and 2008)	$ 83,832.50
Unencumbered FY 2011 Fund Balance	$ 324,593.03
Total - FY 2011 Community Preservation Fund Balance	**$ 1,389,266.98**
FY 2011 Open Space Set-Aside	
Set-Aside Fund Balance from appropriations for the Acquisition, Creation, and Preservation of Open Space, and its Rehabilitation and Restoration	$ 1,395,000.00
Recapture of unspent previous years' project appropriations (2010 – Caouette land purchase) to the Set-Aside Fund Balance for the Acquisition, Creation, and Preservation of Open Space, and its Rehabilitation and Restoration	$ 182,537.12
Total FY 2011 Open Space Set-Aside Fund Balance	**$ 1,577,537.12**
APPROPRIATIONS	
Purposes	**Recommended Amounts**
Set Aside Appropriations for	
A. Acquisition, Creation, and Preservation of Open Space, and its Rehabilitation and Restoration	$ 500,000.00
B. Acquisition, Preservation, Rehabilitation and Restoration of Historic Resources; compensates for under-spending in 2007	$ 528.00
Spending Appropriations	
C. 468 Main Street - Access for Persons with Disabilities	$ 70,000.00
D. Memorial Library - Window Restoration	$ 12,000.00
E. Town Hall - Tower Clock Restoration	$ 14,000.00
F. Regional Housing Services Program	$ 40,000.00
G. Development Funds - Sachem Way	$ 300,000.00
H. T.J. O'Grady Skate Park - Improvements	$ 210,000.00

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Administrative Spending Appropriation	
I. A fund for CPC direct expenses and for reimbursing the Town of Acton for administrative services and operating expenses provided in support of the Community Preservation Committee	$ 47,942.00
Total Recommended Appropriations from FY 2011 Community Preservation Fund Balance and Current Historic Set-Aside Fund	**$ 1,194,470.00**
Resulting Fund Balances	
Remaining FY 2011 Community Preservation Fund Balance	$ 194,797.00
Resulting Balance in the Set-Aside Fund for the Acquisition, Creation, and Preservation of Open Space, and its Rehabilitation and Restoration	$ 2,077,537.12
Resulting Balance in the Set-Aside Fund for the Acquisition, Preservation, Rehabilitation and Restoration of Historic Resources	$ 528.00

, or take any other action relative thereto;

And, whereas Massachusetts General Laws, Chapter 44B requires that the Town appropriate for spending, or set-aside for future spending, from the 2011 Community Preservation Fund Revenues 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 2011 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 2011 Community Preservation Fund Balance the minimum necessary amounts to allocate not less than 10% of the FY 2011 Community Preservation Fund Revenues for open space ($95,884.73), not less than 10% of the FY 2011 Community Preservation Fund Revenues for historic preservation ($95,884.73), not less than 10% of the FY 2011 Community Preservation Fund Revenues ($95,884.73) for community housing, or take any other action relative thereto.

SUMMARY

This article would make appropriations from the Town's Community Preservation Fund and from the Town's Set-Aside Fund for the Acquisition, Preservation, Rehabilitation and Restoration of Historic Resources. All items listed are recommended by the Community Preservation Committee.

In 2002, the Town adopted the Community Preservation Act, Massachusetts General Laws Chapter 44B (CPA). 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 CPA, the Community Preservation Fund may be used to acquire, create and preserve open space; to

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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 were acquired or created with Community Preservation 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 eighth year of appropriations from Acton's Community Preservation Fund.

Local adoption of the CPA 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 2011, the Community Preservation Committee published its 2012 Community Preservation Plan with guidelines for the submission of projects seeking funding. The Committee received ten proposals for funding of proposed projects and programs. The Committee reviewed all proposals, interviewed proponents, and solicited legal opinions on the proposals to help evaluate their eligibility under the Act. This article represents the Committee's recommendation for appropriations for seven of the proposed projects and programs from the available Community Preservation Fund balance. The recommended funding levels may differ from the amounts requested by the projects' proponents and some of the proposed projects have undergone significant transformations from how they were proposed originally. All recommended amounts are "up-to" spending limits. Savings, if any, will be available for future appropriations. As in previous years the recommended appropriations include a set-aside for open space. The recommended appropriations leave a remaining Community Preservation Fund balance of $194,797.00 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 and that Town Meeting appropriates 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 eminent domain 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 an appropriation of not more than 5% of the annual revenues of the Community Preservation Fund for the Committee's administrative and operating expenses ($47,942.00 recommended).

A total of $83,832.50 has been recaptured from unspent Community Preservation project appropriations from prior years and closed to the Community Preservation Fund as follows: 2006 (Housing Authority Rental Housing Plan and Feasibility Study - $3,787.50), 2007 (Archeological Reconnaissance Survey - $528.00) and 2008 (Elm Street Playground - $75,000; and Theater III Window Restoration - $4,517.00). In addition, $182,537.12 left over from the Simeone-Caouette land purchase has been recaptured to the Open Space Set-Aside Fund.

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A. Open Space Set-Aside

This item adds $500,000 to the existing set-aside fund from which Town Meeting, with the recommendation of the Community Preservation Committee, may appropriate spending in the future for the purpose of acquisition, creation, and preservation of open space. With this appropriation the balance in the open space set-aside fund will be $2,077,537.12. This balance includes $182,537.12 that remained unused after the Simeone-Caouette land purchase for which $1,000,000 had been appropriated.

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

B. Historic Preservation Set-Aside

The recapture of $528.00 in unspent CPA funds previously appropriated in 2007 for the Archeological Reconnaissance Survey would put the Town $528.00 below the 10% statutory minimum threshold for either spending or setting aside for later spending CPA funds for historic preservation, rehabilitation and restoration purposes in that year. To make up this shortfall, the Committee recommends a $528.00 appropriation to the Set-Aside Fund for the Acquisition, Preservation, Rehabilitation, and Restoration of Historic Resources.

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

C. 468 Main Street - Access for Persons with Disabilities

The property at 468 Main Street (between Woodbury Lane and Newtown Road) is a 1913 bungalow. The Town of Acton owns the property and uses it for offices for the Municipal Properties Department and Veteran's Services. The building also houses a small meeting room. It is located in the Acton Center Local Historic District, which is listed on the National Register of Historic Places. The Community Preservation Act specifically qualifies "Improvements to comply with the Americans with Disabilities Act and other federal, state or local building or access codes" as rehabilitation of historic resources for which CPA funding may be used.

The recommended $70,000 total appropriation funds the installation of a wheelchair lift at the bungalow. Funding of this project is subject to the issuance of a Certificate of Appropriateness or Determination of Non-Applicability from the Acton Historic District Commission.

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

D. Memorial Library – Window Restoration

The Acton Memorial Library is located at 486 Main Street in the Acton Center Local Historic District, which is listed on the National Register of Historic Places. The recommended $12,000 appropriation funds the restoration of 18 original wood windows in the attic area and fireplace room of the 1889 wing of the Acton Memorial Library. This wing serves as Acton's Civil War Memorial, and the attic and fireplace room had been designated as meeting space for the Grand Army of the Republic. It is located adjacent to the Civil War exhibit area and now used for quiet study. Funding of this project is subject to the issuance of a Certificate of

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Appropriateness or Determination of Non-Applicability from the Acton Historic District Commission.

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

E. Town Hall - Tower Clock Restoration

Town Hall is located at 472 Main Street in the Acton Center Local Historic District, which is listed on the National Register of Historic Places. Town Hall was built in 1864. The tower clock on the Town Hall steeple is an iconic part of the Acton Center Historic District. The faces of the clock are no longer operational. The recommended $14,000 appropriation will fund the restoration of the tower clock replacing the hands, electronic movement, and controller. Funding of this project is subject to the issuance of a Certificate of Appropriateness or Determination of Non-Applicability from the Acton Historic District Commission.

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

F. Regional Housing Services Program

The Acton Community Housing Corporation ("ACHC") has requested CPA funds for participation in a Regional Housing Services Program to assist the ACHC in meeting the administrative, compliance and monitoring needs for the Town's existing affordable housing units and to further regional housing goals and efforts. The recommended $40,000 appropriation will cover the fees of a two-year contract with the regional program. If approved, the Town of Acton will enter into an Inter-Municipal Agreement with the other program member communities for a two-year renewable term.

The Regional Housing Services Office is located in Sudbury, affiliated with the Sudbury Housing Trust, and managed by the Sudbury Community Housing Coordinator. The Office assists with affordable housing matters in the program's founding towns - Bedford, Concord, Lexington, Lincoln, Sudbury, and Weston. This innovative regional approach to managing the administration of local affordable housing programs was developed with the assistance of the Metropolitan Area Planning Council (MAPC), funded by the State's District Local Technical Assistance (DLTA) program, and launched on July 1, 2011.

During the term of the agreement, the Regional Housing Services Office will provide core housing services to Acton totaling at least 300 hours per year with the specifics of services negotiated by the ACHC, and under its direct supervision. Such services may include, for instance, compliance-monitoring of affordable housing units; updating and reconciliation of local housing inventory records with those maintained by the Department of Housing and Community Development; project-review assistance; creation and maintenance of ready-buyer lists; and conducting affordable housing lotteries.

CPA funds can be used for the "preservation and support of community housing." Where this funding request is for a program whose goal is to assist the local housing programs, ensure compliance with restrictive covenants and further affordable housing solutions for the region, it is preserving and supporting community housing as provided in the Act.

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

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G. Development Funds - Sachem Way

The Acton Housing Authority proposes to construct 12 affordable rental units for families below 80% of the area's median income on 2.5 acres of its property on Sachem Way. This recommended $300,000 will assist the Housing Authority to carry out the project on this site. It supplements previous CPA appropriations for this project: $250,000 in development funding in 2010; and $152,000 in 2009 for pre-development planning and design.

The project is now fully permitted. The Housing Authority anticipates the beginning of construction in 2012. The updated development budget is $4,415,000. This is a $300,000 increase from the previous 2010 estimate, which is largely due to required project design changes and updated actual costs for recent similar projects in the region. The Housing Authority has continued its conversations with the abutters as development plans have been refined and updated.

The project is highly leveraged with significantly larger funding commitments from the Massachusetts Housing Partnership and the Department of Housing and Community Development. While most funding arrangements from other sources appear to be in place, as with the 2010 CPA funding, the funds in this appropriation shall be held as a pledge and shall not be released to the Housing Authority until it has obtained commitments from the State and all other sources for sufficient funding to complete the project.

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

H. T.J. O'Grady Skate Park - Improvements

The existing T.J. O'Grady Skate Park at 66 Hayward Road was acquired and created with leveraged CPA funding from 2004. The Town owns the land that the Skate Park is on. This recommended $210,000 appropriation will fund the addition of a beginners' skate bowl where the current parking lot is located, the relocation of the existing parking lot, and the addition of various walkways and sidewalks, fencing, light poles and drainage improvements. The Skate Park lies adjacent to the School's lower athletic fields. Separately and independently from the Skate Park project, and with funding from non-CPA sources, significant improvements are proposed for the School-owned lower fields, including the installation of a new artificial turf fields.

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

I. Administrative and Operating Expenses

The recommended appropriation in the amount of $47,942 is 5% of the FY 2011 revenues in the Community Preservation Fund as provided in the Act (local surcharge and State trust fund receipts). The funding is to help the Town with administrative and legal expenses incurred in connection with the support of the Community Preservation Committee and Program, and to pay for the Community Preservation Committee's direct expenses such as the annual membership in the Massachusetts Community Preservation Coalition.

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

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Direct inquiries to: Roland Bartl, AICP, Planning Director: planning@acton-ma.gov / (978) 929-6631

Selectman assigned: Janet K. Adachi: bos@acton-ma.gov / (978) 929-6611

ARTICLE 18[8] **COMMUNITY PRESERVATION PROGRAM –**
(Majority vote) **DIRECT APPROPRIATIONS FROM FUND BALANCES**

To see if the Town will vote to appropriate or set aside for later appropriation, and to authorize and direct the Board of Selectmen and the Town Manager to expend or set aside, from the FY 2010 Community Preservation Fund balances as set forth herein, the amounts listed below for community preservation purposes, with such expenditures to be subject to conditions listed in the Article's Summary and to be further specified in award letters from the Community Preservation Committee, with each item considered a separate appropriation;

And further, to see if the Town will vote to appropriate, set aside and re-appropriate the amount listed in Item H-2 below, to appropriate the amount listed in Item H-3 below, and to authorize and direct the Board of Selectmen and the Town Manager to expend up to these amounts from the current balance of the Set-Aside Fund for the Acquisition, Preservation, Rehabilitation and Restoration of Historic Resources, with such expenditure to be subject to conditions listed in the Article's Summary and to be further specified in the award letter from the Community Preservation Committee:

FY 2010 COMMUNITY PRESERVATION FUND BALANCE	
FY 2010 Community Preservation Fund Revenues	
Community Preservation Fund Surcharge Collected in FY 2010	$ 746,873.08
State Community Preservation Trust Fund Receipt, October 2010	$ 202,879.00
Other FY 2010 Community Preservation Fund Components	
Interest Earned in FY 2010	$ 30,321.49
Recapture of unspent previous years' project appropriations (2004, 2005, 2007, and 2008)	$ 101,055.48
Unencumbered FY 2010 Fund Balance	$ 495,159.98
Total - FY 2010 Community Preservation Fund Balance	**$ 1,576,289.03**
Current Set-Aside Fund Balance for the Acquisition, Creation, and Preservation of Open Space, and its Rehabilitation and Restoration	**$ 945,000.00**
Current Set-Aside Fund Balance for the Acquisition, Preservation, Rehabilitation, and Restoration of Historic Resources (2009 Set-Aside)	**$ 44,000.00**
APPROPRIATIONS	
Purposes	**Recommended Amounts**
Set Aside Appropriations for	
A. Acquisition, Creation, and Preservation of Open Space, and its Rehabilitation and Restoration	$ 450,000.00

[8] Article 18 32 from the 2012 1 Annual Town Meeting Warrant

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Spending Appropriations	
B. Community Housing Program Fund	$ 150,000.00
C. Trail Trough Time (Phase III)	$ 66,900.00
D. Memorial Library – Arch Window Restoration	$ 15,000.00

E. Town Hall Windows (Phase II)	$ 75,000.00
F. Asa Parlin House – Building Preservation and Restoration	$ 100,000.00
G. Acton Woman's Club – 504 Main Street, Building Preservation and Restoration	$ 99,714.00
H. Theater III – Building Preservation & Restoration **H-1.** Direct Appropriation **H-2.** Amount recaptured as unspent CPA appropriations from 2007 and re-appropriated hereunder after first being set aside hereunder to the set-aside fund for the Acquisition, Preservation, Rehabilitation and Restoration of Historic Resources to compensate for 2007 shortfall in historic preservation spending **H-3.** Appropriation from the current Set-Aside Fund Balance for the Acquisition, Preservation, Rehabilitation, and Restoration of Historic Resources (2009 Set-Aside)	 $ 145,500.00 $ 40,000.00 $ 44,000.00
I. Acton Historical Society – Building Preservation and Restoration	$ 62,095.00
Administrative Spending Appropriation	
J. A fund for CPC direct expenses and for reimbursing the Town of Acton for administrative services and operating expenses provided in support of the Community Preservation Committee	$ 47,487.00
Total Recommended Appropriations from FY 2010 Community Preservation Fund Balance and Current Historic Set-Aside Fund	**$ 1,295,696.00**
Remaining FY 2010 Community Preservation Fund Balance	$ 324,593.03
Remaining Balance in the Set-Aside Fund for the Acquisition, Preservation, Rehabilitation, and Restoration of Historic Resources	$ 0.00
Resulting Balance in the Set-Aside Fund for the Acquisition, Creation, and Preservation of Open Space, and its Rehabilitation and Restoration	$ 1,395,000.00

, or take any other action relative thereto;

And, whereas Massachusetts General Law, Chapter 44B requires that the Town appropriate for spending, or set-aside for future spending, from the 2010 Community Preservation Fund Revenues 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 2010 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 2010 Community Preservation Fund Balance the

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~~minimum necessary amounts to allocate not less than 10% of the FY 2010 Community Preservation Fund Revenues for open space ($94,975.21), not less than 10% of the FY 2010 Community Preservation Fund Revenues for historic preservation ($94,975.21), not less than 10% of the FY 2010 Community Preservation Fund Revenues ($94,975.21) for community housing, or take any other action relative thereto.~~

~~SUMMARY~~

~~This article would make appropriations from the Town's Community Preservation Fund and from the Town's Set-Aside Fund for the Acquisition, Preservation, Rehabilitation and Restoration of Historic Resources. All items listed are recommended by the Community Preservation Committee.~~

~~In 2002, the Town adopted the Community Preservation Act, Massachusetts General Laws Chapter 44B (CPA). 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 CPA, 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 were acquired or created with Community Preservation 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 seventh year of appropriations from Acton's Community Preservation Fund.~~

~~Local adoption of the CPA 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 2010, the Community Preservation Committee published its 2011 Community Preservation Plan with guidelines for the submission of projects seeking funding. The Committee received ten proposals for funding of proposed projects and programs. The Committee reviewed all proposals, interviewed proponents, and solicited legal opinions on the proposals to help evaluate their eligibility under the Act. This article represents the Committee's recommendation for appropriations for all ten proposed projects and programs from the available Community Preservation Fund balance although the recommended funding levels may differ from the amounts requested by the projects' proponents. All recommended amounts are "up-to" spending limits. Savings, if any, will be available for future appropriations. As in previous years the recommended appropriations include a set-aside for open space. The recommended appropriations leave a remaining Community Preservation Fund balance of $324,593.03 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 and that Town~~

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~~Meeting appropriates 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 eminent domain 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 an appropriation of not more than 5% of the annual revenues of the Community Preservation Fund for the Committee's administrative and operating expenses.~~

~~In addition, in 2011, a total of $101,055.48 has been recaptured as unspent Community Preservation appropriations from prior years and closed to the Community Preservation Fund. Of this total, $75,500 has been recaptured as unspent Community Preservation appropriations from 2007 projects (East Acton Village Green and Historic Street Markers projects) and $25,555.48 has been recaptured as unspent Community Preservation appropriations from projects in 2004 (T.J. O'Grady Skate Park - $10,538.41), 2005 (Memorial Library Civil War Artifacts Display - $17.07), and 2008 (Conant School Nature Trail - $15,000).~~

~~The recapture of unspent CPA funds previously appropriated in 2007 for historic preservation, rehabilitation and restoration purposes would put the Town $40,000 below the 10% statutory threshold for either spending or setting aside for later spending CPA funds for historic preservation purposes in that year. To make up this difference, this article would appropriate $40,000 to the Set-Aside Fund for the Acquisition, Preservation, Rehabilitation, and Restoration of Historic Resources (Item H-2.) in addition to an already existing balance of $44,000. The article then would appropriate this entire Historic Set-Aside fund balance (comprised of the existing $44,000 and newly added $40,000 totaling $84,000) to one of the recommended historic preservation projects (Item H. - Theater III – Building Preservation & Restoration, bringing the total recommended appropriation for this project to $229,500). This year, the Committee's recommendations as contained in this article include a great number of historic preservation projects with their totals far exceeding the minimum 10% threshold. Therefore, the Committee recommends partially funding one of this year's projects with the historic Set-Aside Fund Balance.~~

~~A. Open Space Set-Aside~~

~~This item adds $450,000 to the existing set-aside fund from which Town Meeting, with the recommendation of the Community Preservation Committee, may appropriate spending in the future for the purpose of acquisition, creation, and preservation of open space. With this appropriation the balance in the open space set-aside fund will be $1,395,000.~~

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

~~B. Community Housing Program Fund~~

~~The Acton Community Housing Corporation (ACHC) has requested $150,000 to replenish the existing Community Housing Program Fund for "the acquisition, creation, preservation, and support of community housing in the Town of Acton" consistent with the Community Housing purposes of the CPA. The Fund was first established with a CPA appropriation in 2004. It is used to finance a diversity of affordable housing initiatives and opportunities as they arise, for Acton residents and their adult children, for employees who work for and in the Town, as well as for new residents from outside of Acton. This fund is retained by the ACHC for Community Housing activities and projects that are allowable under the CPA and recommended by the ACHC or any other entity subject to approval by the Board of Selectmen.~~

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~~As in previous years, the ACHC proposes to largely continue current programs and initiate new programs. Recent programs and projects include:~~

- ~~Purchase of a unit at Lalli Terrace for the AHA's low income rental program.~~
- ~~Closing cost assistance to four first time homebuyers of affordable units.~~
- ~~Funding the Housing Inventory for the Acton 2020 Comprehensive Community Plan.~~
- ~~Providing funds to the Acton Housing Authority (AHA) in support of its project to expand low-income rental units at McCarthy Village on Sachem Way, including enhanced landscaping and screening.~~

~~Among proposed new programs are:~~

- ~~A financial literacy course that the ACHC will co-sponsor with the Acton-Boxborough United Way.~~
- ~~A capital improvement program for existing deed restricted low-income and affordable dwelling units.~~
- ~~Facilitating and monitoring of resales of affordable units, including necessary inspections, repairs and improvements.~~
- ~~Direct first-time homebuyer assistance to income eligible households.~~

~~The ACHC has access to privately funded affordable housing gifts that can be leveraged or supplemented with CPA appropriations to the Community Housing Program Fund.~~

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

~~**C. Trail Through Time (Phase III)**~~

~~The Trail Through Time is a bi-cultural heritage trail through the North Acton conservation lands that provides access to Colonial and Native American sites. The Wheeler Farm and (Robbins) Mill complex and its surrounding area show evidence of the interaction between the Native American and the early Colonial cultures that to some extent existed concurrently. The area surrounding the Wheeler site harbors numerous stone rings and piles, a turtle effigy, and walls with significant astronomical alignments, all considered remnants of Native American culture.~~

~~This $66,900 historic preservation project will focus on stonework restoration of the Grist Mill complex together with landscaping enhancements and information panels. Phase III includes the following:~~

- ~~Restoration of the stonework remains of the Thomas Wheeler, Jr.'s Grist Mill foundation, two associated foundations, portions of the raceway, and the two sluices.~~
- ~~Demolishing the derelict and structurally unsafe 1940s cabin currently resting above the mill foundation and installing in the same location a viewing platform with information panels.~~
- ~~An archaeological survey with test pits of the mill foundation area.~~
- ~~An archaeological GPS surface survey of the general area of the farm and mill complex.~~
- ~~Further historical research.~~
- ~~Tree removal and landscaping to open up vistas of the extent of the stonework, and continue the establishment, begun under Phase II, of a historic park-like ambience in a natural landscape with handicapped accessibility, benches, and picnic tables.~~

~~Two prior CPA appropriations in 2006 and 2008 totaling $55,000 have been used to restore the nearby historic Nashoba Brook Stone Chamber and the farm portion of the Wheeler Farm and Mill complex. The Acton Historical Commission has previously determined that the site is~~

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~~significant in the history, archeology, architecture or culture of the Town of Acton. Phase III is designed with future enhancements to the Native American artifacts in mind.~~

~~Payments under this appropriation shall be made after completion of restoration work items and inspection by the Historical Commission or its agent certifying that the completed work meets the Secretary of the Interior's Standards for the Treatment of Historic Properties. This certification may be paid for from this appropriation if performed by a qualified outside professional agent.~~

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

~~D. Memorial Library – Arch Window Restoration~~

~~The Acton Memorial Library is located at 486 Main Street in the Acton Center Local Historic District. It is also listed on the National Register of Historic Places. This $15,000 appropriation would fund the restoration and rehabilitation of the large arch window on the mezzanine level at the north end of the original 1889 wing of the Memorial Library. The wing serves as Acton's Civil War Memorial. The window overlooks the Civil War exhibit area, which was funded through a prior CPA appropriation.~~

~~The window has a wood frame and consists of 128 separate glass panes separated by wood muntins. The wood is deteriorating. Prior roof leakage (since repaired) has caused deterioration and plaster damage on the building's interior surrounding the arch window. The project will restore and repair the window and the surrounding interior areas. The weathered and yellowed protective exterior Plexiglas cover will be replaced.~~

~~Funding of this project is subject the issuance of a Certificate of Appropriateness or Determination of Non-Applicability from the Acton Historic District Commission.~~

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

~~E. Town Hall Windows Restoration (Phase II)~~

~~Town Hall is located at 472 Main Street in the Acton Center Local Historic District. It is also listed on the National Register of Historic Places. Town Hall was built in 1864. The windows in the original 1864 portion of the building have never been restored or replaced, only painted. Many panes have the original wavy glass. The windows are still sound, but operate poorly or malfunction due to age, multiple paint layers, and problems with the weights and/or ropes. Aluminum storm windows were added around 1970. They are in poor condition, not functioning, and historically inappropriate.~~

~~This $75,000 is the second part of the Town Hall window restoration project and will focus on the windows of the second floor, mezzanine, and belfry of the 1864 portion of the building, including replacement of aluminum storm windows with new historically appropriate and operable wooden storm windows. In 2010, Town Meeting approved $50,000 of CPA funding for the first project phase, which was focused on the first floor of the building.~~

~~Funding of this project is subject the issuance of a Certificate of Appropriateness or Determination of Non-Applicability from the Acton Historic District Commission.~~

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

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~~F. Asa Parlin House – Building Preservation and Restoration~~

~~The Asa Parlin House at 17 Woodbury Lane is Town-owned property that was acquired in 1996 in connection with the Library expansion project in the 1990's. The house has been vacant ever since. It is located in the Acton Center Local Historic District and is listed on the National Register of Historic Places. The original two-story building stems from the early 1800's. Additions were constructed in the latter half of the 20th century. The Acton Historic District and Historical Commissions, jointly on behalf of the Town, submitted a $388,787 CPA funding proposal for the restoration and rehabilitation of the original building, which would include the demolition of the more recent additions, and the conversion of the building into a public meeting space. A new addition, compatible with the original building portion would house an entry, a hallway, restrooms, and a kitchenette. Landscaping improvements would complement the building rehabilitation project. At this time, the Committee recommends funding for this project in the amount of $100,000 for a structural evaluation, the architectural design, the demolition of the non historic additions, and the work required to preserve and mothball the original building. Conversion of the building into meeting space, the service addition, and landscaping is a future project phase.~~

~~Funding of this project is subject to the issuance of a Certificate of Appropriateness or Determination of Non-Applicability from the Acton Historic District Commission. Payments under this appropriation shall be made after completion of restoration work items and inspection by the Historic District Commission or its agent certifying that the completed work meets the Secretary of the Interior's Standards for the Treatment of Historic Properties. This certification may be paid for from this appropriation if performed by a qualified outside professional agent. Furthermore, funding of this project shall be limited initially to the structural evaluation and preliminary architectural designs not exceeding $20,000 in total. The results of this work shall be presented in a report to the Community Preservation Committee. The Committee at its discretion will then decide whether or not the project is viable to release the remaining $80,000 to perform the actual demolition and preservation work.~~

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

~~G. Acton Woman's Club – Building Preservation & Restoration~~

~~The two-story house at 504 Main Street, known as the Chapel, is located on the Acton Common and in the Acton Center Local Historic District, and also listed on the National Register of Historic Places. The Federal Period was built in 1829 as a chapel for the Evangelical Society. The Acton Woman's Club has owned it since 1922. The Acton Woman's Club purpose is to maintain the building, and to promote benevolent, civic, and philanthropic activities of its members in the Acton community. The house is the location of regular public and private gatherings and events. For 57 years and ongoing, the Woman's Club offers ballroom dance classes in the building.~~

~~The recommended appropriation of $99,714 would fund the following significant preservation, rehabilitation and related improvement work on the building and on the property needed to maintain the building in functional condition for its intended use:~~

- ~~Re-designing the walkways and entrances at the left and right sides of the building, including improvements to accommodate provisions of the Americans with Disabilities Act;~~
- ~~Installation of brick courtyard or platform with bench seating at the right entrance;~~
- ~~Replacing lighting around entryways;~~

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- ~~Landscaping and walkway/access improvements to the publicly accessible Mabel Jenks Rose Garden at the rear of the building;~~
- ~~Updating the wiring from knob and tube;~~
- ~~Insulating the attic, walls and cellar~~
- ~~Replacing the bulkhead; and~~
- ~~Repairing and repainting/repapering the interior walls to restore to proper historic period.~~

~~Funding of this project is subject to the issuance of a Certificate of Appropriateness or Determination of Non-Applicability from the Acton Historic District Commission for exterior work items as applicable under the Acton Historic District Bylaw. Payments under this appropriation shall be made after the completion of various work items and inspection by the Historic District Commission or its agent certifying that the completed work meets the Secretary of the Interior's Standards for the Treatment of Historic Properties. This certification may be paid for from this appropriation if performed by a qualified outside professional agent. The release of the funds shall be contingent upon the conveyance to the Town and the recording of a historic preservation restriction on the building that is in form and substance acceptable to the Community Preservation Committee and Town Counsel.~~

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

~~**H-1, H-2 and H-3. Theater III – Building Preservation and Restoration ($229,500 Total)**~~

~~The Acton Community Center, Inc. d/b/a Theatre III has applied for CPA funding to restore the exterior of their community theater building at 250 Central Street in West Acton. The building is the former Universalist Church built in 1868. It is situated in the West Acton Local Historic District. The proposed restoration work will include the exterior walls, gothic steeple, granite foundation, doors, decorative trim, roof trusses and replacement of non historic windows. The total recommended appropriation comprises 90% of the proposed restoration costs, with Theatre III supplying the remainder. The need for this work was determined by Gorman Richardson Lewis Architects, who were contracted to conduct a complete survey of the property for historic renovation purposes using the CPA funds received last year. The Theater III also received CPA funding in 2008 for the restoration of all historic windows. As a condition of the 2008 funding, the Town has obtained a recorded perpetual historic preservation restriction on the Theater III building.~~

~~The recommended appropriation consists of three parts: (1) $145,500.00 from the general Community Preservation Funds Balance; (2) $40,000 previously unspent CPA funds appropriated in 2007 for historic preservation, rehabilitation and restoration purposes (this item adds $40,000 to the existing historic set-aside fund from which Town Meeting, with the recommendation of the Community Preservation Committee, may appropriate spending this year or in the future for the purpose of acquisition, preservation, rehabilitation, or restoration of Historic Resources); and (3) $44,000 from the existing Set-Aside Fund Balance for the Acquisition, Preservation, Rehabilitation and Restoration of Historic Resources. This brings the total amount of appropriation for this project to $229,500.~~

~~Payments under this appropriation shall be subject to the following conditions:~~

- ~~Issuance by the Acton Historic District Commission of a Certificate of Appropriateness or Determination of Non-Applicability for the proposed exterior restoration work.~~
- ~~Payments or partial payments shall be made after inspection and certification by the Historic District Commission or its agent certifying that the completed work meets the Secretary of the Interior's Standards for the Treatment of Historic Properties. This~~

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certification may be paid for from this appropriation if performed by a qualified outside professional agent.

- Amendment, as needed in the opinion of the Community Preservation Committee and Town Counsel, of the existing historic preservation restriction to ensure that it is sufficiently comprehensive to encompass the exterior restoration and preservation work funded with this appropriation, and that the work will be consistent with the historic preservation restriction.

Recommendations:	Board of Selectmen Recommended	Finance Committee Recommended

I. Acton Historical Society – Building Preservation and Restoration

The Acton Historical Society has applied for $62,095 of CPA funding to perform restoration work on the Jonathan & Simon Hosmer House and other buildings at 300 Main Street at Kelley's Corner. The Acton Historical Society received the 3-acre property from the Town in exchange for a Preservation Restriction requiring the Acton Historical Society to restore the exterior of the Hosmer House "in accordance with its original architecture using materials compatible with and as nearly similar to original materials as practicable."

The Hosmer House dates from the 18th century. It is listed in the National Register of Historic Places. The adjacent Jenks Library originally was a stone garage built in 1922. There is also the 1985 Mowry Storage Shed. The property houses the Society's historical collection, archives, and library. As a museum the property is open to the public from time to time and by appointment. The restoration work under this appropriation includes:

- Hosmer House: Restoration, rehabilitation and selective replacement of windows; restoration of exterior doors; and restoration or replacement of rotted sill board trim.
- Jenks Library: Roof replacement.
- Mowry Storage Shed: Roof replacement; rehabilitation of windows; and replacement of lower wood siding.

Payments under this appropriation shall be subject to an amendment, as needed in the opinion of the Community Preservation Committee and Town Counsel, of the existing historic preservation restriction to ensure that it is sufficiently comprehensive to encompass the exterior restoration and preservation work funded with this appropriation, and that the work will be consistent with the historic preservation restriction.

Recommendations:	Board of Selectmen Recommended	Finance Committee Recommended

J. Administrative and Operating Expenses

The recommended appropriation in the amount of $47,487 is 5% of the FY 2010 revenues in the Community Preservation Fund as provided in the Act (local surcharge and State trust fund receipts). The funding is to help the Town with administrative and legal expenses incurred in connection with the support of the Community Preservation Committee and Program, and to pay for the Community Preservation Committee's direct expenses such as the annual membership in the Massachusetts Community Preservation Coalition.

Recommendations:	Board of Selectmen Recommended	Finance Committee Recommended

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~~Direct inquiries to: Roland Bartl, AICP, Planning Director: planning@acton-ma.gov / (978) 929-6631~~

~~Selectman assigned: Janet K. Adachi: bos@acton-ma.gov / (978) 929-6611~~

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APPENDIX

3. Community Preservation Committee ~~2010~~ 2011 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 which support the acquisition, creation, and preservation of open space, historic resources, community housing, and land for recreational use.

From the first funding round in 2004 through October 2007 the Town benefited from a 100% State match for all locally raised Community Preservation Funds. Caused by a revenue drop in the Massachusetts Community Preservation Trust Fund and an increasing number of cities and towns adopting the Community Preservation Act (CPA, M.G.L. Ch. 44B), the 2008 State match dropped to 67 percent, 2009 was 35%, 2010 was 27% and in 2011 Acton again had to make do with 27 percent. Nevertheless, Acton's Community Preservation Program continued successfully with its support and funding of worthy and eligible projects.

At the beginning of 2011, the Community Preservation Fund balance stood at $1,576,289 plus $945,000 was in the Open Space Set-Aside Fund and $44,000 in a Historic Preservation Set-Aside Fund. In April, Town Meeting approved funding from the Community Preservation Fund for eight projects, an additional set-aside for open space, and administrative costs, totaling $1,295.696. A Community Preservation Fund balance of $ 324,593 remained unallocated and the Open Space Set-Aside Fund was now at 1,395,000. The funded projects included support for affordable community housing at $150,000, for historic preservation of various structures including the Acton Women's Club in the center of Acton, the church building owned by Theater III in West Acton, the Asa Parlin house behind Town Hall, additional restoration of windows in Town Hall and in Memorial Library and for the project Trail through Time for a total of $648,209; $450,000 was set aside into the Open Space Set-Aside Fund; and $47,487 was allocated to cover the Town's direct and administrative costs for the CPA Program.

Some community preservation projects were completed during 2011, among them:

- The exterior preservation of Exchange Hall in South Acton.
- The completion of the Archeological Reconnaissance Survey.

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In addition community preservation money's funded ongoing projects and programs such as:

- An Open Space Acquisition and Preservation Fund to assist with appraisal, legal fees, and other cost related to the land acquisition process.
- Supporting the Acton Housing Authority with development funds for the proposed Sachem Way community housing that will help the authority leverage state construction funding.
- The Community Housing Program Fund administered primarily by the Acton Community Housing Corporation (ACHC). Among other things, the fund pays for buy-down assistance, closing cost, and down payment assistance to first time income eligible homebuyers of deed restricted affordable community housing units.
- Acton Housing Authority tenant support services.

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CPA funding for the Bruce Freeman Rail Trail, which will take several years to complete, has helped leverage $1,431,500 in State design funding that includes design funding in Concord as well as Acton. Design of the Assabet River Rail Trail in Acton and Maynard is well on its way;

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CPA funding had leveraged a $1,080,000 Federal transportation earmark. To date, CPC funds have supported approximately 73 community preservation projects throughout the community.

As of June 30, 2011, the Town had raised approximately $759,458 from the local CPA surcharge for FY2011 (unaudited) and in October 2011 received $202,313 in State matching funds (27%). (The bill that would set a floor of 70% State matching funds for every community (SB 90) is still awaiting action in the Massachusetts Legislature). Together with $324,593 that remained unallocated at the 2010 Annual Town Meeting and interest earned in FY2011, Acton's total estimated Community Preservation Fund balance at the end of 2011 is approximately $1,308,359, plus the $1,395,000 in Set-Aside Funds for open space. In addition, the CPC expects some turn backs of leftover funds from prior years' CPA funded projects.

Over the summer 2011 the CPC updated the annual Community Preservation Plan. This process included soliciting comments from community organizations and Town Committees, a public hearing in September to ascertain the needs, possibilities and resources of the Town regarding community preservation, and comments and suggestions from Townspeople and representatives of interest groups eligible for CPC funding. The Final 2012 Plan was published in September 2011 and is posted on the Town website. It contains updated guidelines and information for applicants seeking community preservation funds.

In late September the CPC held a workshop for prospective applicants. This session allowed potential applicants to discuss their potential projects, ask questions about the application process, and gain a better sense about what constitutes a strong CPA funding application.

In November, the Committee received ten applications for funding in 2012, for a total request of $2,340,846.00. The CPC is currently reviewing all applications and will be interviewing each applicant. The CPC will then deliberate and decide which project and at which funding level to recommend to the 2012 Annual Town Meeting. In its deliberations, the CPC will consider available funding, the applicants' proposals, legal opinions, applicant interviews, input from Town Boards, including the Selectmen and Finance Committee, and comments from the general public.

The Community Preservation Committee generally meets every 2nd and 4th Thursday of the month in either the Acton Memorial Library meeting room or room 204 at Town Hall. All CPC meetings are open to the public and the Committee welcomes public participation throughout our annual process. Townspeople may e-mail the Committee at cpc@acton-ma.gov or contact the Town Planning office at (978) 929-6631 with questions, comments, and feedback. For additional information and to view the current Community Preservation proposals, townspeople may visit the Community Preservation page on the Town website at www.acton-ma.gov.

2011 CPC Members:
Walter Foster – At Large (Chairman)
Roland Bourdon – Planning Board (Vice Chair)
Corrina Roman-Kreuze – At large
Janet Adachi – Board of Selectmen
Victoria Beyer – Historical Commission
Andy McGee – Conservation Commission
Susan Mitchell-Hardt – At large
Elisabeth Mercier – Recreation Commission
Ken Sghia-Hughes – Acton Housing Authority (Clerk)
Doré Hunter – Associate
Peter Ashton – Associate

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Roland Bartl, Planning Director, Town staff support~~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 which support the acquisition, creation, and preservation of open space, historic resources, community housing, and land for recreational use.~~

~~From the first funding round in 2004 through 2008 the Town benefited from a 100% State match for all locally raised Community Preservation Funds. Caused by a revenue drop in the Massachusetts Community Preservation Trust Fund and an increasing number of cities and towns adopting the Community Preservation Act (CPA, M.G.L. Ch. 44B), the 2009 State match dropped to 68 percent, and in 2010 Acton had to make do with 27 percent. Nevertheless, Acton's Community Preservation Program continued successfully with its support and funding of worthy and eligible projects.~~

~~At the beginning of 2010, the Community Preservation Fund balance stood at $1,638,823 plus $1,445,000 was in the Community Preservation Open Space Set-Aside Fund and $44,000 in a Historic Preservation Set-Aside Fund. In April, Town Meeting approved funding from the Community Preservation Fund for eight projects, an additional set-aside for open space, and administrative costs, totaling $1,143,663. A Community Preservation Fund balance of $495,160 remained unallocated. The eight funded projects included support for affordable community housing, for historic preservation, and for the Bruce Freeman Rail Trail for a total of $595,201; $500,000 was set aside into the Open Space Set-Aside Fund; and $48,462 was allocated to cover the Town's direct and administrative costs for the CPA Program. Town Meeting also appropriated $1,000,000 from the Open Space Set-Aside Fund for the purchase of the Caouette Land purchase, leaving a total of $945,000 in that fund.~~

~~Several community preservation projects were completed during 2010, among them:~~

- ~~The exterior preservation of the Antique Fire House on Windsor Avenue in West Acton.~~
- ~~The restoration of the historic windows on the first floor of Acton Town Hall.~~
- ~~A complete professional assessment of Preservation Needs for the Acton Community Center Inc. (a.k.a. Theater III) in West Acton.~~
- ~~The purchase of the Caouette Farm Property in South Acton.~~

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~~In addition community preservation money's funded ongoing projects and programs such as:~~

- ~~An Open Space Acquisition and Preservation Fund to assist with appraisal, legal fees, and other cost related to the land acquisition process.~~
- ~~Supporting the Acton Housing Authority with development funds for the proposed Sachem Way community housing that will help the authority leverage state construction funding.~~
- ~~The Community Housing Program Fund administered primarily by the Acton Community Housing Corporation (ACHC). Among other things, the fund pays for buy-down assistance, closing cost, and down payment assistance to first time income eligible homebuyers of deed restricted affordable community housing units.~~
- ~~Acton Housing Authority tenant support services.~~

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~~Exterior restoration work at Exchange Hall is near completion although no Community Preservation Funds have been expended to date. CPA funding for the Bruce Freeman Rail Trail has helped leverage $931,500 in State design funding that including design funding in Concord as well as Acton. This is in addition to the $500,000 State transportation enhancement grant awarded towards the project in the previous year. Design of the Assabet River Rail Trail in~~

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~~Acton and Maynard is well on its way; CPA funding had leveraged a $1,080,000 Federal transportation earmark to date, CPC funds have supported approximately 65 community preservation projects throughout the community.~~

~~As of June 30, 2010, the Town had raised approximately $750,000 from the local CPA surcharge for FY2010 (unaudited) and in October 2010 received $202,879 in State matching funds (27%). (The bill that would set a floor of 70% State matching funds for every community (SB 90) is still awaiting action in the Massachusetts Legislature). Together with $495.160 that remained unallocated at the 2010 Annual Town Meeting and interest earned in FY2010, Acton's total estimated Community Preservation Fund balance at the end of 2010 is approximately $1,500,000, plus the Set-Aside Funds: $945,000 for open space and $44,000 for Historic Preservation. In addition, the CPC expects several turn backs of leftover funds from prior years' CPA funded projects.~~

~~Over the summer 2010 the CPC updated the annual Community Preservation Plan. This process included soliciting comments from community organizations and Town Committees, a public hearing in September to ascertain the needs, possibilities and resources of the Town regarding community preservation, and comments and suggestions from Townspeople and representatives of interest groups eligible for CPC funding. The Final 2011 Plan was published in September 2010 and is posted on the Town website. It contains updated guidelines and information for applicants seeking community preservation funds.~~

~~In late September the CPC held a workshop for prospective applicants. This session allowed potential applicants to discuss their potential projects, ask questions about the application process, and gain a better sense about what constitutes a strong CPA funding application.~~

~~In November, the Committee received nine applications for funding in 2011, for a total request of $1,617,872. The CPC is currently reviewing all applications and has interviewed each applicant. The CPC will then deliberate and decide which project and at which funding level to recommend to the 2011 Annual Town Meeting. In its deliberations, the CPC will consider available funding, the applicants' proposals, legal opinions, applicant interviews, input from Town Boards, including the Selectmen and Finance Committee, and comments from the general public.~~

~~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 our annual process. Townspeople may e-mail the Committee at cpc@acton-ma.gov or contact the Town Planning office at (978) 929-6631 with questions, comments, and feedback. For additional information and to view the current Community Preservation proposals, townspeople may visit the Community Preservation page on the Town website at www.acton-ma.gov.~~

~~2010 CPC Members:~~
~~Walter Foster – At Large (Chairman)~~
~~Roland Bourdon – Planning Board (Vice Chair)~~
~~Corrina Roman Kreuze – At large (Clerk)~~
~~Janet Adachi – Board of Selectmen~~
~~Victoria Beyer – Historical Commission~~
~~Andy Magee – Conservation Commission~~
~~Susan Mitchell Hardt – At large~~
~~Elisabeth Mercier – Recreation Commission~~
~~Ken Sghia-Hughes – Acton Housing Authority~~

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~~Doré Hunter – Associate~~
~~Peter Ashton – Associate~~
~~Roland Bartl, Planning Director, Town staff support~~

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4. Sample Award Letters

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 29, 2010

Mr. Steven Ledoux
Town Manager
Town of Acton
472 Main Street
Acton, MA 01720

Re: 2010 CPA Project Funding – Town of Acton
Open Space Acquisition, Caouette Land – up to $1,000,000

Dear Mr. Ledoux:

Congratulations to the Town of Acton on being a recipient of 2010 Community Preservation Open Space Set-Aside funds. The Town's effort and cooperation during this year's project selection process helped secure the necessary support at the Annual Town Meeting of all the Community Preservation Committee's (CPC) spending recommendations. Voters agreed that each funded 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 staff person assigned to this 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 this project is available immediately following the release date of this letter, up to $1,000,000, subject to the Town's due diligence investigations with respect to land title and environmental site assessment resulting in satisfactory outcomes and required remedies, if required, as the Board of Selectmen may determine.
- CPA funds shall be used in accordance with standard Town procedures and policies for the land purchase after preparation of a recordable plan and a recordable perpetual conservation restriction, and receipt of an acceptable deed to the land at closing.

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- Any significant changes to the project from what was presented in the funding application and during the project selection process shall require CPC approval. Please contact Roland Bartl, Planning Director (978-264-9636; rbartl@acton-ma.gov) to discuss whether or not a change must be considered significant, and if necessary to schedule an appointment with the CPC.

- Upon completion of the project and payment of all bills, you must certify completion in writing to the Planning Director. Once he receives your certification, your project account will be closed and no further funds shall be available thereafter for this project.

- Any CPA funds awarded to this project and not used upon project completion shall 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 important for Acton citizens to know where their CPA funds are being spent. Therefore, the CPC asks that you make every effort to credit the source of this funding at any meetings and in any written materials related to this project. Please submit a letter to the CPC detailing how the funds have benefited your project. The CPC has signs that give funding credit to the Acton CPA program that should be posted at the project sites while work is ongoing.

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 notification 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,

JMBen

Jon Benson
Chairman
Community Preservation Committee

cc: Board of Selectmen
Roland Bartl, Planning Director
Dean Charter, Tree Warden/Director of Municipal Properties
Karen Kucala, Assistant Finance Director
OSC
Tom Tidman, Nat Res. Dir.

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Re: 2010 CPA Project Funding – Town of Acton
Open Space Acquisition, Caouette Land – up to $1,000,000.

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

Dated: _____, 2010

_____
Mr. Steven Ledoux
Town Manager
Town of Acton
472 Main Street
Acton, MA 01720

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Community Preservation Committee

TOWN OF ACTON
472 Main Street
Acton, Massachusetts 01720
Telephone (978) 929-6631
Fax (978) 929-6340
cpc@acton-ma.gov
www.acton-ma.gov

April 28, 2011

Ms. Carolyn Kilpatrick
Trustee, Acton Woman's Club
504 Main Street
P.O. Box 2253
Acton, MA 01720

Re: 2011 CPA Project Funding – Acton Woman's Club
504 Main Street, Building Preservation and Restoration – up to $99,714

Dear Ms. Kilpatrick:

Congratulations to the Acton Woman's Club on being a recipient of 2011 Community Preservation funds (CPA funds). The Woman's Club's effort and cooperation during this year's project selection process helped secure the necessary support at the Annual Town Meeting of all the Community Preservation Committee's (CPC) spending recommendations. Voters agreed that each funded 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 staff person assigned to this 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 this project is available immediately following the release date of this letter, and after:
  a) The issuance by the Acton Historic District Commission of a Certificate of Appropriateness or Determination of Non-Applicability for the proposed preservation work; and

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b) Execution, conveyance to the Town, and recording of a historic preservation restriction for the property that is in form and substance acceptable to the Community Preservation Committee and Town Counsel. The historic preservation restriction shall be perpetual to the extent permitted by law, subject to review after casualty damage or destruction.

- CPA funds shall be disbursed to the Acton Woman's Club in accordance with the following rules:

a) No disbursement of CPA funds shall be made until after the Acton Woman's Club has contracted the architect and landscape architect for the work to be performed under this CPA Fund award, and the Planning Director has received proper documentation of such engagement.

b) All CPA fund disbursements shall be made as reimbursements to the Acton Woman's Club for expenses incurred by the Club in connection with this project.

c) CPA fund disbursements may be made after receipt by the Planning Director of Acton Woman's Club invoices. The number of invoices shall not exceed five (5) in total, or such other number as the Planning Director may determine.

d) All invoices shall include:

(1) Supporting contractor invoices for the completed work; and

(2) Statements from you certifying that all work items listed in the invoice have been completed to the satisfaction of Acton Woman's Club and consistent with the project scope presented in your funding application.

e) In addition, the final CPA Fund disbursement of not less than $10,000, or the balance of the CPA Fund award, shall be made after full project completion and receipt by the Planning Director of:

(1) Certifications from the contracting and supervising architect that all work in connection with this project was completed in compliance with the Massachusetts Building Code;

(2) Certifications from the contracting architect that all work in connection with this project was completed in compliance with the Acton Historic District Commission's Certificate of Appropriateness, so far as applicable; and

(3) Certification by the Acton Historic District Commission or its agent that the completed work meets the Secretary of the Interior's Standards for the Treatment of Historic Properties, 36 C.F.R. Part 68. This CPA Fund award may be used to pay for such certification if prepared by a qualified outside professional

f) No reimbursements shall be made until after the Planning Director has verified that the expenses are consistent with the project scope presented in your funding application and that the conditions of this award letter have been met.

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- Any significant changes to the project from what was presented in the funding application and during the project selection process shall require CPC approval. Please contact Roland Bartl, Planning Director (978-264-9636; rbartl@acton-ma.gov) to discuss whether or not a change must be considered significant, and if necessary to schedule an appointment with the CPC.

- Upon completion of the project and payment of all bills, you must certify completion in writing to the Planning Director. Once he receives your certification, your project account will be closed and no further funds shall be available thereafter for this project.

- Any CPA funds awarded to this project and not used upon project completion shall 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 important for Acton citizens to know where their CPA funds are being spent. Therefore, the CPC asks that you make every effort to credit the source of this funding at any meetings and in any written materials related to this project. Upon completion, please submit a letter to the CPC detailing how the funds have benefited your project. The CPC has signs that give funding credit to the Acton CPA program. Please post on such sign at the project site while work is ongoing.

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 notification 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,

Walter Foster
Chairman
Community Preservation Committee

cc: Board of Selectmen
Roland Bartl, Planning Director
Lisa Krause, Town Accountant
Historic District Commission

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Re: 2011 CPA Project Funding – Acton Woman's Club
504 Main Street, Building Preservation and Restoration – up to $99,714

The Acton Woman's Club accepts the foregoing grant of Community Preservation funds and agrees to be bound by the conditions stated in this award letter.

Dated: _____, 2011

_____
Carolyn Kilpatrick
Trustee, Acton Woman's Club
504 Main Street
P.O. Box 2253
Acton, MA 01720

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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.

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