

ARTICLE (CPA)
(Majority vote)

**COMMUNITY PRESERVATION PROGRAM –
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 2015 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 2015 COMMUNITY PRESERVATION FUND BALANCES	
FY 2015 Community Preservation Fund Revenues	
Community Preservation Fund Surcharge Collected in FY 2015	\$ 875,162.00
State Community Preservation Trust Fund Receipt, October 2015	\$ 259,489.00
Other FY 2015 Community Preservation Fund Components	
Interest Earned in FY 2015	\$ 18,846.93
Unencumbered FY 2015 Fund Balance	\$ 45,511.70
Recapture of unspent previous years’ project appropriations	\$ 1,773.08
Total - FY 2015 Community Preservation Fund Balance	\$1,200,782.71
FY 2015 Open Space Set-Aside	
Set-Aside Fund Balance from appropriations for the Acquisition, Creation, and Preservation of Open Space and its Rehabilitation and Restoration	\$1,951,571.87
Total FY 2015 Open Space Set-Aside Fund Balance	\$1,951,571.87
FY 2015 Historic Set-Aside	
Set-Aside Fund Balance from appropriations for the Acquisition, Preservation, Rehabilitation and Restoration of Historic Resources	\$ 33,034.82
Total FY 2015 Historic Set-Aside Fund Balance	\$ 33,034.82
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	\$ 400,000.00
Spending Appropriations	
B. Acton Housing Authority – Windsor Green Windows Installation	\$ 61,589.00
C. Community Housing Program Fund*	\$ 30,000.00
D. Regional Housing Services Program – One Year	\$ 23,500.00
E. Open Space Acquisition and Preservation Fund	\$ 20,000.00

F. South Acton Congregational Church – Roof Repair	\$ 15,000.00
G. Acton Congregational Church – Preservation Master Plan	\$ 49,500.00
H. Acton Congregational Church – Stained Glass Window Preservation	\$ 51,237.00
I. NARA Miracle Field Sports Pavilion	\$ 350,000.00
J. Skate Park Expansion – Phase 2, Skate Plaza	\$ 135,000.00
Administrative Appropriation	
K. 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	\$ 56,732.00
Total Recommended Appropriations from FY 2015 Community Preservation Fund Balance	\$1,192,558.00
APPROPRIATION FROM OPEN SPACE SET-ASIDE FUND BALANCE	
L. Wright Hill Open Space Land Acquisition - Debt Service	\$ 70,000.00
Total Recommended Appropriations from the Open Space Set-Aside Fund	\$ 70,000.00
APPROPRIATION FROM HISTORIC SET-ASIDE FUND BALANCE	
M. Historic District Consultant	\$ 33,034.82
Total Recommended Appropriations from the Historic Set-Aside Fund	\$ 33,034.82
Resulting Fund Balances	
Resulting FY 2015 Community Preservation Fund Balance	\$ 8,224.71
Resulting Balance in the Set-Aside Fund for the Acquisition, Creation, and Preservation of Open Space, and its Rehabilitation and Restoration	\$2,281,571.87
Resulting Balance in the Set-Aside Fund for the Acquisition, Preservation, Rehabilitation and Restoration of Historic Resources	\$ 0.00

* 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 2015 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 2015 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 2015 Community Preservation Fund Balance the minimum necessary amounts to allocate not less than 10% of the FY 2015 Community Preservation Fund Revenues for open space (\$113,465.10), not less than 10% of the FY 2015 Community Preservation Fund Revenues for historic preservation (\$113,465.10), and not less than 10% of the FY 2015 Community Preservation Fund Revenues for community housing (\$113,465.10), 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 and Historic Set-Aside Funds. 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 eleventh 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 2015, the Community Preservation Committee published its 2016 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 eleven of the proposed projects and programs, 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; some of the proposed projects have undergone transformations from how they were proposed originally; and some proposed projects were not recommended for funding.

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 \$8,224.71 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 (\$113,465.10 in FY 2015) for each of the following: open space; historic resources; and community housing. The Committee's recommendations meet the required funding levels. 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 (\$56,732.00 recommended).

A total of \$1,773.08 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 did not occur this year. Therefore, this article makes does not make set-aside fund appropriations to compensate for such shortfalls in prior years.

A. Open Space Set-Aside

The current Open Space Set-Aside Fund balance is \$1,951,571.87. This item adds \$400,000. 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**

B. Acton Housing Authority – Windsor Green Windows Installation

The recommended \$61,589 appropriation for the Acton Housing Authority will fund installation and materials for window enclosures in the 68 residential units at the Acton Housing Authority's Windsor Avenue buildings. The Acton Housing Authority applied for funding from the Low-

income Energy Affordability Network (LEAN) Air Source Heat Pump program (part of MassSave®) for the heating replacement at Windsor Avenue. Although their application was successful and the new system was completed in March, the LEAN program only covers the cost of the utility replacement and does not cover the cost of enclosing the holes in the building where the existing wall mounted air conditioners currently exists. Enclosing the holes left by the obsolete wall mounted air conditioners will protect the buildings by making them weather tight and will increase the energy efficiency of the structures.

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

C. Community Housing Program Fund

The recommended \$30,000 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 Acton Community Housing Corporation 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.

With this request, ACHC proposes to continue its current programs and initiate new ones. Uses of the Fund from 2004 to 2015 include:

- Closing costs and mortgage payment assistance to 24 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 buydown and selling price subsidy for 9 units;
- Capital improvements for 11 affordable units;
- Funding the Housing Inventory for the Acton 2020 Community Master Plan,
- Funding 4 years of membership in the Regional Housing Services Office, and
- Funding a Housing Production Plan.
- Administrative expenses

The ACHC has access to privately funded affordable housing gifts earmarked for affordable housing programs. These housing gift funds can be used as leverage for programs in addition to the CPA funds.

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

D. Regional Housing Services Program (One Year)

The Town approved Acton's participation with a two-year CPA appropriation in 2012. The recommended \$23,500 appropriation continues the Town's participation in a Regional Housing Services Program for a fifth year to assist with meeting the administrative, compliance and monitoring needs for the Town's existing affordable housing units and to further regional housing goals and efforts.

The Regional Housing Services Office is currently located in Concord and is managed by Concord's Director of Planning and Land Management. The Office assists with affordable housing matters in the participating towns – Acton, Bedford, Burlington, Concord, Lexington, 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 320 hours for Fiscal Year 2017 with the specifics of services negotiated by the ACHC, and under its direct supervision. Such services may include, for instance, checking compliance with regulatory agreements; 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; maintenance of ready-buyer lists; assistance with affordable housing lotteries and resales; and conducting homeownership training.

In May, the Regional Housing Services Office went live with a new website (<http://www.rhsohousing.org/>). The website contains a variety of information designed to help local officials, current and prospective residents. The information on the website includes the affordable housing inventories for each town, a listing of affordable housing opportunities that are currently accepting applications, and a section on resident services with local resources and contact information. The next phase of the website will include a secure access section for RHSO and town staff for easy access to unit level data for ownership units with purchase information and contact history, and key project documents (Permits, Regulatory Agreements, Deeds) for projects and owners. This will give each participating town on-line access to the confidential information the RHSO staff maintains.

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** **Finance Committee**

E. Open Space Acquisition and Preservation Fund

Most open space acquisition prospects require certain initial expenditures to preserve the opportunities before the actual recommendation for a purchase can be brought to Town Meeting. This includes determining the value of the property; evaluating the merits of the transaction; and negotiating and preparing transaction documents. When opportunities to acquire and preserve open spaces arise the Town must be able to react nimbly. This fund was first established in 2010

with a Community Preservation Program appropriation of \$25,000. The recommended appropriation of \$20,000 to the Open Space Acquisition and Preservation Fund will replenish this fund so the Town can continue to advance open space acquisition opportunities during the intervals between Town Meetings.

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

F. South Acton Congregational Church – Roof Repair

The South Acton Congregational Church is an historic resource located at 29 School Street in the South Acton Historic District. The historic building was constructed in 1892 and is listed on the Acton Historical Commission’s Cultural Resource List. The recommended \$15,000 appropriation will help preserve the historic building through funding roof repairs that prevent ice dam formation. The rehabilitation of the roof is an extraordinary repair that will reverse the deterioration of the roof and preserve the buildings historic function for use as a church and community meeting place. Ice dams and the resulting intrusion of melting water have already resulted in damage to the building. Absent these repairs, ice dams will continue to form each winter, resulting in water backing up into the roof and leaking into the building, damaging the ceilings, walls, and eventually rotting the structure.

The rehabilitation project must comply 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 and is contingent upon receipt of a fully executed perpetual historic preservation restriction that is acceptable to the Town.

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

G. Acton Congregational Church – Preservation Master Plan

The recommended \$49,500 appropriation will fund a Master Plan for the three historic properties located at 8, 12, and 20 Concord Road in the Acton Center Historic District to evaluate and identify critical needs and set restoration and rehabilitation priorities to preserve the historic asset for future years. All three buildings are listed on the National Register of Historic Places and the Acton Historical Commission’s Cultural Resource List. The buildings are known as the Fletcher House, Hosmer House and the Evangelical Church, which date back to the mid-1800’s.

The total cost of the project is \$55,000. The Acton Congregational Church will pay for the difference. The preservation project must comply 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 and is contingent upon receipt of a fully executed perpetual historic preservation restriction that is acceptable to the Town.

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

H. Acton Congregational Church – Stained Glass Window Preservation

The Acton Congregational Church is located at 12 Concord Road in the Acton Center Historic District. It is listed on the National Register of Historic Places and the Acton Historical Commission's Cultural Resource List. It was built in 1846 with renovations made in 1889. The renovation included the installation of stained glass windows. The recommended \$51,237 appropriation will fund the restoration for the approximately 120-years-old stained glass windows that need attention in the short term in order to prevent further damage.

The wood around the windows is rotting, risking the integrity of the windows. The proposed work would remove the old plastic covers, repair the existing wood damage, replace missing or broken pieces of glass, seal the glass, scrap and paint the wood, and install new ventilated glazing (1/4" laminated glass) to stabilize and protect the eight primary stained glass windows. The total cost of the project is \$56,930. The Acton Congregational Church will pay the difference.

The work will protect the stained glass windows, an integral part of the church's historical significance, from harm. Without the proposed work, the windows are at risk of severe damage. This rehabilitation work is an extraordinary repair which will protect the resource for its intended use. Without these measures the stained glass may deteriorate significantly.

The preservation project must comply 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 and is contingent upon receipt of a fully executed perpetual historic preservation restriction that is acceptable to the Town.

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

I. NARA Miracle Field Sports Pavilion

The recommended \$350,000 appropriation will fund the construction of a multi-use building. This building will serve users of the Miracle Field by providing refreshment and bathroom facilities, plus office and storage space for Recreation and NARA staff. Construction of the accessible bathrooms and concession building will utilize two donated modular houses from the neighboring Redmond Corp. The building will be located opposite the playing fields and next to the Miracle Field, on the northwest corner of the upper parking lot. NARA Park is home to the Joseph Lalli Miracle Field, the first handicap accessible ball field specially designed for children with disabilities in New England. As NARA Park continues to grow, so does the demand to supply the amenities park users require. This capital improvement will make the land more functional for its intended recreational use. The total estimated cost for this project is \$652,327. The difference is made up with pledged donations in the amount of \$265,000 and in-kind donations of labor and materials.

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

J. Skate Park Expansion – Phase 2, Skate Plaza

The recommended \$135,000 appropriation will fund phase two of a two-part expansion of the T.J. O’Grady Skatepark. Phase two construction consists of a triangular Skate Plaza, designed by Stantec. Phase two converts the barren 100’ x 100’ area remaining after the original Skate Park parking lot was removed to support the Lower Fields’ synthetic turf field complex installation. This project will provide an attractive formal entrance and viewing area for onlookers and handicap accessible park amenities for Lower Fields patrons. It features a world-class triangular skating course around a bio-retention area.

The T.J. O’Grady Memorial Skate Park is located at 66 Hayward Road in Acton, MA. It officially opened for public use on Monday, November 21, 2005 to celebrate the life of T.J. O’Grady. T.J. was a 14-year-old Acton-Boxborough R.J. Grey Jr. High student who passed away tragically on this date in 1998 while skateboarding on a street in Boxborough. T.J. had a passion for history, friends and skateboarding. He co-founded the Grey JHS Skateboard Club.

The triangular skate plaza costs a total of \$175,000. The remaining funds will come from the Town of Boxborough’s Community Preservation appropriation pledge of \$40,000. .

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

K. Administrative and Operating Expenses

The recommended appropriation in the amount of \$56,732 is 5% of the FY 2015 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**

L. Wright Hill Open Space Land Acquisition - Debt Service

The recommended \$70,000 appropriation from the open space set-aside fund will pay for the anticipated first regular annual payment on the 15-year bond for the purchase of the Wright Hill Open Space land acquisition. 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**

M. Historic District Consultant

The recommended \$33,034.82 appropriation from the historic set-aside account will fund consulting services for a detailed historical inventory of the characteristics and features of each

of Acton's Historic Districts. This inventory will catalogue the unique architectural characteristics of the buildings in each Historic District and describe the settings of the buildings in the Districts. This inventory will be used to create a foundation for decisions of the Commission regarding Certificates of Appropriateness, to clearly articulate guidelines for new construction, and to develop proposals for new zoning overlays in each of the Districts that will further support Historic preservation and protection in the Districts.

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

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