

This is a DRAFT that reflects deliberations from the last CPC meeting on February 12, 2015. Deliberations will continue on February 26, 2015.

ARTICLE 20 **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 2014 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 2014 COMMUNITY PRESERVATION FUND BALANCES	
FY 2014 Community Preservation Fund Revenues	
Community Preservation Fund Surcharge Collected in FY 2014	\$ 839,328.61
State Community Preservation Trust Fund Receipt, October 2014	\$ 263,941.00
Other FY 2014 Community Preservation Fund Components	
Interest Earned in FY 2014	\$ 21,468.94
Unencumbered FY 2014 Fund Balance	\$ 2,454.53
Recapture of unspent previous years’ project appropriations	\$ 71,823.13
Total - FY 2014 Community Preservation Fund Balance	\$1,199,016.21
FY 2014 Open Space Set-Aside	
Set-Aside Fund Balance from appropriations for the Acquisition, Creation, and Preservation of Open Space and its Rehabilitation and Restoration	\$1,658,571.87
Total FY 2014 Open Space Set-Aside Fund Balance	\$1,658,571.87
FY 2014 Historic Set-Aside	
Set-Aside Fund Balance from appropriations for the Acquisition, Preservation, Rehabilitation and Restoration of Historic Resources	\$ 0.00
Total FY 2014 Historic Set-Aside Fund Balance	\$ 0.00
APPROPRIATIONS FROM COMMUNITY PRESERVATION FUND BALANCE	
Purposes	Recommended Amounts
Set-Aside Appropriations for	
A. Acquisition, Creation, and Preservation of Open Space, and its Rehabilitation and Restoration	\$ 300,000.00
B1. Acquisition, Preservation, Rehabilitation and Restoration of Historic Resources; required set-aside for meeting 10% of spending from FY 2014 revenues	\$ 30,326.97

B2. Acquisition, Preservation, Rehabilitation and Restoration of Historic Resources; required make-up for under-spending 10% of revenues in 2012 after recapture	\$ 2,707.85
Spending Appropriations	
C. Acton Housing Authority – Project Feasibility Study	\$ 35,000.00
D. Community Housing Program Fund*	\$ 150,000.00
E. Forest Cemetery – National Register Nomination	\$ 10,000.00
F. Acton Woman’s Club – Phase 2, Preservation & Accessibility	\$ 70,000.00
G. Acton Arboretum – Fern Boardwalk and Tree Removal	\$ 24,952.00
H. Ice House Pond & Robbins Mill Pond – Water Chestnut Removal	\$ 12,000.00
I. Acton Arboretum – Irrigation Well	\$ 26,125.00
J. Schools – Nature Play Space, Construction	\$ 100,000.00
K. Discovery Museum – Discovery Woods & Creative Playscape	\$ 110,000.00
L. Assabet River Rail Trail	\$ 143,230.00
M. T.J. O’Grady Skate Park Expansion – Phase 2 (Skate Plaza)	\$ 120,000.00
Administrative Appropriation	
N. 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	\$ 55,163.00
Total Recommended Appropriations from FY 2014 Community Preservation Fund Balance	\$1,189,504.82
SPENDING APPROPRIATION FROM OPEN SPACE SET-ASIDE FUND BALANCE	
O. Wright Hill Open Space Land Acquisition - Debt Service	\$ 7,000.00
Total Recommended Appropriations from the Open Space Set-Aside Fund	\$ 7,000.00
Resulting Fund Balances	
Resulting FY 2013 Community Preservation Fund Balance	\$ 9,511.70
Resulting Balance in the Set-Aside Fund for the Acquisition, Creation, and Preservation of Open Space, and its Rehabilitation and Restoration	\$1,951,571.87
Resulting Balance in the Set-Aside Fund for the Acquisition, Preservation, Rehabilitation and Restoration of Historic Resources	\$ 33,034.32

* Provided further pursuant to Town Charter Section 6-5 that the appropriation to the Community Housing Program Fund shall not lapse three years and one month following the effective date of the vote on this article, and that this appropriation and all prior appropriations to the Community Housing Program Fund shall continue to be available for the purpose specified until expended for that purpose or until the CPC recommends and Town Meeting votes to rescind the appropriation of any unspent funds appropriated for this purpose.

, 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 FY 2014 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 FY 2014 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 2014 Community Preservation Fund Balance the minimum necessary amounts to allocate not less than 10% of the FY 2014 Community Preservation Fund Revenues for open space (\$110,326.97), not less than 10% of the FY 2014 Community Preservation Fund Revenues for historic preservation (\$110,326.97), and not less than 10% of the FY 2014 Community Preservation Fund Revenues for community housing (\$110,326.97), or take any other action relative thereto.

SUMMARY

This article would make appropriations from the Town's Community Preservation Fund balance and from the Community Preservation Open Space Set-Aside Fund. 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, preserve, rehabilitate and restore land for recreational use; to rehabilitate and restore open space 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 ninth 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 2014, the Community Preservation Committee published its 2015 Community Preservation Plan with guidelines for the submission of projects seeking funding. The Committee received fourteen applications for funding of proposed projects and programs. The Committee reviewed the applications, interviewed proponents, and solicited legal opinions on the proposals to help evaluate their eligibility under the Act. This article represents the Committee's overall recommendation for appropriations, which includes recommended funding from the available Community Preservation Fund balances for **twelve** of the proposed projects and programs, statutorily required adjustments, debt service on a prior year bond, and administrative program support. 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 **\$9,511.70** that is available for future Town Meeting appropriations in all eligible funding categories under the Act.

The CPA 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 (\$110,326.97 in FY 2014) for each of the following: open space; 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 (\$55,163.00 recommended).

A total of \$71,823.13 has been recaptured from unspent prior years' Community Preservation project appropriations and closed to the Community Preservation Fund. The recaptured amounts came from two prior years' projects and programs. The recapture of prior year project appropriations can result in spending less than the statutory minimum 10% in any particular fiscal year for historic, open space, or community housing projects. This article makes appropriations to the Historic Set-Aside fund to compensate for such shortfalls in one prior year, as well for a funding shortfall for historic preservation projects in the current year.

A. Open Space Set-Aside

The current Open Space Set-Aside Fund balance is \$1,658,571.87. This item adds \$300,000. Town Meeting, with the recommendation of the Community Preservation Committee, may appropriate spending from the Open Space Set-Aside Fund for the purpose of acquisition, creation, and preservation of open space, or its rehabilitation or restoration.

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

B1. and B2. Historic Preservation Set-Asides

The recapture of prior years' unspent CPA funds appropriated in 2012 for historic purposes put the Town 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 an appropriation of \$2,707.85 to the Set-Aside Fund for the Acquisition, Preservation, Rehabilitation, and Restoration of Historic Resources.

This year the total recommended appropriation for historic preservation, rehabilitation, and restoration projects is less than the statutory 10% minimum. To make up for this shortfall, the Committee recommends that Town Meeting also set-aside \$30,326.97 to the Set-Aside Fund for the Acquisition, Preservation, Rehabilitation, and Restoration of Historic Resources.

Town Meeting, with the recommendation of the Community Preservation Committee, may appropriate spending from this set-aside fund for the purpose of acquisition, preservation, rehabilitation and restoration of historic resources.

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

C. Acton Housing Authority – Project Feasibility Study

The recommended \$35,000 appropriation for the Acton Housing Authority will fund consulting services for a planning and feasibility study. The study will assist in determining the most feasible options for creating new affordable housing opportunities for low-income Acton seniors, disabled, and families. The study will also look at the feasibility of reusing existing affordable housing for low-income seniors.

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

D. Community Housing Program Fund

The recommended \$150,000 appropriation replenishes the existing Community Housing Program Fund for "the acquisition, creation, preservation, and support of community housing in the Town of Acton." 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 managed 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.

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

- Funding a Housing Production Plan;
- Closing costs and mortgage payment assistance to 19 first-time homebuyers of affordable units;
- The purchase or subsidy of 7 units for the Acton Housing Authority's low income rental program including 4 new construction units;

- Funding sewer betterments for affordable units in 4 developments;
- A condo buy-down and selling price subsidy for 9 units;
- Capital improvements for 8 affordable units, and
- Supplementing funding for 4 years of membership in the Regional Housing Services Office.

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** **Finance Committee**

E. Forest Cemetery – National Register Nomination

The Massachusetts Historical Commission has previously deemed the cemetery eligible for inclusion in the National Registry Listing and the Cemetery Commissioners have affirmed their desire to pursue this designation. The recommended \$10,000 will provide funding to hire a Historic Preservation Consultant to prepare the nomination papers to be submitted to the National Parks Service. Adding the Forest Cemetery to the National Register will give it the recognition it deserves, increase the protection on the property via Mass Historical Review of future adjacent projects, and allow Federal grants for restoration of the property.

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

F. Acton Woman’s Club- Phase 2, Preservation and Accessibility

The Acton Woman’s Club is located in the Acton Center Historic District. The Woman’s Club received Community Preservation Act (CPA) funding in 2011 for the installation of an accessible sloped walkway at the right-side building entrance to provide handicap accessibility to the first floor. Subsequently, the improvements triggered the requirement of full building accessibility by the Massachusetts Architectural Access Board. Following this determination, the Club requested CPA funding to help address full accessibility for this historic property by installing a vertical lift to the second floor and renovating the first floor bathroom. \$150,000 was appropriated in 2014 from the CPA for the project. The total cost for this rehabilitation project was estimated at \$248,400, including contingencies. The award in 2014 anticipated the difference would be made up through third-party grant funds or by completing the project with a phased CPA funding approach. Unfortunately, the Club’s application for a \$98,000 grant from the State’s Cultural Facilities Fund (CFF) was unsuccessful. The recommended \$70,000 will complete the second phase of the project and include addressable fire alarm system, illuminated exit signs, emergency lighting and panic devices on the exit doors. With the work already done, knowledge of the building is sufficient eliminate funding for any contingencies. This rehabilitation work must be carried out to be in compliance with the Standards for Rehabilitation stated in the United States Secretary of the Interior’s Standards for the Treatment of Historic Properties codified in 36 C.F.R Part 68.

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

G. Acton Arboretum – Fern Boardwalk and Tree Removal

The recommended \$24,952 will help fund the construction of a new boardwalk and the removal of 14 trees to improve safety and forest diversity. The fern boardwalk is the last of three, deteriorated, wooden boardwalks to be replaced and made ADA accessible in the Arboretum in three years with CPA fund requests; each boardwalk being over 25 years old. The current fern boardwalk is failing; there is rot in vertical columns; decayed concrete footings; rotten and patched railings; sagging and uneven floorboards. The total cost of a new boardwalk is \$23,102.19. A large, multi-trunked red maple tree next to the boardwalk is dying and may fall onto the boardwalk. In addition, there are 13 black walnut trees along the wildflower trail that would be removed to improve forest diversity. The total cost for tree removal is \$2,850.

Total cost of the project is \$25,952.19 which would be offset by pledged and anticipated contributions to this effort which include a \$1,000 donation from the Friends of the Acton Arboretum and an in-kind donation from Axe Brothers of \$500.

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

H. Ice House Pond and Robbins Mill Pond - Water Chestnut Removal

The recommended \$12,000 appropriation will fund the first of a three year water chestnut removal program for Ice House Pond and Robbins Mill Pond. This preservation project will be conducted by a licensed environmental company using mechanical harvesting. Water Chestnut (*Trapa natans*) is a “non-native” (or exotic) and invasive aquatic plant that is covering the ponds’ surfaces and building up detritus on the bottoms. Without annual intervention, these impoundments develop anaerobic conditions destroying the aquatic ecosystem. Volunteers in Acton have been working to hand pull the plants from the surface of Ice House Pond since 2010 and Robbins Mill Pond since 2013 but cannot keep up with the growth of water chestnuts with human volunteer efforts. Both ponds have scenic, recreational and ecological benefits. Robbins Mill Pond is within a listed NHESP Endangered Species Habitat. Removal of the water chestnuts will restore the natural riverine characteristics and preserve Acton’s important water resources.

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

I. Acton Arboretum - Irrigation Well

The recommended \$26,125 will fund the cost and installation of an irrigation well at the Acton Arboretum. The Acton Arboretum water supply has been shut down for 2 years due to a leak. The Acton Arboretum water comes from a metered town service near the corner of Taylor Road and Main Street. The Natural Resources Department has been unable to locate the leak,

necessitating the Municipal Properties Department to shut off supply. Volunteers have been lugging and hand-watering all of the Arboretum plantings via a portable water tank. The total cost for the irrigation well is \$28,249 which would be offset by pledged and anticipated contributions: \$500 donation from the Friends of the Acton Arboretum, and \$1,624 from the Acton Recreation Department budget.

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

J. Schools – Nature Play Spaces, Construction

Play areas and structures at the pre-K through grade 6 Public School in Acton, being transitioned to the regional school district, are situated in the outdoors, but do not invite children to interact with nature in independent ways. The recommended \$100,000 will help fund the construction of handicapped accessible, simply constructed nature place spaces for elementary schools in Acton. The total cost for this project is \$165,600. This award anticipates the difference will be made up through various school partners and, if needed, by completing the project with a phased CPA funding approach.

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

K. Discovery Museum – Discovery Woods and Creative Playscape

The Discovery Museums, Inc. proposes to build two main outdoor recreational activity areas, called Discovery Woods and Creativity Playscape, to relocate parking and to build a gateway/portal to allow better access to adjacent the Town Great Hill conservation and recreation land. The total project cost is \$1.3 million, of which 85% is funded through private donations. The recommended \$110,000 will help fund the two main outdoor areas, Discovery Woods (a nature playscape) and the Creativity Playscape. The two areas will be fully inclusive and accessible outdoor learning and recreation spaces serving citizens of all ages and, importantly, of all abilities. The project will both preserve and enhance open space at The Discovery Museums, relocating parking to restore a natural landscape along Great Hill and create a prominent portal to the conservation land. As a condition of funding to a private entity, the Community Preservation Committee will require the grant to the Town of an access trail easement (across a portion of The Discovery Museums' property to the Town's Great Hill Conservation and Recreation Area) for public use, and a use restriction (preserving and authorizing active recreation on that portion of the Discovery Museums' property subsidized with CPA Funds).

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

L. Assabet River Rail Trail

The 12.5-mile Assabet River Rail Trail (ARRT) is proposed to run from Acton via Maynard, Stow, and Hudson, to Marlborough. The five communities have jointly advanced the trail since 1995 and a section of the ARRT in Marlborough and Hudson is built and actively being used. To date, the ARRT has received close to \$2.2 million in public and private funding, donations, and

commitments. Acton Town Meeting has appropriated \$30,000 in 1998 and an additional \$170,000 from a 2004 Community Preservation appropriation to meet their 20% local share for trail design cost. This local funding leveraged Federal funds for trail design and now for the construction phase of the ARRT in Acton-Maynard, which has been scheduled on the Transportation Improvement Program (TIP) for construction funding in Federal Fiscal Year 2016. To meet this schedule all plans must be finished, all permits must be in-hand, all property interests must be secured, and the project must be advertised before the end of September 2015.

Acton's +/-1.4-mile/7.9-acre portion of the ARRT begins at the south side of the South Acton commuter rail station, through the Caouette-Simeone land, south along a former rail line and parallel to Main Street, to the Maynard line. A commercial building near the Maynard Town line at 20 Main Street obstructs the former rail corridor. In 2005, the Town obtained an easement from the property owner to align the trail behind the parking lot and building. In 2013 MassDOT indicated they were not in support of said trail alignment behind the building due to the extremely high cost of constructing an elevated trail through extensive wetlands and flood plains. Accordingly, the trail alignment has changed to reduce impact to wetlands and reduce construction cost. A new easement in the front of the property is now required. In addition, there is a need for easements in other locations to facilitate trail access, including emergency access, to accommodate wetlands replications, landscaping, and trail alignment and construction. The recommended \$143,230 will help fund the easement acquisitions estimated to cost approximately \$170,000. The difference will be made available from gifts. This is a federally funded project. Under Federal and State policies and regulations, municipalities are responsible for the funding and executing any acquisitions for the Assabet River Rail Trail. Further, in accordance with Federal law the Town cannot enter acquisition talks with the land owner until specific Federal permits and sign-offs are in place, and the Town must offer each affected land owner fair market value compensation. If the easement is donated, the funds will be returned to the Community Preservation account.

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

M. Phase 2 - T.J. O'Grady Memorial Skate Plaza

In 2012, the Recreation Department received funding for the first phase of expanding the T.J. O'Grady Skate Park. Phase 1, which includes the construction of a skate bowl, is currently being prepared to go out to bid. The recommended \$120,000 appropriation will fund phase 2 of the expansion: The construction of a skate plaza, which converts the barren 100' x 100' area into a world-class triangular skating course around a bio-retention area. It will provide an attractive formal entrance to the skate park complex, a viewing area for onlookers and handicapped accessible park amenities for patrons. This funding will be contingent on receipt of the Town of Boxborough's support of \$40,000 towards the skate plaza.

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

N. Administrative and Operating Expenses

The recommended appropriation in the amount of \$55,163.00 is 5% of the FY 2014 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** **Finance Committee**

O. Wright Hill Open Space Land Acquisition – Debt Service

The recommended \$7,000 will fund the first year of required debt service for the purchase of the Wright Hill open space parcel. This amount will pay for short-term borrowing costs until the Town has issued a larger municipal bond package. The 2014, Annual Town Meeting authorized the Treasurer, with the approval of the Selectmen, and pursuant to the favorable recommendation of the Community Preservation Committee to borrow for a repayment term of not less than 15 years and not more than 20 years up to \$990,000 for the Wright Hill open space land.

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

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