



## **History of the Community Preservation Act in Massachusetts**

The Community Preservation Act (CPA) is statewide enabling legislation to allow cities and towns to exercise control over local planning decisions. This legislation strengthens and empowers Massachusetts communities:

- ☐ All decisions are local.
- ☐ Local people must vote by ballot to adopt the Act.
- ☐ Local legislatures must appoint a committee of local people to draw up plans for use of the funds.
- ☐ Each local plan created under the CPA is subject to local comment and approval.
- ☐ If residents don't feel the CPA is working as they expected, they can repeal it.

The Community Preservation Act provides new funding sources which can be used for the acquisition, creation and preservation of open space; for the acquisition, preservation, rehabilitation and restoration of historic resources; for the acquisition, creation and preservation of land for recreational use; for the creation, preservation and support of community housing; and for the rehabilitation or restoration of open space, land for recreational use and community housing that is acquired or created.

A minimum of 10% of the annual revenues of the fund must be used for each of the three core community concerns: Housing, Historic, and Open Space. The remaining 70% can be allocated for any combination of the allowed uses, or for recreational use. This gives each community the opportunity to determine its priorities, plan for its future, and have the funds to make those plans happen.

Property taxes traditionally fund the day-to-day operating needs of safety, health, schools, roads, maintenance, and more. But until the CPA, there was no steady funding source for preserving and improving a community's infrastructure. The Community Preservation Act can give a community the funds needed to control its future. The Department of Revenue provides a chart of allowable uses for CPA funds at:

<https://www.communitypreservation.org/sites/macpc/files/uploads/dor-allowable-uses-2012.pdf>

## **West Boylston Community Preservation Committee Structure and Role**

In May 2007 at the Annual Town Meeting, voters approved a surcharge of 1.5% on real property and accepted exemptions from such surcharge for low income households and for the first \$100,000.00; and approved Article XXXI of the General Bylaws, establishing the work of the Community Preservation Committee (CPC). The full text of the bylaw is available on the Town website under Bylaws and Regulation.

The Community Preservation Committee is made up of 4 citizens appointed by the Town Administrator and a representative from each of the following Town bodies: the Planning

Board, the Conservation Commission, the Historical Commission, the Board of Parks Commissioners and the Housing Authority.

It is the responsibility of each member to be familiar with the following:

- ☐ The Open Meeting Law
- ☐ The Community Preservation Act
- ☐ The Processes and Procedures for the CPC
- ☐ The Town of West Boylston Community Preservation Committee Bylaw
- ☐ The Town of West Boylston Community Preservation Plan

While members of the CPC represent specific committees, all members shall keep the best interest of the entire town in mind when making decisions.

**The CPC's role is to inform members of the community of the opportunities that exist and the availability of funds. The CPC acts as a catalyst and information resource to those wishing to submit proposals. The CPC reviews projects and funding requests for completion, for conformance with State funding requirements in MGL Chapter 44B, and to confirm that they are needed in the Town of West Boylston. The CPC then determines if the proposal should be presented for consideration at Town Meeting.**

A quorum, consisting of a majority of members, must be present for the CPC to hold a meeting. All members must make an effort to be present when proposals are presented and reviewed, as well as at public hearings. A member who is not present at the meetings where a proposal is presented and discussed or does not attend a public hearing will not be allowed to vote on the proposal.

### **Operational Procedures**

The CPC has adopted guidelines and forms for submittal of proposals as set forth herein and in Appendix A. Applications for funding should be submitted at least 60 days before Town Meeting, though less time may be needed for less complex projects. The CPC will generally meet quarterly and more frequently as needed for review and consideration of proposals. All meetings are open to the public and minutes will be kept. Substantive discussions of proposals will take place only in duly noticed CPC meetings.

Pre-application inquiries are welcomed and should be directed through the CPC chair, who will address the inquiries with a quorum of the CPC.

The CPC will review applications to ensure that they meet the CPA standards and recommend to Town meeting those projects that have met the criteria as stated in this Plan. The CPC encourages applicants to propose projects that encompass more than one of the stated goals. **Note that Community Preservation Act funds may not be used for the maintenance or upkeep of real or personal property.**

PLEASE NOTE: The CPA specifically excludes funding for maintenance. The Act does allow, however, for the remodeling, reconstruction and making of extraordinary repairs to historic resources for the purpose of making such historic resources functional for their intended use, including, but not limited to improvements to comply with Americans with Disabilities Act and other federal, state or local building or access codes.

It is also important to understand that a deed restriction on CPA funded projects may be a requirement mandated by State law in some situations.

All proposed projects must meet the requirements described in the Community Preservation Act M.G. L. 44B, as amended. Copies are available online at:

<http://www.communitypreservation.org/statelegis.cfm>

In addition, a Questions and Answers page can be found at:

<http://www.communitypreservation.org/QandA.cfm>

If you are in doubt about your project's eligibility, please contact the chair of the CPC for clarification at [wbcpc@westboylston-ma.gov](mailto:wbcpc@westboylston-ma.gov) or review information on the Community Preservation Act, Town of West Boylston's Community Preservation Committee and CPA Funding application information at the Town of West Boylston website –

<https://www.westboylston-ma.gov/community-preservation-committee>

The CPC will consider proposals based on the following:

### 1. Open Space Goals and Criteria

As of 2010, the state owned more than 40% of the land in West Boylston; the Town owned 10% including roads, buildings, and athletic fields; and less than 0.5 % of the Town is Town-owned open space. Due to increased and ongoing development pressure in West Boylston, the preservation of Town-Owned Open Space is becoming increasingly important. With increased development pressures and property values rising in recent years, the acquisition of Open Space has become increasingly more urgent and difficult. The CPA is a proactive tool for the community to preserve our quality of life, the purity of our water, control property taxes and find a balance between economic development and preservation.

The Community Preservation Committee solicits input from the Town's Open Space Implementation Committee and Conservation Commission, as well as other town boards, committees and the public, in identifying goals for open space protection consistent with the 2018 Open Space and Recreation Plan of the Town of West Boylston, which include:

#### Goal I: Protect and Preserve Open Space Parcel Objectives

- A. Preserve and maintain existing town-owned open space, especially in the densely-developed southern area of town.
- B. Support efforts for non-municipal (private and state) landowners to retain open space or share use of their property and protect open space.
- C. Acquire and/or protect additional town-owned open space.

#### Goal II: Protect and Enhance Natural Resource Objectives

- A. Protect town water supplies, aquifers, and recharge areas.
- B. Protect streams and ponds in town; and
- C. Protect special wildlife and botanical areas in town

#### Goal III: Plan and Develop Greenways and Walkable Regional Connections Objectives

- A. Develop greenway connections to significant areas within Town and to surrounding green space and residential areas.

- B. Provide safe pedestrian and bicycle access to open spaces and recreation areas.

The following criteria are characteristics of types of Open Space projects that the CPC might consider recommending for Town Meeting funding:

- a. Purchasing land or interest in land (development rights) to protect public drinking water supply, preserve natural resources, maintain scenic views, build green belts and trail systems, and enhance other passive recreational opportunities.
- b. Purchasing green space outright or purchasing development rights through mechanisms such as permanent conservation restrictions or agricultural preservation restrictions.
- c. Matching or augmenting funds available under various land trust or conservation programs.
- d. Exercising rights of first refusal when lands are removed from temporary forestry, agricultural, and recreational land restrictions (e.g., Chapter 61, 61A, 61B Programs).

## 2. Historic Preservation Goals and Criteria

The Town of West Boylston has a rich diversity of historic resources. The Town's Community Preservation Act goals for preserving these historic resources. The Community Preservation Committee solicits input from the Town's Historical Commission, as well as other town boards, committees and the public, in identifying goals for Historic Preservation consistent with the Historic Preservation, which include:

Goal 1: To acquire, preserve, rehabilitate or restore historic resources, which include historic documents or artifacts as well as historic buildings, and real property.

Goal 2: Optimize the use and enjoyment of the Town's historic resources for residents and visitors.

Goal 3: Recognize, preserve and enhance the historic heritage and character of the Town of West Boylston for current and future generations.

In order for an historic resource to be eligible for CPA funding, it must first be determined to be not just "old" but of historic significance. The burden of proving historic significance is the responsibility of the applicant. In order to be of historic significance, a resource must have retained its physical character and integrity and must either (1) be associated with significant people, or (2) be architecturally significant, or (3) have a potential to yield important historical or archaeological information. According to the CPA, there are 3 ways a resource can qualify as historically significant:

1. Listing on the National and/or State Register of Historic Places,
2. A written determination by the Massachusetts Historical Commission that the resource is eligible for listing on the State Register of Historic Places, or

3. A written determination by the West Boylston Historical Commission that the resource is significant for its history, archaeology, architecture or cultural value.

The following criteria describe the characteristics of Historic Resource projects that the CPC might consider recommending for Town Meeting funding:

- a. Level of historical significance
- b. Public benefit
- c. Public support
- d. Appropriateness and professionalism of the proposed work (rehabilitation work is expected to comply with the Standards for Rehabilitation stated in the United States Secretary of the Interior's Standards for the Treatment of Historic Properties). see <https://www.nps.gov/tps/standards/treatment-guidelines-2017.pdf>
- e. Level of additional financial or in-kind services, beyond CPA funds, committed to the project
- f. Administrative and financial management capabilities of the applicant in order to ensure that the project is carried out in a timely manner, and that the historic resource can be maintained for public benefit.

### 3. Community Housing Goals and Criteria

CPA funds may be used to create and preserve community housing defined as housing for low and moderate income individuals and families, especially low or moderate income senior housing. The preservation and creation of community housing is a proven method for promoting diversity, allowing individuals and families with more limited means to afford to live in town. The town can utilize CPA funds to offer current and future residents a wide range of housing options in renovated, converted and existing residential buildings, mixed-use developments, and senior residential developments, supportive housing alternatives and live-work space.

Individual and family incomes shall be based on the area wide median income as determined by the United States Department of Housing and Urban Development. Low income is defined as an annual income of less than 80% of the area wide median income; moderate income is defined as less than 100% of the area wide median income. Low or moderate senior income is defined as low or moderate income for persons over 60. The dollar amounts for the town of West Boylston can be found under the heading "CPA Low and Moderate Income Guidelines" at: <http://www.communitypreservation.org/CPAImplementation.cfm>

Even though West Boylston does not meet the State's standard of 10% of its available housing stock deemed Affordable (as defined by MGL Chapter 40B), the town has met an alternate standard of 1.5% of the Available Land Area and therefore is not at risk of forced 40B proposals. This is clearly stated in the Housing Production Plan for the Town of West

Boylston, which was approved by the Selectboard, Zoning Board of Appeals, Affordable Housing Trust, Housing Authority, and Planning Board.

The Community Preservation Committee solicits input from the Town's Affordable Housing Trust and the Housing Authority, as well as other town boards, committees and the public, in identifying goals for Community Housing consistent with the Housing Production Plan of the Town of West Boylston, which include:

Goal 1: The Act requires the CPC to recommend, wherever possible, the adaptive reuse of existing buildings or construction of new buildings on previously developed sites.

Goal 2: Meet local housing needs for eligible low and moderate-income individuals and families as specified in the Housing Production Plan.

Goal 3: Ensure the new community housing meets or exceeds surrounding community standards with regard to density, architectural character, landscaping, pedestrian and other amenities, while conserving, as much as possible, the natural landscape.

Goal 4: Work toward meeting the goals of the West Boylston Housing Production Plan for community housing, especially for local seniors, and to ensure future community housing development is consistent with the needs and character of the town.

Goal 5: Leverage other public and private resources to the greatest extent possible. West Boylston does not receive federal or state funding for community housing on an entitlement basis. We need to be creative in leveraging public and private resources to make community housing development possible. Combining CPA funds with various private, state, and federal resources that are available on a non-entitlement "competitive" basis will demonstrate creativity. This will include Federal Home Bank Funds, State HOME funds, Housing Stabilization funds, and Housing Innovations funds, and Federal Low Income Housing tax credits.

The following criteria describe the characteristics of Community Housing projects that the CPC might consider recommending for Town Meeting funding:

- a. Compliance with the West Boylston Housing Production Plan;
- b. Providing housing utilizing adaptive reuse of existing buildings or construction of new buildings on previously developed sites.
- c. Projects that provide housing for eligible local very low, low, and moderate-income senior individuals and senior families as specified in the Housing Production Plan.
- d. Projects that properly and effectively leverage public and private financing and construction resources.
- e. Projects located within walking distance of public transit, commercial and retail services.

- f. Projects clearly demonstrating sound administrative and financial management capabilities of the applicant. Adequate experience to ensure that the project is completed in a timely manner, and operated properly.

#### 4. Recreation Goals and Criteria

Funding through the CPA is limited to the “acquisition, preservation, and creation of land for recreational use.” Recreational purposes are defined as “active or passive recreational uses 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, and excluding artificial turf.” Land cannot be used for “a stadium, gymnasium, or similar structure.”

Land may be purchased for recreational uses such as community gardens, play grounds, trail networks and ball fields. Only the land purchases may qualify under the Open Space portion, while the remainder of the funding can only come from the undedicated 70% funds. (see <https://www.communitypreservation.org/technical-assistance>)

The Community Preservation Committee solicits input from the Town’s Open Space Implementation Committee, Parks Commission, and Parks Facilities Committee, as well as other town boards, committees and the public, in identifying goals for Recreation consistent with the 2018 Open Space and Recreation Plan of the Town of West Boylston, which include:

##### Goal I: Maintain and Enhance the Town’s Recreation Facilities Objectives

- A. Expand/increase the available recreation facilities in town including areas for swimming and picnicking;
- B. Preserve and improve existing town-owned passive and active recreational facilities;
- C. Upgrade existing recreational facilities to meet Massachusetts Interscholastic Athletic Association (MIAA) and Americans with Disabilities Act (ADA) requirements.

##### Goal II: Plan and Develop Greenways and Walkable Connections in the town with Consideration to Appropriate Regional Connections Objectives

- A. Develop paths, trails, bike and pedestrian routes to recreation areas in surrounding towns.
- B. Provide safe pedestrian and bicycle access to open spaces and recreation areas in Town.

The following criteria are characteristics of types of Recreation projects that the CPC might consider recommending for Town Meeting funding:

- a. The acquisition, creation and preservation of land for community gardens, trails and noncommercial youth and adult sports.
- b. The acquisition, creation and preservation of land as a park, playground or athletic field.

- c. The renovation or upgrade of existing recreational lands and outdoor athletic/recreational facilities.

### **Proposal Review Process**

Proposals for funding should be filed with the CPC at least 60 days prior to a Town Meeting to be considered for funding at that town meeting. Applications for funding may be accepted closer to the meeting for less complex projects. A complete Proposal contains the completed and signed Application Form, plus any plans, work quotes, and schedule backup that would be needed to clearly explain the work.

Applicants must attend a CPC meeting to present their proposals where CPC members may ask questions and discuss the elements and merits of each proposal as it relates to the needs of West Boylston and to the core priorities of the CPA.

The proposal review process is as follows:

1. Upon receipt of an electronic file or ten hard copies of a proposal, copies will be distributed to all Community Preservation Committee (CPC) members prior to the meeting where the application will be presented and discussed. The entire CPC reviews the application to determine if the application is qualified for funding under the Act. The proposals will be posted on the Town's website, and at the Town Clerk's office prior to the meeting with the CPC.
2. The CPC reviews each proposal according to the stated CPC goals and criteria. The CPC may request input or recommendations from other town committees or boards.
3. The CPC will schedule an interview and/or site visit with the applicant, which must be attended by the Applicant and any CPC member who will vote on the proposal.
4. The CPC shall next evaluate all applications. Use of the Proposal Evaluation, listed in Appendix A, is at the CPC member's preference.
5. The CPC will then vote on which applications to recommend for funding at Town Meeting and what conditions, if any, will be placed on that recommendation. Applicants should understand that satisfying all the foregoing criteria does not guarantee that the CPC will recommend a proposal at Town Meeting.
6. Town Meeting may vote to approve or not to approve a project for funding.
7. Proposals approved at Town Meeting shall be funded with CPA funds and implemented by the applicant.
8. At any stage in which an application is rejected by the CPC, the applicant will be notified.



## **D. Disbursement and Use of Funds**

CPA monies are public funds raised from dedicated West Boylston tax revenues and from State subsidies to the Town. Therefore, projects financed with CPA funds must comply with all applicable State and Town requirements, including the State procurement law, which requires special procedures for the selection of products, services and consultants.

The Massachusetts Community Preservation Coalition produced a procurement guide that is available at: <https://www.communitypreservation.org/procurement>. The procurement and prevailing wage laws are complicated – they apply in various ways depending on circumstances of the situation and sometimes exemptions may apply.

The Massachusetts Inspector General's Office has created a [helpful chart for use as a reference guide](#) on public procurement laws. In addition, the [Inspector General's Office website](#) has a variety of helpful information available, with the appropriate phone numbers. Project purchases cannot be split to avoid State procurement laws. The CPC will provide successful applicants with a memo describing the completed award process, which adheres to the guidelines of the Massachusetts Procurement Law, available at the State website.

In general, funds may be spent only on items listed on the submitted budget in the application. All changes to budgets must receive prior approval by the CPC. Funding from the CPC may not be used to replace or free up funds for any other use, alternate funds or revenue sources.

In certain situations, funds may not be disbursed until there is an appropriate deed restriction or the Department of Revenue, the Department of Conservation and Recreation, the Massachusetts Historical Commission or the Department of Housing and Community Development (as appropriate) must be satisfied with the status of the restriction.

Applicants must recognize the CPA as a funding source for their project. This recognition should appear on any materials involving the project, such as press releases, brochures, etc. In order for West Boylston citizens to see the results of their tax funding, a CPA sign will be purchased by the applicant and displayed on the property on a case by case basis, as determined by the CPC.

Signature on the application form indicates that the applicant has the right to enter into contracts for the organization seeking funding and has read and understands all regulations in the packet.

PROPOSAL REVIEW GUIDANCE

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Rate each line that applies to the Proposal under consideration (using a 0 – 5 scale, with 0 being the lowest rating and 5 being the highest rating):

Project Name: \_\_\_\_\_ Total Points: \_\_\_\_\_

**OPEN SPACE Criteria**

- \_\_\_\_\_ 1. Is in current Open Space and Recreation Plan.
- \_\_\_\_\_ 2. Protects public drinking water resources.
- \_\_\_\_\_ 3. Preserves natural wetland resources.
- \_\_\_\_\_ 4. Is within the Aquifer Protection District.
- \_\_\_\_\_ 5. Provides passive recreation opportunities.
- \_\_\_\_\_ 6. Is part of a wildlife corridor (green belt).
- \_\_\_\_\_ 7. Was part of a restricted (Chapter 61, 61A or 61B) tract.
- \_\_\_\_\_ 8. Is part of larger plan for land protection.
- \_\_\_\_\_ 9. Has matching funding sources.
- \_\_\_\_\_ 10. Applications for grants have been prepared.
- \_\_\_\_\_ 11. Limits future development rights on the land.
- \_\_\_\_\_ 12. Has low maintenance costs.
- \_\_\_\_\_ 13. Has easy public transit access.
- \_\_\_\_\_ 14. Protects scenic views/resources.
- \_\_\_\_\_ 15. Creates new passive recreation connections/pathways.
- \_\_\_\_\_ 16. Adequate funding exists.

\_\_\_\_\_ Total Points under Open Space Criteria

**HISTORIC PRESERVATION Criteria**

- \_\_\_\_\_ 1. Has written support of West Boylston Historical Commission.
- \_\_\_\_\_ 2. Is listed on the State Register of Historic Places.
- \_\_\_\_\_ 3. Has been included in local or state published histories of the town.
- \_\_\_\_\_ 4. Provides public benefit.
- \_\_\_\_\_ 5. Is within the Historic District.
- \_\_\_\_\_ 6. Has matching funding sources.
- \_\_\_\_\_ 7. Applications for grants have been prepared.
- \_\_\_\_\_ 8. Adequate funding exists.

\_\_\_\_\_ Total Points under Historic Preservation Criteria

PROPOSAL REVIEW GUIDANCE

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Rate each line that applies to the Proposal under consideration (using a 0 – 5 scale, with 0 being the lowest rating and 5 being the highest rating):

Project Name: \_\_\_\_\_ Total Points: \_\_\_\_\_

**COMMUNITY HOUSING Criteria**

- \_\_\_\_\_ 1. Is in current Housing Production Plan.
- \_\_\_\_\_ 2. Utilizes adaptive reuse of an existing building.
- \_\_\_\_\_ 3. Construction occurs on previously developed site.
- \_\_\_\_\_ 4. Provides housing priority for “local residents”.
- \_\_\_\_\_ 5. Provides very low, low and moderate-income housing for local seniors.
- \_\_\_\_\_ 6. Housing Affordability is assured in perpetuity.
- \_\_\_\_\_ 7. Has matching funding sources.
- \_\_\_\_\_ 8. Applications for grants have been prepared.
- \_\_\_\_\_ 9. Limits future development rights on the land.
- \_\_\_\_\_ 10. Has low maintenance costs.
- \_\_\_\_\_ 11. Has easy public transit access.
- \_\_\_\_\_ 12. Is located near commercial and retail services.
- \_\_\_\_\_ 13. Management and administration capabilities are clearly demonstrated.
- \_\_\_\_\_ 14. Adequate funding exists.

\_\_\_\_\_ Total Points under Community Housing Criteria

**RECREATION Criteria**

- \_\_\_\_\_ 1. Is in the current West Boylston Master Plan.
- \_\_\_\_\_ 2. Is listed in the current Open Space and Recreation Plan.
- \_\_\_\_\_ 3. Has been included in publicly reviewed local project plans.
- \_\_\_\_\_ 4. Acquisition, creation or preservation of a park, playground or athletic field.
- \_\_\_\_\_ 5. Renovation of existing facilities to meet MIAA and/or ADA requirements.
- \_\_\_\_\_ 6. Renovation or upgrade of existing recreational lands and facilities.
- \_\_\_\_\_ 7. Includes community gardens or trails, or non-commercial sports facilities.
- \_\_\_\_\_ 8. Meets Americans with Disabilities Act requirements.
- \_\_\_\_\_ 9. Meets Massachusetts Interscholastic Athletic Association requirements.
- \_\_\_\_\_ 9. Provides passive recreation access to and between facilities.
- \_\_\_\_\_ 10. Increases public awareness of recreation opportunities.
- \_\_\_\_\_ 11. Has matching funding sources.
- \_\_\_\_\_ 12. Applications for grants have been prepared.
- \_\_\_\_\_ 13. Adequate funding exists.

\_\_\_\_\_ Total Points under Recreation Criteria