



## **TOWN OF CONCORD**

### **2020 COMMUNITY PRESERVATION PLAN**

**Concord Community Preservation Committee**

*July 2019*

**TOWN OF CONCORD  
COMMUNITY PRESERVATION PLAN  
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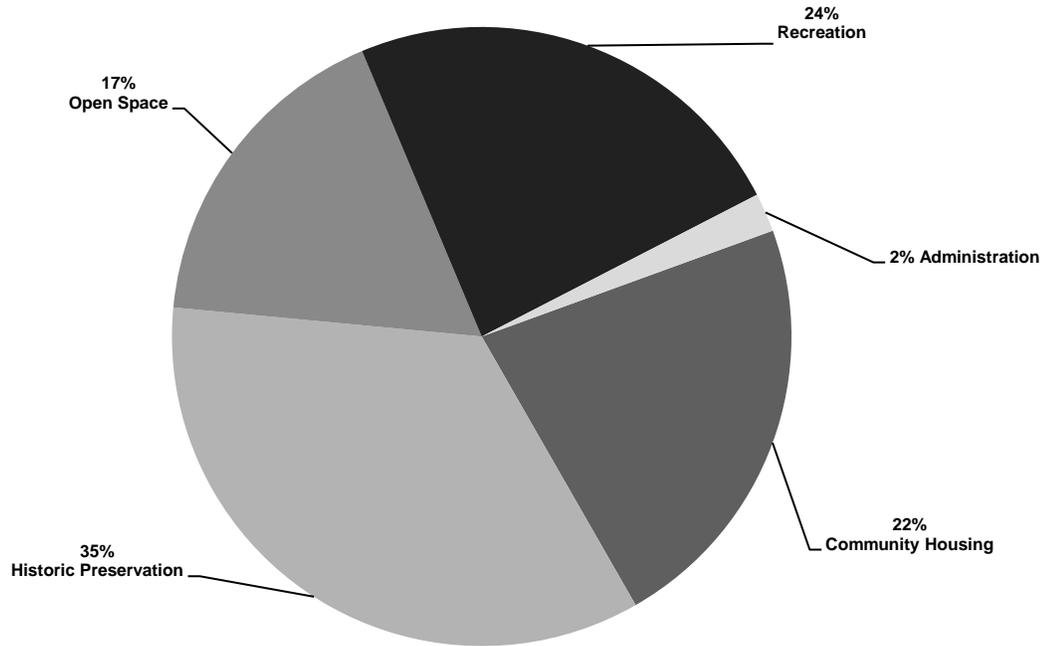
## THE COMMUNITY PRESERVATION ACT IN CONCORD -- INTRODUCTION

The Town of Concord Community Preservation Committee (“the CPC” or “Committee”) is pleased to present the 2019 *Town of Concord Community Preservation Plan* (“the Plan”). This Plan describes the process for administering the Community Preservation Act (“CPA”) in the Town of Concord. The Plan presents a description of the CPA as it applies to the Town of Concord, a definition of CPA goals, and a methodology and procedure by which the CPA will be 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 Committees in making recommendations to Town Meeting for project funding. The Committee recognizes that this document may be modified by future Committees in response to changing goals and its experience with the CPA over time.

Since Concord’s adoption of the CPA in 2004, the Town has collected CPA funds and appropriated CPA dollars at the 2006 through 2019 Annual Town Meetings as follows:

Fund Revenues:		Appropriations:	
YE 6/03/05	\$ 651,573	2006 Annual Town Meeting:	\$ 651,573
YE 6/30/06	\$1,412,422	2006 Annual Town Meeting:	\$1,013,427
YE 6/30/07	\$1,587,841	2007 Annual Town Meeting:	\$2,931,383
YE 6/30/08	\$1,698,926	2008 Annual Town Meeting:	\$2,242,500
YE 6/30/09	\$1,390,002	2009 Annual Town Meeting:	\$1,352,893
YE 6/30/10	\$1,152,993	2010 Annual Town Meeting:	\$1,106,100
YE 6/30/11	\$1,106,325	2011 Annual Town Meeting:	\$1,084,320
YE 6/30/12	\$1,134,479	2012 Annual Town Meeting:	\$1,265,226
YE 6/30/13	\$1,178,290	2013 Annual Town Meeting:	\$1,636,500
YE 6/30/14	\$1,463,073	2014 Annual Town Meeting:	\$1,323,875
YE 6/30/15	\$1,337,698	2015 Annual Town Meeting:	\$1,802,921
YE 6/30/16	\$1,396,071	2016 Annual Town Meeting:	\$1,630,844
YE 6/30/17	\$1,357,376	2017 Annual Town Meeting:	\$1,676,340
YE 6/30/18	\$1,177,303	2018 Annual Town Meeting:	\$1,861,038
YE 6/30/19	\$1,419,886	2019 Annual Town Meeting:	\$1,811,419

The Community Preservation Act allows funds to be allocated to four project categories: Community Housing, Historic Preservation, Open Space, and Recreation. The pie chart on the next page shows the percentage of CPA funds which have been allocated to each category from the beginning of the program through the 2019 Annual Town Meeting:



The Committee wishes to thank the multitude of citizens, Town committee members, staff, elected officials, and State officials, as well as members of neighboring town Community Preservation 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 Commonwealth, visit the Community Preservation Coalition’s website at [www.communitypreservation.org](http://www.communitypreservation.org). For information on Concord’s Community Preservation activities, visit the Town’s website at <http://www.concordma.gov/906/Community-Preservation-Committee>

### **Where Should a Potential Applicant Begin?**

Please start by turning to Page 32 in this document (“Community Preservation Fund Allowed Spending Purposes”). Does your project fit in there? If so, proceed to Page 8 (“How CPA Funds Can be Used”) and Page 28 (“General Selection Criteria”) to see if your project further fits the funding criteria. If “yes,” go ahead and review the rest of this document.

If you are not certain whether your project fits the criteria, please contact Heather Gill, Senior Planner in the Planning Department at 978-318-3290.

## OVERVIEW

The Community Preservation Act, M.G.L. c. 44B (see Appendix), allows Massachusetts cities and towns to raise monies through a surcharge of up to 3% of the tax levy on real property. These funds are to be used to acquire, create and preserve open space; acquire and preserve historic resources; create, preserve and support community housing; and acquire and preserve land for recreational use. The Act also provides a significant State matching fund which has distributed over \$568.84 million Statewide over the life of the program. In addition to Concord, 171 other cities and towns across the state have adopted the CPA to date.

Concord adopted the Community Preservation Act at the 2004 Town Meeting (see Appendix) and it was ratified at the polls in November 2004. Concord voters agreed to fund the CPA account through a 1.5% surcharge on all real estate property tax bills with two exemptions:

1. Residential property owned and occupied by any person who qualifies for moderate- or low-income housing (earning less than 80% of Area Median Income), or low or moderate-income senior housing (earning less than 100% of Area Median Income and 60 years of age or older).
2. The first \$100,000 of taxable value of residential real property.

### **Regular Review of Bylaw and Administrative Practices**

The Town of Concord Community Preservation Committee Bylaw (Chapter 4. Amendments) directs the Community Preservation Committee (CPC) to “review the administration of this Bylaw, making recommendations, as needed, for changes in the Bylaw and in administrative practice to improve the operations of the Community Preservation Committee.” The Bylaw established November 1, 2008 as the point of time for beginning these reviews and requires that the CPC complete a review of the Plan at least every five years. From its inception, the CPC has conducted such reviews on a yearly basis in order to insure that Concord’s CPA program was adequately addressing the needs of the community and potential applicants. The review is typically completed during the spring and summer months in order to address policy issues and procedural changes. These proposed recommendations are incorporated into the draft CPC Plan, which is subject to public review and comment prior to its adoption by the CPC. Thus each annual Community Preservation Plan serves as a record of these reviews and is intended to meet the requirements as set forth in the Bylaw.

### **Community Preservation Committee: Formation and Responsibilities**

Pursuant to the Community Preservation Act, the Community Preservation Committee Bylaw adopted at the 2004 Town Meeting, and Administrative Policy and Procedure #10, the Concord Community Preservation Committee was appointed in January 2005 to administer the CPA. The CPC is comprised of nine members. The Historical Commission, Housing Authority, Natural Resources Commission, Planning Board, and Recreation Commission each designate a member from their boards, and four at-large members are appointed by the Select Board.

The CPA requires the CPC to study Concord’s “needs, possibilities and resources” for community preservation. In conducting the study, the CPC consults with Town boards including the Natural Resources Commission, Historical Commission, Planning Board, Recreation Commission and Housing Authority, as well as other boards, groups, or individuals that advance one or more community preservation objectives.

In conducting the study for this Plan, the CPC was fortunate to have available the current *Open Space and Recreation Plan*, the *Comprehensive Long Range Plan*, the *Recreation Facilities Strategic Plan*, the *2015 Housing Production Plan*, and other relevant documents. In addition to consulting with boards, committees, organizations, and individuals, the CPC must hold one or more public hearings as part of the study. The CPC updates this plan and asks for public comment annually to reflect desired changes in goals or emphasis. This Plan also outlines the process by which the CPC will solicit, review, and recommend proposals for CPA funding, including the application package.

All citizens are welcome to attend the CPC's meetings. The times and locations of these meetings are posted at 141 Keyes Road, the Town House, the lobby of the Police Station (219 Walden Street) and on the Town website: [www.concordma.gov/906/Community-Preservation-Committee](http://www.concordma.gov/906/Community-Preservation-Committee) comments or questions are welcome and may be submitted to the Community Preservation Committee, c/o Department of Planning & Land Management, 141 Keyes Road, Concord, MA 01742. For further information on the CPC and its meeting schedule, contact Heather Gill, Senior Planner, at 978-318-3290 or by email at [hgill@concordma.gov](mailto:hgill@concordma.gov).

### **CPA Funding Requirements**

The CPA mandates that each fiscal year Concord spend, or set aside for later spending, at least 10% of the annual revenues in the Town of Concord Community Preservation Fund for each three CPA interests: community housing, historic preservation, and open space. Beyond these required allocations, Concord Town Meeting decides, based upon the CPC's recommendations, how much of the remaining 70% of the funds should be spent on the three purposes identified above, or for recreation. 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 CPC and an appropriation by Town Meeting are both required to spend and fund projects for particular community preservation purposes. Appropriations from the Fund, except borrowing and land acquisitions, are made by a simple majority vote. Borrowing monies for CPA purposes and land acquisition projects requires a two-thirds vote of Town Meeting.

Town Meeting may approve, reduce or reject any amount of spending appropriation recommended by the CPC. At the CPC'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 categories. Town Meeting may not, however, increase any recommended appropriation or reservation. In addition, Town Meeting may not appropriate or reserve any fund monies on its own initiative without a prior recommendation by the CPC.

### **Explanation of Fiscal Year Sources for Available CPA Funds**

Concord's General Budget appropriations are made each year by the Annual Town Meeting based upon projected revenues of the forthcoming BUDGET YEAR. Usually, these projected revenues are augmented by an allocation from Free Cash, which is a portion of the Unreserved Fund Balance of the PRIOR YEAR.

Similarly, the 2020 Annual Town Meeting will appropriate CPA funds based upon projected fund revenues of the forthcoming BUDGET YEAR (in this instance, FY21 revenues projected for the period July 1, 2020 through June 30, 2021) and part or all of the unreserved fund balance as of the PRIOR YEAR ending June 30, 2019.

Revenues of the current (FY20) year are NOT part of the 2020 Annual Town Meeting vote. In fact, the major portion of forecasted current year revenue has already been committed in support of the appropriations made at the 2019 Annual Town Meeting.

## HOW CPA FUNDS CAN BE USED

Community Preservation Act funds must be used for community preservation purposes that have a public benefit. **Community Preservation** is defined in Chapter 44B, section 2 as “the acquisition, creation and preservation of open space, the acquisition, creation and preservation of historic resources and the creation and preservation of community housing.” In addition, a portion of the funds may be used for recreation purposes.

Fund monies may be spent to undertake the following 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 and salt water marshes and other wetlands, ocean, river, stream, lake and pond frontage, beaches, dunes and other coastal lands, 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 and moderate income seniors.” Under Section 5(b)(2), funds may be used for the acquisition, creation, preservation and support of community housing and for the rehabilitation or restoration of such housing that is acquired or created. That section also requires the Community Preservation Committee to recommend, wherever possible, the reuse of existing buildings or the construction of new buildings on previously developed sites. See Page 59 for the full text of this section.

**The acquisition, preservation, rehabilitation and restoration of historic resources.** Historic resources are historical structures and landscapes including “a building, structure, vessel or real property, document or artifact that is listed or eligible for listing on the state register of historic places or has been determined by the Historical Commission to be significant in the history, archeology, architecture or culture of the town.”

**The acquisition, creation, preservation, rehabilitation and restoration of land for recreational use.** Recreational use is defined in the CPA 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, artificial turf field, gymnasium or similar structure.

**Reserve Funds.** Each year, the CPC will consider setting aside for future spending a portion of the annual receipts of the Concord Community Preservation Act Fund in order to build a reserve to be used primarily for future real property acquisitions. The amount of such set-aside is not based upon a formula, but is determined by the CPC each year, balancing current priorities with potential future opportunities. In appropriate circumstances (see Page 37), the CPC may recommend an appropriation from the reserve outside of the Standard Application Process described beginning on Page 33.

## **NEEDS ASSESSMENT**

### **INTRODUCTION**

An important part of this plan is an assessment of community needs that may be consistent with the Community Preservation Act criteria. These needs fall into the categories outlined in the Act: community housing, historic preservation, open space and recreation. Fortunately, Concord has conducted numerous studies on all of these issues in recent years, and recently completed *Envision Concord: Bridge to 2030 – Comprehensive Long Range Plan* in August 2018. The CPC has determined that these existing studies, which have involved extensive citizen effort and have been subject to public review, provide a basis for the needs assessment required for this plan. The CPC has reviewed these studies, which are listed in subsequent sections of this chapter, as well as the Town Manager’s capital budget in order to complete the assessment.

The purpose of the needs assessment is to present a framework of community needs. It is not necessarily all-inclusive. It presents community preservation goals, and identifies certain buildings, lands and projects that are consistent with these goals and the Act. The projects noted in subsequent sections of this chapter have generally been identified as priorities in other studies, and therefore reflect current community priorities.

## COMMUNITY HOUSING

### NEEDS AND RESOURCES ASSESSMENT

Concord is a desirable community in which people want to reside because of its natural and open spaces, good schools, vibrant village centers, rich history and traditions, active agricultural uses and proximity to highways and public transportation. Available open land for development is scarce, which has caused the price of land to rise. High land prices contribute to ever-increasing housing costs, making the Town unaffordable to some who currently reside in the community, and to many others who would like to move into the community. The community is concerned about preserving economic and social diversity, along with a diversity of the housing stock, while remaining mindful of the Town's rural and historic traditions, including the preservation of its open space. Through zoning amendments made at Town Meeting over the years, though, Concord has become zoned almost exclusively for single-family residences.

The basis for the Housing Needs Assessment relies upon the following documents that provide a detailed assessment of the housing needs, characteristics, and recommendations for goals and actions. The excerpts from these reports reflect the material relevant to the provision of community housing under the CPA.

- **2004 Community Development Plan 2004 – EO 418**
- **2005 Comprehensive Long Range Plan**
- **2013 Analysis of Impediments to Fair Housing Choice**
- **2015 Housing Production Plan**
- **2018 Comprehensive Long Range Plan**

### Housing Conditions and Trends

There are 6,947 housing units in Concord according to the 2010 Census. Concord's overall housing inventory increased during the last decade with the number of owner-occupied housing units increasing at a faster pace than that of rental units during this same period. The data indicates that Concord's housing stock continues to grow. Concord's population is anticipated to continue to grow modestly (approximately 4% by 2030) while also paralleling a national trend towards decreasing household size. Approximately 21% of Concord's housing stock is rental housing and the majority of owner-occupied housing units are detached single family homes on individual lots. Both of these factors influence the affordability of housing as a whole. The Town continues to actively work to increase the number of rental units available and since 2010 has added 350 rental units at the Concord Mews (88 of which are available at affordable rent levels) and 74 new rental units at Brookside Square. Between the two sites, a total of 96 new units are now available at affordable rent levels. Concord also created 28 units at the Peter Bulkeley Terrace for senior and disabled residents, 4 of which were completed in the last year with the assistance of CPA funds. These newly completed units have a positive impact on the number of rental units, and particularly affordable rental units, available in Concord but do not address all of the community's needs. The Town continues to recognize a need to increase the variety of housing options available to meet the needs of a diverse population.

Between 2000 and 2016, Concord issued (without deducting for teardowns) 1,396 permits for new housing units. 867 of these units were for multi-family developments, with 350 at the Concord Mews alone. The remaining 529 units developed are single family homes, predominately larger structures which replaced smaller "starter" homes which has negatively impacted the diversity of housing types seen in the past. In 2016, approximately 67% of the permits issued for single family homes in Concord involved the demolition of existing housing.

This is a clear increase over recent years, and almost double the number of demolitions in 2000, when approximately 38% of all single family home construction involved demolition. This number is even more striking when compared with the fact that less than 3% of permits issued in 1992 involved such demolition.

This predominance of increasingly large market-rate single family houses threatens the town’s social and economic diversity. Average assessments of single family homes rose to \$1,014,269 in 2018, a 292% increase over the average assessment in 1987 of \$252,000. On average, residential assessments have risen roughly 10% annually over the last 30 years. The economic diversity of Concord’s residents is being reduced as current, often long time landowners (who have become “land-rich”) sell and leave the town, only to be replaced by new owners with very high incomes.

**Housing Affordability**

While the trend has been towards the construction of larger and more expensive single family houses in both traditional subdivisions located at a distance from town centers and the replacement of existing homes in older neighborhoods, there is a recognized need for other types of housing including but not limited to:

- Affordable housing for moderate and low income renters or buyers
- Smaller houses, condominiums and apartments for elderly residents, "empty nesters", people in changed circumstances due to divorce or loss of a partner, young adults, students, young families and single-person households of all income levels
- Housing adapted for the disabled
- Housing for artists seeking low cost live/work and work space
- Housing within walking distance of the village centers and public transportation
- Farm worker housing

Under the CPA regulations, “community housing” is defined to include housing for persons or families earning up to 100% of the local area median income (AMI) as established by the United States Department of Housing and Urban Development (HUD). Under affordability guidelines, monthly housing ownership costs (including mortgage payment, insurance, and taxes) or rental costs (rent plus utilities) cannot exceed 30% of a household’s income.

The following chart compares the qualifying income for CPA eligible projects and 40B projects.

	INCOME LIMITS					
HOUSEHOLD SIZE	1	2	3	4	5	6
100% AMI, 2019	\$79,310	\$90,640	\$101,970	\$113,300	\$122,364	\$131,428
80% AMI, 2019	\$62,450	\$71,400	\$80,300	\$89,200	\$96,350	\$103,500
50% AMI, 2019	\$41,500	\$47,400	\$53,350	\$59,250	\$64,000	\$68,750

The Town currently has 723 units listed on the State’s Subsidized Housing Inventory (as of February 2017), which puts the Town slightly over its 10% goal at 10.55%. However, it is important to note that not all of the units listed in the Inventory are actually affordable. For example, of the 350 units at Concord Mews which are counted on the Inventory, only 88 (25%)

are available at affordable housing rates. This is because the State program allows communities to count all of the rental units developed under a comprehensive permit, whether they are rented at market or at affordable rates. Further, only units which are available at 80% AMI are considered under the Inventory to be affordable although Concord has a need for housing at a range of affordable rates. For these reasons, there remains a considerable need for a variety of affordable housing opportunities even though the Town has reached its 10% goal.

The 10% goal is determined by the total number of housing units in existence in each decennial census year. In 2010, Concord had 6,852 housing units; therefore, the Town needed to produce at least 686 units of affordable housing to reach its 10% goal.

## **HOUSING OPPORTUNITIES**

### **1. Village Centers**

Current zoning allows for mixed-use development of commercial properties in the three Village Centers – Concord Center, the Thoreau Depot Area, and West Concord Center. Promoting second-story residential over retail or as stand-alone buildings within the redevelopment of a larger project could provide small units for rental or ownership, adding to the Town's diversity of housing types. Brookside Square, a mixed-use development on industrial-zoned land on Beharrell Street in West Concord, follows the residential over retail model. The Bradford Street area in West Concord has also seen recent development and revitalization efforts. These properties are ideal for developments that meet smart growth principles because they are in close proximity to both commercial center services and commuter rail/mass transit. Both the West Concord Master Plan and the Design Guidelines for the West Concord Business and Industrial Districts encourage these types of development and are available online for review.

### **2. State-Owned Land**

Surplus State land can offer many opportunities for meeting housing and other town-wide goals for open space. Legislation sponsored by State Representative Cory Atkins and Senator Susan Fargo (Chapter 117 of the Acts of 2010) has conveyed approximately 12 acres of land associated with the Department of Corrections to the Concord Housing Development Corporation for the future development of affordable housing and open space. The CHDC is currently working with the Grantham Group LLC to construct an entirely affordable assisted living development on the site.

Additionally, there is a two-acre parcel on Sandy Pond Road that is owned by the State and is under the purview of Mass Highway which may be suitable for future housing. The site is in a residential neighborhood with access from Rt. 2.

### **3. Chapter 61, 61A and 61B Land**

Under the provisions of Massachusetts General Laws Chapter 61, 61A and 61B, property owners of land used for and classified as forestry, agriculture and private recreation can be assessed annually by the Town at a rate significantly less than that assessed for developable or unclassified vacant land. These privately owned properties become available intermittently. The Town is developing a plan to identify these parcels and prioritize them for future acquisition which may also consider which parcels might also be suitable for housing or a mix of housing and open space.

### **4. Town-Owned Sites**

The Town itself owns properties which could be suitable for affordable housing development, both on vacant sites and by the reuse of existing structures. Prior to 2005, the Affordable Housing Committee identified and studied the development and feasibility of some of these sites as listed in the Housing Production Plan. As other sites become available or are identified, applicants are encouraged to pursue creative solutions that meet both the Town's affordable housing goals and the preservation and conservation needs of the community.

### **5. Housing Purchase Program**

Elderly residents are often forced to choose between leaving the community and staying in a home which may no longer meet their needs. The Concord Housing Development Corporation's Small Grants Program provides funding for income eligible residents who need to make health, safety or accessibility improvements to their existing homes. Projects that encourage residents to remain in the community by providing smaller scale or handicap accessible units that can be adapted to meet changing needs is another potential means of addressing this issue. In addition, new programs could be developed to work in conjunction with elderly housing programs to purchase homes from the elderly for use as future affordable housing.

### **6. Work with Community Housing Groups**

Community Housing Groups work throughout Concord to fulfill their mission of providing and maintaining affordable housing within the community. Projects that support their missions by maintaining the affordability of existing units (such as the Emerson Annex), and that consider subsidizing market-rate condominiums to make them affordable are within the goals of the community.

### **7. Retaining Currently Affordable Housing Units**

Retaining currently affordable housing stock is of utmost importance to Concord. Many currently affordable units have deed restrictions with terms that expire after 20 or 40 years, while others are in perpetuity. Concord's affordable housing program has been in existence for approximately 20 years and it is anticipated that there will be an ongoing need for funds to renew these expiring affordability restrictions. There may also be opportunities to convert these limited-term restrictions into restrictions in perpetuity, which would be greatly advantageous to the Town. Concord is currently working with the Regional Housing Services Office to monitor the existing restrictions and negotiate changes to the deed restrictions when needed, and with the Concord Housing Development Corporation to fund buying down affordable properties when necessary.

## **GOALS FROM THE 2018 COMPREHENSIVE LONG RANGE PLAN**

- GOAL 1:** Develop realistic, achievable targets for preserving or creating housing of all types (beyond the State Housing Inventory).
- GOAL 2:** Develop additional, self-sustaining funding mechanisms to support achieving the housing targets developed in Goal 1.

## **CRITERIA FOR COMMUNITY HOUSING PROJECTS**

In addition to the general criteria for Community Preservation Act funding, projects involving community housing that address as many of the following criteria as possible will receive preference. In particular, projects that:

1. Address objectives in the 2018 *Comprehensive Long Range Plan* or the *Housing Production Plan*.
2. Contribute to the Town's State Housing Inventory units to maintain its goal of 10% affordability consistent with Chapter 40B.
3. Ensure long term affordability through deed restrictions or other mechanisms.
4. Create new affordable housing opportunities by buying-down the purchase price of condominium and other housing units; new construction; the reuse of non-residential buildings, the use of Town or State-owned land; or the conversion of market rate housing to affordable units. The Community Preservation Committee recommends, whenever possible, the reuse of existing buildings or the construction of new buildings on previously developed sites.
5. Give priority to local residents, Town and school employees, Hanscom AFB military personnel and other groups with a "Concord Connection" in accordance with State guidelines.
6. Receive support from local organizations and institutions that advocate for affordable housing.
7. Distribute community housing throughout the Town. Encourage mixed-income developments that are harmonious in design and scale with the surrounding community.
8. Leverage funds available for affordable housing through the utilization of state, federal, and other funding resources.
9. Avoid compromising resources identified on the Town's *Historic Resources Master Plan*.

## HISTORIC PRESERVATION

### NEEDS AND RESOURCES ASSESSMENT

The Town of Concord is part of the larger New England heritage and has a responsibility to protect historic resources and settings of national, regional, and local significance. The Town reflects all stages in America's history and is distinguished as the first Colonial inland settlement in Massachusetts, for its significant role in starting the American Revolution, for America's rich transcendental literary culture, and for its innovative agricultural practices.

The historical assets of Concord include rich archaeology and American Indian artifacts, stone walls which once bounded Concord's farm fields, and world famous sites such as the North Bridge. The entire range of Concord's historical assets is intrinsic to our Town character and sense of history. The CPA can play a critical role in supporting projects that preserve Concord's historic assets.

Concord has developed a thorough record of its cultural and historic assets as shown in the following documents. It is recommended that applicants refer to these documents when planning an historic preservation project under the CPA as many of these reports are also the basis for the CPC's needs assessment. These reports also provide further historic documentation; in particular, they describe the importance of Concord's cultural landscapes and the settings of its historic buildings.

- **1995 Survey of Historical and Architectural Resources**
- **2001 Historic Resources Master Plan**
- **2005 Comprehensive Long Range Plan**
- **2006 Concord Reconnaissance Report – Massachusetts Heritage Landscape Program**
- **2015 Open Space and Recreation Plan**
- **2018 Comprehensive Long Range Plan**

Please note that under the current Community Preservation Act legislation, it is not permissible to appropriate CPA funds for educational or interpretive projects. Examples of these types of projects may include, but are not limited to, the creation of signage, pamphlets, videos, books, or exhibits.

### Historic Landscapes

In the broader context, preserving Concord's historic legacy overlaps with the other purposes of the Community Preservation legislation, especially with regards to land conservation. Farming is central to Concord's history. The events of April 19, 1775 took place in Concord's countryside. Its natural areas were vital to the 19th Century experience and the writings of the Transcendentalists, and were earlier inhabited by generations of Native Americans who also left their mark. Concord has a deep tradition of caring for its rural landscapes, paths, roadways, stone walls, waterways, farms and wildlife.

Concord's scenic and cultural landscapes are the most ephemeral yet defining of the Town's historic resources. Some, such as its farmlands, are easily identified and clearly evoke Concord's farming heritage. Today only about 8% of the land in Concord is still in agricultural use, though, and our remaining farmland should be considered to be severely endangered. The protection of these agricultural lands is important for their historic, cultural, economic and environmental significance.

## **Historic Cemeteries, Statues and Memorials**

In addition to historic landscapes, there are many cultural icons that are important to the Town's heritage. The cemeteries of Concord are a visual and cultural reminder of its past. Statues, memorials, and pathways throughout the burial grounds are in need of maintenance and restoration. Other memorials around town such as statues, plaques, and monuments are also showing their age and require repair.

## **Protecting Buildings**

Most historic buildings in Concord are non-profit or privately owned and may be eligible for CPA funds provided that a public purpose can be demonstrated. Others - such as the Town House, the Wheeler-Harrington House, the Thoreau Birth House, the Cemetery Deed House, the West Concord Fire Station, 141 Keyes Road, 51 Walden Street, the Harvey Wheeler Community Center, the Hunt Gym, and the Emerson Umbrella - are Town-owned. Whether in public or private ownership, it is important to the Town that its historic assets be preserved.

The Town has often come to the rescue of, or exercised stewardship over, historic buildings. Recent examples include the Town's leadership in saving both the Barrett Farm House and the Thoreau Birth House; its rehabilitation of 141 Keyes Road, the Harvey Wheeler Community Center and the Hunt Gym; and its strong support for the relocation and restoration of the Caesar Robbins House. At the Town House, rehabilitation projects have included retrofitting the building to add necessary fire suppression systems; increasing its accessibility by installing a new at-grade side entrance; completing a full restoration of its masonry exterior and restoring original exterior paint colors; and preserving its significant interior fixtures with the restoration of the Memories of Antietam painting in the Public Hearing Room.

There are many historic structures such as barns, water towers, root cellars, carriage houses, and wells that warrant preservation as they contribute to the story of Concord's development through the centuries. Our historic and cultural landscapes greatly profit from their continued presence.

Traditionally, cultural and religious institutions and events have played an important role in the vibrancy and livability of Concord. The Concord Museum, the four historic house museums, and the Concord Art Association are open to the public and draw visitors from around the world. These museums are under a variety of ownerships and all are important to the historic character of the Town.

Concord's public libraries - the Main Library in Concord Center and Fowler Branch Library in West Concord - are without equal and are privately owned by the Concord Free Public Library Corporation in an unusual arrangement with the Town. The Town provides funding for staffing, book acquisitions, and utility costs, but the Corporation depends largely on private donations and grants for both capital improvements and facility maintenance. Both the recent restoration of the Main Library and the current expansion of the Fowler Library have been undertaken almost entirely with private funding.

Concord is also home to eight religious institutions that own their own facilities for worship space, while a number of other religious communities gather in other buildings for services. Many of these facilities were built in the late 19<sup>th</sup> or early 20<sup>th</sup> century, and are of particular historic, cultural, and architectural significance.

## **HISTORIC PRESERVATION OPPORTUNITIES**

### **1. High Priority Historic Sites and Artifacts**

Concord has a rich history that is well documented in Town documents, as well as an extensive collection of historically significant properties that are recognized for their significance both locally and nationally. The CPC encourages proposals that serve to further protect or restore properties and artifacts that have already been identified as high priority historic sites in existing Town documents.

### **2. Unprotected Historic Sites**

There are significant historic properties and byways that are not protected by local, state or national districts and are not funded by state, federal or non-profit organizations. These properties - some humble and reflective of an earlier period, some part of a neighborhood - should be appreciated and protected with regard for the earlier cultural period of which they were a part.

### **3. Agricultural Lands**

Farming and agriculture are central elements of the development and history of Concord, and the preservation of these landscapes and activities is key to sustaining the historic character of the Town. Projects that protect these agricultural lands - particularly those visible to the public, contiguous to other farmlands, or that contribute to the setting of an historic building or area - are important to the historic preservation, as well as the conservation, goals of the CPC.

### **4. Cemetery and Landscape Elements**

Concord's cemeteries, monuments, and landscape elements are important structures within this historic setting that are often neglected or forgotten. The Town's cemeteries and monuments are tangible links to Concord's past that serve both to remind and to educate the public; some are also significant works of public art. Paths, stone walls, fences and gates, found both within the Town's cemeteries and public areas as well as throughout its agricultural landscapes, are key elements of the historic setting of the community. Projects that support their protection, restoration and preservation are important to retaining Concord's history, cultural heritage and overall character.

### **5. Heritage Awareness Programs**

Concord's civic institutions, museums, and historic houses contain a wealth of information on Concord's heritage which is not always readily available to the public. Programs and proposals that seek to improve access to these resources or which work to preserve them for future generations are supported by the CPC as being significant to the preservation of Concord's history.

### **6. Local and National Register Historic Districts**

Concord was one of the first communities in Massachusetts to recognize the need to study and protect its historic resources, and as a result, many of its early structures and landscapes have been retained and protected. However, there are still areas within the Town that lack such documentation and protection, and the CPC encourages proposals that seek to work with areas that are currently insufficiently protected. Such projects could include the further research and study that would be needed to document and prepare applications to support, establish or expand local and national historic districts in historically significant areas.

### **7. Significant Town-owned Buildings**

As noted above, while much of Concord has been well studied and documented, not all of its historic structures and areas have received the study, recognition, or protection they may warrant. Several of the Town-owned buildings, such as the Town House, could be eligible for inclusion on the National Register and the CPC supports projects that are focused on these goals.

## **8. Further Protection of Historically Significant Private Properties**

A wide variety of preservation tools exist that could be applied in Concord towards the further preservation of its historically significant, privately-owned buildings and landscapes located outside of the existing historic districts. The CPC supports proposals that develop new methods for researching and consulting on these properties for their future preservation.

### **GOALS FROM THE 2018 COMPREHENSIVE LONG RANGE PLAN**

- GOAL 1:** Foster better collaboration between cultural organizations, historical groups, and local businesses for coordinated programs and events that will bring residents and visitors into town to experience Concord's rich historic and cultural resource offerings.
- GOAL 2:** Promote education and awareness among residents, Town officials, the business community, and visitors regarding the existence, variety, and value of Concord's historical and cultural resources. Based on coordinated materials developed under Goal 1, make information more widely and easily available with proactive community engagement.
- GOAL 3:** Undertake additional survey and study work to identify historic resources that are not adequately documented, not fully understood, or currently unavailable.
- GOAL 4:** Review effectiveness of regulatory tools to better protect and preserve historic character and cultural resources.

### **CRITERIA FOR HISTORIC PRESERVATION PROJECTS**

In addition to the general criteria for CPA funding, projects involving historic preservation that address as many of the following criteria as possible will receive preference. In particular projects that:

1. Address objectives or projects identified in the *Historic Resources Master Plan, The Survey of Historical and Architectural Resources, 2018 Comprehensive Long Range Plan, 2015 Open Space and Recreation Plan, and the Concord Reconnaissance Report – Massachusetts Heritage Landscape Program, 2006.*
2. Increase the level of citizen knowledge about Concord's historic and cultural resources, and available historic protection mechanisms.
3. Supplement project funding for historic buildings that provide public access, allow public functions, and depend on public funding for their preservation.
4. Provide funds for historic resources that are eligible for National Register status or are within the historic districts.
5. Help ensure that a threatened historic resource is saved.

6. Preserve the settings of historic buildings or cultural landscapes, such as farm land.
7. Enable multipurpose projects that will help preserve historic landscapes and other historic resources while meeting the criteria for other CPA interests.
8. Include an historic preservation restriction.
9. Meet the Secretary of the Interior Standards for the Treatment of Historic Properties (see Appendix VI), which is mandatory for *all* historic preservation projects funded under the CPA.

## OPEN SPACE

### NEEDS AND RESOURCES ASSESSMENT

Concord has a long history of conservation planning which has led to the preservation of a significant amount of the remaining open space within its borders. According to the recently completed 2015 *Open Space and Recreation Plan*, 38% (6,120 acres) of Concord's land is permanently protected open space, 34% (5,277 acres) is densely developed and/or roads, and 28% (4,449 acres) is unprotected or only temporarily protected lands. Since 2004, approximately 415 acres of previously undeveloped land have been preserved by Town purchase and/or Conservation Restrictions. In comparison, 105 acres of similar lands were developed for residential purposes during this same time frame. Of the 10 Chapter 61A protected agricultural sites that became available during this period, half were preserved and half have been sold for development. Concord has managed to maintain its percentage of protected land vs. developed land over the last 10 years, but the protection of surviving open space continues to be a challenge. With the high cost of undeveloped land, preservation comes with a hefty price tag which may benefit from the use of Community Preservation Act Funds in combination with other funding sources.

The basis for the open space needs assessment relies upon the following documents that provide a more detailed assessment of the Town's needs and resources:

- **2005 Comprehensive Long Range Plan**
- **2008 Rare Wildlife Habitat and Vernal Pools in Concord**
- **2015 Open Space and Recreation Plan**
- **2018 Comprehensive Long Range Plan**

Concord has some 953 acres of rivers and ponds, and 3,399 acres of wetlands within its borders. Farmlands have dwindled to approximately 1,590 acres. Other open areas include the four burial grounds and cemeteries, country clubs, sports clubs and private school campuses. The new 2015 *Open Space and Recreation Plan* also identifies a number of special sites that are ecological habitats, important geological features, important historical or recreational sites with open space value, important water or scenic resources, and unique environments, as well as resources that are associated with institutional, educational or public works uses.

Approximately 12.7%, or 2,029.6 acres, of Concord's forest, agricultural and recreational lands receive preferential tax treatment under Ch. 61. Only 798 acres of these lands are protected by permanent Conservation Restrictions and/or Agricultural Preservation Restrictions. Each of the 1959, 1972-73 and 1987 *Long Range Plans* and the 1985, 1992, 2004 and 2015 *Open Space Plans* have identified the large un-built patterns of open land as Concord's principal asset. Open space remains one of Concord's highest priorities because it provides such a range of conspicuous benefits to the Town and its citizens.

In the 2015 *Open Space and Recreation Plan*, the Town updated its list of "Properties of Conservation Interest" to include 79 properties/area representing a mix of public (town, state and federal) and private (non-profit, corporate, or individual) lands both with and without permanent protection. The 2015 *Plan* recognizes that the majority of these parcels are protected with conservation restriction or other measures, but 19 are still privately owned and unprotected. It is this set of unprotected lands of conservation interest that provides the best opportunity for acquisition with the assistance of CPA funds.

The 2015 *Open Space and Recreation Plan* has established four goals which are central to Concord's open space and recreation planning. The Plan also identifies objectives for achieving each goal. Below is a list of the four goals along with their CPA eligible objectives:

**Goal 1: Protect Water Resources and Biodiversity**

- Protect Concord's large natural areas and major wildlife corridors.
- Manage quantity and quality of groundwater and surface water to protect the Town's water resources.
- Protect and/or monitor Concord's streams, rivers, ponds and wetlands.
- Prioritize remaining parcels along waterways for protection if and when they become available.

**Goal 2: Improve Connectivity and Access to Recreational Resources**

- Reduce major impacts of Route 2 as a barrier to wildlife and passive recreation.
- Meet active recreation use needs.
- Continue developing the local/regional trail network for transportation and nature-based recreation.
- Provide neighborhood-oriented opportunities for recreation and gardening by creating informal playing fields, expanding community garden locations, improving and maintaining playgrounds, etc.

**Goal 3: Protect Agricultural Land, including Fields, Meadows, and Orchards**

- Prioritize agricultural land to protect based on threat of development, proximity to other farmland, lot size, overlap with other OSRP goals, and prime agricultural soils.
- Promote conservation programs that protect farmland such as Agricultural Preservation Restrictions.

**Goal 4: Improve Collaboration and Management**

- Think regionally and work collaboratively with neighboring towns.
- Continue to partner with land trusts, government entities, and individuals to make full use of available funds and programs to acquire and/or protect important land parcels.
- Secure funding and partner with other entities for open space land protection.

Concord's 2015 *Open Space and Recreation Plan* identifies nine large swaths of natural vegetation that dominate the open landscape, as well as five large agricultural areas and one large built area. The swaths of natural vegetation lie largely in the following areas:

1. **Estabrook Woods Area**—Harvard University's Estabrook Woods, Middlesex School land, Bateman's Pond, Punkatasset Town Conservation land, and areas north to Carlisle
2. **Great Meadows and Ball's Hill Area**—Great Meadows National Wildlife Refuge, continuous vegetation to the north and west of Concord River
3. **Walden Woods/Town Forest Area**—Fairyland Pond, Hapgood Wright Town Forest, Brister's Hill, Walden Pond State Reservation, Fairhaven Hill, Lincoln line to Fairhaven Bay
4. **Second Division Brook Area**—Old Rifle Range Town Conservation land, Musketaquid Sportsmen's Club, Kennedy's Pond, areas south to near the Sudbury line
5. **Virginia Road Woods**—Bedford Levels, Elm Brook, Pine Hill, areas north to Bedford.
6. **Annursnac Hill/Strawberry Hill Road**—Annursnac Town conservation land and woodland north of Strawberry Hill Road

7. **Jennie Dugan Kames**—brook, golf course and woods within Concord Country Club, extending eastward across the Sudbury River towards the Concord Land Conservation Trust’s Soutter Land
8. **Hanscom** – protection of grassland birds, the fastest declining suite of birds in North America.
9. **White Pond** – sensitive deep glacial kettle pond

Agricultural land is concentrated in the following areas:

1. **Nine Acre Corner**
2. **Lexington Road**
3. **Monument Street**
4. **Williams Road/Sudbury Road/Route 2**
5. **Reformatory Farms/Barrett’s Mill Road**

In addition to the 14 areas noted above, of paramount importance to the Town are the lands along its three rivers -- Sudbury, Assabet and Concord, and its brooks--Spencer, Second Division, Elm, Jennie Dugan, Mill, Saw, and Nashoba. These watercourses assume importance as major wildlife and water protection corridors as well as their more visible aesthetic and recreational value.

## **OPEN SPACE OPPORTUNITIES**

Based on recommendations from the planning documents mentioned above, the following opportunities for open space acquisition or rehabilitation fit the criteria of the CPA:

### **1. 2015 Open Space and Recreation Plan**

Large and small tracts contained within and contiguous to large natural or agricultural areas have been identified in the Inventory of Lands (Section 5) of the *2015 Open Space and Recreation Plan*. The preservation and conservation of these tracks is supported by the CPC under the open space acquisition criteria of the CPA. The Plan also includes a Seven Year Action Plan with specific activities related to CPA eligible goals.

### **2. Conservation Protection Areas**

In addition to the list noted above, a number of parcels have been deemed to be a priority for possible conservation protection, including Town- and school-owned open spaces; parcels or portions of parcels that are contiguous to already protected large open tracts or agricultural spaces; parcels contiguous to rivers, streams or containing wetlands; and smaller parcels that receive high recreational use within their neighborhoods or are on the Historic Resource Master Plan’s list of scenic view sheds. The Barrett’s Farm Field and Willow Guzzle are potential projects in this category.

### **3. Water Resources**

Also important to the open space needs of the community is the protection and restoration of Concord’s various rivers, brooks, streams and ponds. The CPC supports projects that work towards this goal, including the protection and rehabilitation of the White Pond Reservation.

### **4. NE Correctional Institution and Prison Farm**

The State may in the future be interested in selling the 117-acre Prison Farm land at the Northeast Correctional Center adjacent to the Route 2 Rotary. The Long Range Plan identifies this site for multiple uses including community housing and open space, and the CPC supports potential projects to study or conserve this resource.

## **5. State and Federal Public Lands**

Further conservation opportunities could also exist on other state and federal public lands within Town borders. The CPC supports the consideration of these resources for possible conservation or recreation purposes.

## **6. Private and Unprotected Farmland**

Private and otherwise unprotected farmland may come on the market from time to time that is contiguous to protected farmland, historic landscapes or publicly owned land, the loss of which would be a detriment to these resources. These sites include those listed above in the *2015 Open Space and Recreation Plan*, as well as other known agricultural areas such as those found in the vicinity of Old Bedford Road and Bedford Street. The CPC supports the consideration of these opportunities, and also supports potential joint projects that meet both housing and open space needs on suitable sites, with the awareness that the CPA legislation states a preference for construction on previously developed sites whenever possible.

## **7. Chapter 61 Lands**

Chapter 61 land provides preferential tax treatment to property owners without requiring that the land be permanently restricted. Property owners may at any time choose to leave this program and develop the properties for other uses. Concord has 411.18 acres of forested land under the Chapter 61 program; 331.51 acres of agricultural land under Chapter 61A; and 430.52 acres of land used for recreation under Chapter 61B. The CPC supports opportunities which would give permanent protection to these properties for their continued contributions to Concord's available open space. As noted above, the CPC also supports joint projects which consider open space restrictions in conjunction with other uses for these sites.

## **8. Neighborhood Opportunities**

Passive and active recreational opportunities and small green pockets exist within or near many of Concord's neighborhoods. The CPC supports the protection of these neighborhood resources and projects that address such neighborhood needs.

## **9. Handicap Accessibility**

Increasing the handicap accessibility of all of the Town's open space resources is an ongoing goal and challenge. The CPC supports projects that meet the CPA criteria for open space that provide or enhance handicap accessibility at these sites to the extent feasible.

## **10. Local and Regional Trail Networks**

The local/regional trail network that allows for environmentally sensitive transportation and nature-based recreation is another important component of the Town's open space resources. The CPC supports projects that both solidify this network and meet the CPA criteria for open space, such as the Bruce Freeman Rail Trail, which will link Concord to Sudbury and Acton.

## **11. Nature Corridors**

Other important open space resources are the common wildlife, water and human corridors that run through Concord. Projects that work with Regional towns and agencies to identify and protect these corridors are supported by the CPC under the open space criteria of the CPA, in particular projects that strengthen wildlife habitat connectivity along the Sudbury River Valley and Concord River Valley.

### **GOALS FROM THE 2018 COMPREHENSIVE LONG RANGE PLAN**

- GOAL 1:** Provide responsible management of conservation lands, including protection, preservation and restoration.
- GOAL 2:** Enhance the connections and access to bike paths and walking trails between open spaces and the village centers, the locations of institutions and organizations, and recreation sites.
- GOAL 3:** Ensure all Concord residents understand the value of conservation lands, natural resources, open space, agricultural activities and recreational amenities.

### **OPEN SPACE CRITERIA FOR PROJECT REVIEW**

In addition to the general criteria for CPA funding, projects involving open space that address as many of the following criteria as possible will receive preference. In particular projects that:

1. Address objectives or projects identified specifically or that fit within the goals or action plan of the *2015 Open Space and Recreation Plan* and the *2018 Comprehensive Long Range Plan*.
2. Identify and secure additional funding and the support of other entities for open space land protection.
3. Provide conservation restrictions with public access.
4. Provide connections with existing trails or potential trail linkages with open space.
5. Protect drinking water quantity and quality.
6. Provide flood control/storage.

## RECREATION

### NEEDS AND RESOURCES ASSESSMENT

Concord has long enjoyed a popular and well-run recreation program designed to meet the year-round interests of the community. Direct program costs are sustained by user fees, but capital costs and some administrative expenses are supported by the Town. Concord and Carlisle share the recreational facilities of the two towns. Private schools in Concord also may share the use of their facilities with the Recreation Department.

The basis for the recreation needs assessment relies upon information provided in the following well-detailed documents that provide good background information on the available facilities in Town, as well as the recreational needs of the community. These documents should be used as a reference in projects proposed for CPA funding.

- **2005 Comprehensive Long Range Plan**
- **Concord Playing Fields (The Search for Potential Sites), 2007**
- **2014 Recreation Facilities Strategic Plan**
- **2015 Open Space and Recreation Plan**
- **2018 Comprehensive Long Range Plan**

Concord is an active community where all ages are able to enjoy the Town's facilities. Its youth sports programs continue to grow, including soccer, baseball, lacrosse, Pop Warner football, and flag football. Adults can participate in men's and women's basketball and soccer, co-ed basketball and volleyball, group exercise, and many more activities.

In July 2012, amendments to the Community Preservation Act legislation were signed into law, which provide greater latitude in the use of CPA funds for Recreation projects. CPA funds may now be used for the "Rehabilitation" of lands for recreational use defined as "capital improvements, or the making of extraordinary repairs." Such improvements may include assistance in complying with the Americans with Disabilities Act or meeting other federal, state, or local building or access codes; replacement of existing playground equipment; and other improvements which make the site more functional for its intended recreational use. The July 2012 amendments also prohibit the use of CPA funds to acquire artificial turf for any athletic fields.

### RECREATION OPPORTUNITIES

The Recreation Commission completed the Town's first Recreation Facilities Plan in 2014 to assess existing facilities and determine potential locations for new facilities. This Plan is a resource for the CPC on Recreation needs and potential opportunities. Recreation opportunities identified in the Facilities Plan and other planning documents include the following:

#### 1. Connectivity between Parks and Facilities

Surveys conducted for the new Facilities Plan revealed the need for trails for walking and biking among facilities and parks. The Town is currently working on a program to develop connections and improve access between existing park and playground facilities.

#### 2. Waterway Access

Surveys have also recognized a need for improved access to Concord's waterways and increased opportunities for boating and kayaking. Consideration should be given to working with other groups to increase access to open space and waterways for passive, non-motorized recreation. These access points would provide opportunities for passive recreation such as boating or walking.

### **3. Existing Park Improvements and New Park Development**

Many of Concord's existing neighborhood parks are in need of facility updates and amenities such as water fountains, benches, park and picnic shelters, and bike racks. Additionally, the Recreation Facilities Plan notes that Concord's neighborhood parks provide only .62 acres of park land/thousand population which is below the National standard of 3.5 acres of neighborhood park land/thousand population.

### **4. New Playgrounds**

The Recreation Facilities Plan states that there is a need for 2.9 additional playgrounds. Several areas have been considered for new playground areas. Another potential option is to enhance the playground at Emerson.

### **5. Multi-Purpose and Youth Soccer Fields.**

The Town currently has a deficit of 1.8 fields. A new multi-purpose field is planned for the High School as part of Phase 3 of the current field renovation plans but no new soccer fields are currently proposed.

### **6. Baseball Diamonds and Softball Fields**

The Town has a need for approximately 1.8 adult and 1.2 youth softball fields. Several sites have been explored for new 60 and 90 foot baseball diamonds but an appropriate site has not yet been located.

### **7. Outdoor Basketball Courts**

The Recreation Department has identified a need to create a new, lighted outdoor basketball court at a site yet to be determined.

### **8. Shared Use of Available Facilities**

In addition to Concord's town-owned facilities, a number of additional facilities exist that are owned by private schools in the area and by the Town of Carlisle. The shared use of recreational facilities will help to ease field demand and overuse, and projects are encouraged that lead towards this goal.

### **9. Bruce Freeman Rail Trail**

After many years of engineering, design and waiting, construction on the Bruce Freeman Rail Trail Phase 2C begin the week of May 1<sup>st</sup>. MassDOT awarded the \$6.7 million contract at the beginning of 2017. A contract for the design and engineering for Phase 2B (the bridge over Route 2) was awarded in Spring 2017 and is expected to be completed in June 2019.

## **GOALS FROM THE 2018 COMPREHENSIVE LONG RANGE PLAN**

**GOAL 1:** Provide responsible management of recreation amenities, including programming of open spaces, public spaces, trails, and recreational facilities to encourage use by all residents.

**GOAL 2:** Ensure all Concord residents understand the value of conservation lands, natural resources, open space, agricultural activities and recreational amenities.

**CRITERIA FOR PROJECT REVIEW**

In addition to the general criteria for CPA funding, recreation projects must meet any or all of the following goals. Projects involving recreation that address as many of these criteria as possible will receive preference. In particular projects that:

1. Address objectives or projects identified in the *2018 Comprehensive Long Range Plan, Recreation Facilities Strategic Plan, the 2015 Open Space and Recreation Plan* and the *Playing Fields Study*.
2. Utilize Town owned land when possible to fulfill identified current and future recreational needs.
3. Ensure universal accessibility to recreational activities.
4. Expand programs or facilities for special needs, youth, young adults and seniors seeking new recreational health and fitness opportunities.

## GENERAL SELECTION CRITERIA

The Community Preservation Committee (CPC) is responsible for reviewing all projects proposed for Community Preservation Act funding and for making recommendations to Town Meeting. In order to be considered eligible for review by the CPC, a project must at a minimum meet the statutory requirements of the CPA.

If a submitted project is deemed to be eligible for consideration by the CPC, it will be evaluated in relation to the General Selection Criteria and the specific criteria identified in the Needs Assessment for the appropriate use category (Community Housing, Historic Preservation, Open Space and Recreation). Recommendations for funding will be based on how well the projects meet these criteria, recognizing that all criteria may not apply to every project. The CPC will also give consideration to the urgency of the project, especially to those projects whose successful implementation is constrained by scheduling factors not in the control of the applicant. In these special situations, such as the imminent placing of land on the market or an indication of an intention to do so, the CPC will consider an application outside of the normal schedule outlined in this document. See Page 37 for more information concerning these special cases.

The following factors will be considered (*not* presented in order of priority or weight):

- a. The project's eligibility for CPA funding under the CPA legislation.
- b. The project's consistency with Town-wide planning efforts and reports that have received broad-based scrutiny and input. Specifically, the 2018 Comprehensive Long Range Plan's Systems Checklist (which can be found on Page 240 of the plan): <https://www.concordma.gov/DocumentCenter/View/15258/Section-5---Implementation-Actions>
- c. The project's support by relevant Town boards and committees and community groups and its consistency with recent Town Meeting actions.
- d. The extent to which the project preserves, protects or enhances existing Town-owned open space, recreation, historic and/or housing assets.
- e. The extent to which the project serves multiple or underserved populations and/or is open to the public
- f. Whether or not the project fulfills more than one purpose of the legislation: housing, historic preservation, open space or recreation.
- g. Administrative and financial management capabilities of the applicant. Applicants which have previously received CPA funds should be prepared to demonstrate that they are in good standing with all paperwork and project conditions or requirements of the previous funding allocation. Applicants should be prepared to provide a status report on any open projects which includes information on expenditures, key project milestones, and the anticipated project completion date.
- h. The extent to which the applicant has successfully implemented projects of a similar type and scale or otherwise demonstrated the ability and competency to implement such a project. Whenever possible, prior applicants should seek to expend all previous CPA funds and complete the project or project phase before requesting additional funds. When

it is not advisable or possible to complete a previous phase first, applicants should be prepared to explain why an expedited process is advantageous or necessary.

- i. Whether or not the applicant has site control or written consent by the property owner to submit an application.
- j. Demonstrated financial need.
- k. Whether or not there will be multiple sources of funding for the project, including leveraging of other public and/or private funding.
- l. The feasibility of the project plan and whether or not the most reasonable approach for implementing the project has been selected.
- m. The urgency of the project, the flexibility of the schedule and the impact of any delay in initiating the project.
- n. The provision for maintenance of the project.
- o. The inclusion of an appropriate permanent deed restriction, preservation restriction, or conservation restriction.
- p. The CPC will generally not recommend that Town Meeting appropriate CPA funds for expenses incurred by a project prior to the CPC receiving an application for the project. The CPC may waive this requirement for a project involving the acquisition of land for one or more CPA-related interests if such a project is the focus of ongoing or pending active fundraising related to defraying the costs associated with this specific acquisition.
- q. The project incorporates design features that reduce the impact on the environment including but not limited to reduced energy consumption, enhanced energy and water conservation and the use of recyclable materials.
- r. The project addresses the following four sustainability principles (based on the American Planning Association's 4 Sustainability Objectives) adopted by the Select Board on July 25, 2011:
  - 1) Reduce dependence upon fossil fuels, underground metals, and minerals;
  - 2) Reduce dependence upon synthetic chemicals and other manufactured substances;
  - 3) Reduce encroachment upon nature; and
  - 4) Meet human needs fairly and efficiently; and to ask the Town Manager and Department Heads to report on methods and successes in implementing sustainable principles and balancing reductions in order to meet human needs fairly and efficiently.
- s. The use of qualified vendors which are located in Concord is encouraged when applicable.
- t. There are some special situations, such as the imminent placing of land on the market – or an indication of an intention to do so – that the CPC will consider outside the normal schedule outlined in this document. See Page 37 for more information concerning these special cases.

- u. Land acquisition projects for which CPA funds are sought must also adhere to the requirements of Article 35 of the 2008 Annual Town Meeting (See APP #54 of the Town of Concord, Aug. 2008). This article includes a requirement that affordable housing representatives be present at the start of any discussions with the Town concerning these acquisitions and the probable uses of the land. The CHA has a permanent representative on the CPC. As a result, discussions with the CPC that include the CHA representative address the provisions of Article 35. Applicants are also encouraged to consult with the Concord Housing Development Corporation as early as possible about possible land acquisition projects.

## GUIDELINES FOR SUBMISSION

The following guidelines should be used in preparing an application for CPA funding. Applicants are advised to read the *Community Preservation Plan* thoroughly and address all of the submission requirements and Selection Criteria.

1. Each project funding application must be submitted using the Town of Concord Community Preservation Committee Application for CPA Funding form as a cover sheet. Additional pages should be added as necessary. ***Please note, however, that the application, excluding supporting materials, should not exceed 6 pages in length.***
2. Requests must include a statement of need and be documented with appropriate supporting information. This information should include a project scope containing detailed descriptions of each item or step of the project and its estimated cost. Any existing restrictions (deed, preservation, conservation, or other) should be clearly noted. The use of maps, visual aids and other supplemental information is encouraged.
3. Each application must include a very brief summary of the project stating the funding category, project goals, key steps to be taken to reach this goal, and a budget summary.
4. 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. The budget should also include any administrative expenses (appraisals, copying, closing costs, registering the deed, legal notices, etc.) associated with the project. Such expenses may account for up to 10% of the total budget.
5. If the funding application is part of a multi-year project, the applicant should include the total project cost and how it will be distributed over each fiscal year period. Fiscal years should align with the Town's working calendar, running from July to June.
6. For applicants with multiple applications, it is important to prioritize projects.
7. The Application for Funding for the fiscal year beginning July 1, 2020 must be received by 4:00p.m. on Friday, September 20, 2019 to be considered for recommendation at the 2020 Annual Town Meeting.
8. The application must be kept unbound – No application or support materials will be accepted in any form of binding including 3-ring binders. All material must be photocopier-ready. All pages should be numbered and double sided when possible. Each copy should be paper clipped into its own folder. A electronic pdf copy of all application materials is strongly encouraged in addition to the paper copies.
9. Applicants should review the Town of Concord Community Preservation Plan that includes the State CPA legislation prior to submitting any applications for CPA Funding. This document is available at <http://www.concordma.gov/906/Community-Preservation-Committee> and in the Planning Division Office at 141 Keyes Road.

Please keep in mind that there are legal limitations on the use of CPA funds. Additional information about the CPA and the Community Preservation Committee can be found at the website noted above. The CPC can be reached through the Senior Planner, Heather Gill, at [hgill@concordma.gov](mailto:hgill@concordma.gov).

Please submit the Application for Funding and accompanying documentation to the Community Preservation Committee, c/o Heather Gill, Senior Planner, Dept. of Planning and Land Management, 141 Keyes Road, Concord, MA 01742.

**COMMUNITY PRESERVATION FUND ALLOWABLE SPENDING PURPOSES (CHART 1) (G.L. c. 44B, § 5)**

	<b>OPEN SPACE</b>	<b>HISTORIC RESOURCES</b>	<b>RECREATIONAL LAND</b>	<b>COMMUNITY HOUSING</b>
<b>DEFINITION</b> (G.L. c. 44B, § 2)	Land to protect existing and future well fields, aquifers and recharge areas, watershed land, agricultural land, grasslands, fields, forest land, fresh and salt water marshes and other wetlands, ocean, river, stream, lake and pond frontage, beaches, dunes and other coastal lands, lands to protect scenic vistas, land for wildlife or nature preserve and land for recreational use.	Building, structure, vessel, real property listed or eligible for listing on the state register of historic places or determined by the local historic preservation commission to be significant in the history, archeology, architecture or culture of a city or town.	Land for 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.  Does <u>not</u> include horse or dog racing, the acquisition of artificial turf for athletic fields or the use of land for a stadium, gymnasium or similar structure.	Housing for low and moderate income individuals and families, including low income seniors. Moderate income is less than 100%, and low income is less than 80%, of US HUD Area Wide Median Income
<b>ACQUIRE</b> Obtain property interest by gift, purchase, devise, grant, rental, rental purchase, lease or otherwise. Only includes eminent domain taking as provided by G.L. c. 44B	Yes	Yes	Yes	Yes (eff. 12/5/06)
<b>CREATE</b> To bring into being or cause to exist. Seideman v. City of Newton, 452 Mass. 472 (2008)	Yes	<b>No</b>	Yes	Yes
<b>PRESERVE</b> Means protect from injury, harm or destruction, not maintenance	Yes	Yes	Yes	Yes
<b>SUPPORT</b> Provide grants, loans, rental assistance, security deposits, interest-rate write downs or other forms of assistance directly to individuals and families who are eligible for community housing, or to entity that owns, operates or manages such housing, for the purpose of making housing affordable	<b>No</b>	<b>No</b>	<b>No</b>	Yes, includes funding for community's affordable housing trust (CHDC)
<b>REHABILITATE/RESTORE</b> Means remodel, reconstruct or repair (extraordinary, not maintenance) to make property functional for intended use, including improvements to comply with federal, state or local building or access codes or with federal standards for rehabilitation of historic properties	Yes, if acquired or created with CP funds	Yes	Yes	Yes if acquired or created with CP funds

## STANDARD APPLICATION PROCESS

The Concord Community Preservation Committee invites proposals for CPA funding. The CPC is responsible for reviewing all applications and making recommendations as to which applications should be funded. The CPC expects to bring its recommendations to the 2020 Annual Town Meeting.

### STANDARD APPLICATION PROCESS:

1. First time applicants, who have never submitted an application before, are highly advised to attend the public informational meetings. The first of which will be held on Tuesday, June 18, 2019 at 7:00 p.m. in the Select Board Room at the Town House, 22 Monument Square.
2. All applicants are advised to attend the pre-submittal (second) public informational meeting, which will be held on Tuesday, September 3, 2019 in the Second Floor meeting room at 141 Keyes Road at 7:00 p.m.
3. Submit 10 copies of the completed application by 4:00 p.m. on Friday, September 20, 2019 to the Planning Division Office, 141 Keyes Road. A pdf copy of all application materials is also encouraged.
4. Submit any letters of support by 4:00 p.m. on Friday, November 22, 2019, to the Planning Division Office, 141 Keyes Road.
5. Work with the Community Preservation Committee through the Review and Public Comment process. This process includes the following steps:
  - A. Each application is reviewed by the CPC and staff to determine its CPA eligibility, whether the project is sufficiently developed in terms of work plan and timing, whether it is consistent with the goals set forth in this Plan, and to confirm that it is signed by the property owner.
  - B. Meetings are held with applicants to review the proposals and address any questions. Where appropriate, a site visit will also be scheduled. A full Committee site visit has been scheduled for Saturday, September 28, 2019. Further details on the site visit locations and schedule will be circulated as soon as it is available.
  - C. Notification is sent to applicants of the funding recommendation decisions. A recommendation for a grant may be made conditional upon an applicant's receipt of matching funds in a specific amount or upon any other matter the CPC deems appropriate. The CPC may also ask for additional information at this time.
  - D. A public hearing is held to allow the CPC to receive public input on the proposed projects before recommendations are made for Town Meeting. The public hearing is currently scheduled for Tuesday, November 19, 2019 in the First Floor meeting room at 141 Keyes Road at 7:00pm.

- E. The CPC provides the project funding recommendations to Town Meeting. Final recommendations will be in the form of one or more warrant articles to be voted on at Town Meeting. The CPC may recommend a project as proposed by the applicant, may modify the project, or may recommend partial funding or funding for only a portion or phase of the proposed project. The CPC's recommendation to Town Meeting may include detailed project scopes, conditions, and other specifications as the CPC, in its sole discretion, deems appropriate to ensure CPA compliance and project performance.
  - F. Please note that the CPC recommendation may be modified at any time prior to Town Meeting, especially following the Finance Committee public hearing. Thus, the CPC can alter or withdraw its Town Meeting Warrant Article(s) as additional information becomes available or as the scope of the project changes.
6. Attend public hearings on the proposed warrant article(s) prior to the 2020 Annual Town Meeting.
  7. Attend Town Meeting, which will determine whether to accept, reduce or reject the CPC recommendations.

**For Historic Preservation Projects Only:** Historic Preservation Project Applicants should be prepared to provide a copy of the Historic Resource Inventory Form for the property in question with their application materials. Further, the Committee strongly encourages all Historic Preservation applicants to have a Historic Structure Report completed before requesting any CPA funds for restoration or rehabilitation projects. The Committee is likely to require the completion of a Historic Structure Report prior to the use of any CPA funding at historic sites and may recommend the reallocation of some or all of the requested funds for this purpose. See Appendix VII (Page 72) for additional information on Historic Structure Reports.

**For Land Acquisition Projects:** Applicants for the acquisition of real property or real property interests in any of the four funding categories should be aware that a permanent deed restriction is required if all or a portion of the land is purchased with CPA funds as specified in Section 12(a) of the Community Preservation Act (See Page 64). The type of restriction required will vary depending on the funding category and may require the review of a State or other government entity. Applicants should identify the holder of the restriction as early in the process as possible and be prepared to submit a draft restriction as part of their CPA funding review. While the Committee understands that land acquisition projects can be difficult to coordinate with a review schedule, it is important that the CPC have adequate time to consider the application. All decisions on the use and ownership of the land should be made before the application is submitted.

## **SPECIAL APPLICATION PROCESS**

There are some special situations, such as the imminent placing of land on the market or an indication of an intention to do so, that the CPC will consider outside of the normal schedule outlined in this document. The general principle warranting serious consideration of an exception for land acquisitions is that they often present unique opportunities that, if missed, are likely to make the land unavailable for future acquisition for the purposes that the CPA serves. Please see Page 37 of the 2018 Community Preservation Plan for more information.

## APPLICATION REQUIREMENTS AND ATTACHMENTS

### Submit 10 copies of the application and any attachments.

*(The application should not exceed 6 pages and should be submitted unbound.  
Copies should be double-sided whenever possible.)*

1. CPA Cover Sheet – Complete form.
2. Brief Project Summary – Introduce the project with a brief summary which notes the category, goals, project scope, and budget at the start of each application packet. This summary should be a maximum of one paragraph in length and be suitable for distribution to other Boards and Commissions as a reasonable depiction of the overall project.
3. Map - Indicate the location of the project using a Town GIS map. Include additional maps as helpful including aerial, zoning, vegetation, and abutting buildings.
4. Narrative – Expand on the information presented in the project summary and provide a complete description of the project and its proposed use relative to the CPA. Describe what agency or organization will be responsible, what kind of community support has been given to the project, and why Town Meeting should support it. Include an implementation plan describing the steps or phases for completion and the processes needed for approval. Summarize the goals of the project and how they will be measured.
5. CPC's Selection Criteria and Needs Assessment – Please include responses as to how your project (if applicable) addresses the issues raised in the CPC's General Selection Criteria and the Specific Use Criteria for your project category from the Needs Assessment.
6. Budget – Outline the total budget for the project and how CPA funds will be spent. Break the project down by year of expenditure. Describe all funding sources. Where applicable, describe how much of the proposed CPA funding should be ascribed to each of the four CPA purposes. **Make sure to consider any administrative expenses required to complete the project (appraisals, environmental assessments, bidding requirements, copying, legal notices, etc.) and explain how they have been accounted for in this budget. This is particularly necessary for construction and land acquisition projects and can include up to 10% of the budget.**  
**Please Note:** Non Profit Organizations should also include a current financial statement.
7. Feasibility – Summarize and attach any feasibility reports that may have been prepared. Explain all further actions that will be required for completion of the project such as zoning, environmental assessment, permits, restrictions, agreements or other potential impediments to implementation.
8. Statement of Sustainability – If the project incorporates sustainable design features, explain how they will reduce impacts on the environment including, but not limited to, reducing energy consumption, enhancing energy and water conservation, and the use of recyclable materials. Applicants should address the four Sustainability Principles adopted by the Town as stated on Page 29 in condition r. in the 2018 CPC Plan.
9. Timeline – Describe the major milestones and when the project will be completed. Include an estimate of when the CPA funds requested will be needed.

10. Architectural plans, site plans, photographs, if appropriate.
11. Letters of Support are welcome from the public or other appropriate organizations.

**Note: If the CPC recommends the project, additional documentation may be required such as verification of ownership, plans, title verification, purchase and sale agreements and zoning compliance information. If this is readily available, it may be attached at any stage.**



**TOWN OF CONCORD  
COMMUNITY PRESERVATION COMMITTEE**

141 KEYES ROAD, CONCORD, MA 01742  
TEL. (978) 318-3290 FAX (978) 318-3291

**Application for CPA Funding**  
**Due no later than 4:00pm on Friday, September 20, 2019**

Applicant: \_\_\_\_\_

Co-Applicant (if applicable): \_\_\_\_\_

Project Name: \_\_\_\_\_

Project Location/Address: \_\_\_\_\_

Purpose: (Select all that apply)

- Open Space       Community Housing       Historic Preservation       Recreation

Project Budget:

Amount of CPA Funds Requested:      \$ \_\_\_\_\_

Amount from Other Funding Sources:      \$ \_\_\_\_\_

Total Project Budget:      \$ \_\_\_\_\_

(If multi-year project, note current phase only)

Please check which of the following is included with this Application:

- |  |  |
|--|--|
| <input type="checkbox"/> One Paragraph Project Summary *             | <input type="checkbox"/> Architectural plans, site plans, photographs<br>(if appropriate)                                |
| <input type="checkbox"/> Map (if applicable)                         | <input type="checkbox"/> Copy of Audit or most recent Financial<br>Information ( <u>Non Profit Organizations Only</u> )* |
| <input type="checkbox"/> Narrative *                                 | <input type="checkbox"/> Letters of Support (if any)   |
| <input type="checkbox"/> Selection Criteria and Needs Assessment     |  |
| <input type="checkbox"/> Detailed Project Budget *                   |  |
| <input type="checkbox"/> Feasibility Assessment                      |  |
| <input type="checkbox"/> Statement of Sustainability (if applicable) |  |
| <input type="checkbox"/> Timeline *                                  |  |

\* Required Documentation

The Contact Person for this Project is: \_\_\_\_\_

All Correspondence should be mailed to: \_\_\_\_\_

The Contact Person can be reached by phone at: \_\_\_\_\_ or by email at: \_\_\_\_\_

**Signature of Applicant:** \_\_\_\_\_

**Signature of Property Owner (if different):** \_\_\_\_\_

**For Historic Preservation Projects Only** – please check the box below left and acknowledge:

- I/We have read the U.S. Secretary of the Interior’s Standards for the Treatment of **Historic Properties** and understand that planning for and execution of this project must meet these standards.

## **SPECIAL APPLICATION PROCESS**

### **Purpose**

For any use eligible for CPA funding, under special circumstances as determined by the CPC, the CPC will consider a special application outside of the Standard Application Process on Page 33 if it meets the criteria listed below. By way of example, the most common of these circumstances might be the imminent placing of real property on the market, but they could include time-sensitive stabilization or restoration of an historic asset damaged by flood or fire, or other emergency situations.

The principle warranting special consideration outside of the Standard Application Process is that a unique opportunity is presented that, if missed, is likely to remove or make unavailable to the Town and its citizens a valuable resource within the Town.

### **Process**

In all such cases, the CPC will adhere to the procedures applicable under the Standard Application Process, except for the submission and hearing deadlines outlined in that process, and in all such cases, the CPC will hold a public hearing to review such an application.

If the timing of the application is such that the CPC cannot meet the deadline for the Annual Town Meeting, the CPC will consider such an application only if the applicant or the Selectmen have committed to calling a Special Town Meeting, one of the purposes of which will be to consider the appropriation of CPA funds for the project described in the application.

The CPC will consider such an application as expeditiously as possible but will not recommend holding a Special Town Meeting or any other changes in the Town's calendar. The proponents and supporters of such an application will be responsible for calling a Special Town Meeting or securing other necessary changes in the Town's calendar.

### **Criteria**

The CPC will consider a proposal under the Special Application Process only if the project meets the General Selection Criteria on Page 28, the Specific Criteria referred to in the Needs Assessments, and the following additional criteria:

- The proponents were unaware of the opportunity to undertake the project; or the proponents did not have authority to identify such opportunity prior to the Standard Application Deadline of September 20, 2019 (for example, the potential sale was still confidential).
- The proponents have either: (a) a letter of intent signed by the current owner of the real property expressing an interest in selling to the applicant; or (b) legal control (an option, signed purchase and sale agreement or legal title) of the real property.
- The project is supported by one or more Town Boards with responsibility for projects of a similar nature.
- Failure to secure CPA funding will create a high likelihood that the project will not be able to be carried out for the benefit of the Town, because the opportunity is of very short duration.

- Appropriation of CPA funding will contribute materially to the likelihood of success for the project.
- The project holds a high priority in the Comprehensive Long Range Plan and/or the Open Space Plan, the Historic Resources Masterplan, or in other planning documents currently accepted and utilized by the Town.

## CPA FUNDING PROCESS

1. Following the conclusion of Concord's Annual Town Meeting (and in the case of a Special Town Meeting involving Community Preservation funds), each successful applicant will receive an award letter from the Community Preservation Committee confirming its funding award. The letter will be accompanied by either a Memorandum of Understanding (Town Projects), outlining the agreed upon scope of the project, or a Grant Agreement (non-Town Projects) outlining the scope of the projects, any conditions, and the terms of the funding. Grant Agreements must be signed by the Applicant and returned to the Town as soon as possible.
2. In addition, the Town Manager's Office, with input from the CPC, may prepare as necessary other contracts related to approved CPA projects that may be required for their execution.
3. The award letter will also request that the grant recipient notify the CPC when work on the project has commenced and is completed, and provide periodic updates concerning the progress of the project.
4. Each grant recipient is expected to implement the approved project work in accordance with the Grant Agreement or Memorandum of Understanding. Any material changes to the project from what was represented at Town Meeting shall require prior approval from the CPC to ensure that such changes are CPA-eligible expenditures and within the scope of the project as approved by Town Meeting. Please contact Heather Gill, Senior Planner in the Planning Division Office at 978-318-3290 or by email at [hgill@concordma.gov](mailto:hgill@concordma.gov) to help determine what changes are material and, if necessary, to schedule an appointment with the CPC.

Any appropriated CPA project funds not expended at the completion of the approved work will be returned to the general CPA fund for possible re-appropriation at the next Town Meeting unless specific approval has been voted by the CPC for the completion of additional specific and related tasks. In doing so, such approval will depend upon whether the proposed tasks are within the general scope and intent of the original application.

5. In order to be reimbursed with CPA funds, the applicant must either submit reimbursement documentation as specified in the Reimbursement Process found on Page 47 or, for Community Housing Construction Projects, follow the Alternative Payment Process described on Page 48. Submissions can be done incrementally over the course of the project or as a single reimbursement at the end of the project. The CPC or its administrator will conduct one or more site visits to confirm that the work has been completed. Once the CPC approves payment to the recipient, the CPC administrator will send a letter notifying the Finance Director that he is authorized to pay the grant recipient from CPA funds. The Town will then issue a check to the recipient.
6. Unless there is a compelling and documented reason, projects receiving CPA funds must be completed within 30 months following the Town Meeting approval. The CPC may recommend at a subsequent Town Meeting the rescission of any authorized CPA funds remaining unexpended or undocumented after 30 months.
7. Projects for which 50% (or other fraction) of costs will be paid from awarded CPA funds will be reimbursed on the basis of 50% (or that other fraction) of actual expenditures up to the amount of the total CPA grant.
8. Unless otherwise agreed upon, unused funds will be returned to the general CPA funding account. Any project savings should be returned in the same proportion that it was used in the project. The CPC will work with the Finance Director to determine the correct number.

9. CPA recipients are required to acknowledge the Community Preservation Act in all press releases, publicity materials, news, and written or oral announcements about work supported by CPA funds.
10. CPA funding for projects involving properties or artifacts which are owned by nonprofit organizations is conditioned on the public benefit received from the completed work. The sale or gift of these properties or artifacts within five years from the date of the award letter shall require the reimbursement of the entire amount awarded unless the CPC waives this requirement in part or in its entirety.
11. For construction projects, CPA funding recipients may be asked to instruct their general liability insurer to add the Town of Concord as an additional insured as related to this specific CPA funded project, and to require that all contractors on the project do the same. Proof of this coverage must be submitted for the CPC's files prior to the first request for reimbursement. Projects on Town owned properties (such as Emerson Umbrella or 51 Walden Street) which are already required to indemnify the Town may be asked to reconfirm this before the first funding distribution.

## Funding Notification Form Letter

DATE

ADDRESSEE NAME

ADDRESS

Dear \_\_\_\_\_:

We are pleased to confirm that Concord's 2020 Annual Town Meeting approved the recommendation of the Community Preservation Committee (CPC) to appropriate \$XX of Community Preservation Act (CPA) funds under the direction of the Town Manager for the **Project Name**. The funding appropriations are contingent upon the **Applicant** meeting the requirements noted in the Grant Agreement. Please see the attached Grant Agreement for further information on any requirements specific to this project.

The Community Preservation Committee appreciates notice when work on a project has commenced and periodic updates, if relevant, concerning the project's progress. The Committee requests that the completion of all CPA funding projects be followed by a written notice to the CPC for its files. This information on the project and its progress assists the Committee to better understand the needs of different types of projects and to further refine the CPA funding process.

Good publicity is also very important to your project. It is exciting for Concord citizens to know where their CPA funds are being spent and essential that the CPA remains strong at the State level. Therefore, the CPC asks that you make every effort to credit the source of this funding in promotional materials by stating **"This project has been generously supported by the Town of Concord Community Preservation Fund."** If possible, please also submit a letter to the Concord Journal detailing how the funds have benefited your project.

All funding recipients are responsible for ensuring that their projects comply with all applicable State and local laws, particularly those involving the procurement of goods and services. Please make sure that you are aware of any such laws before soliciting proposals or bids for this project.

The CPA funds will officially be available for distribution beginning on July 1. However, the Finance Department has requested that applicants wait until after July 15 to request reimbursement. If this is an issue, please let us know as soon as possible so that alternate arrangements can be made.

Thank you for working in partnership with the CPC to make a significant and lasting difference in our town.

Sincerely,  
John Cratsley, Chair  
Community Preservation Committee

CC: Town Manager  
Select Board  
Natural Resources Commission  
Historical Commission  
Planning Board  
Housing Authority  
Director of Planning and Land Management  
Finance Director

# SAMPLE CPA FUNDING ALLOCATION MEMORANDUM OF UNDERSTANDING FOR TOWN PROJECTS

**Date:** May X, 2019

**To:** [Applicant]  
Chris Whelan, Town Manager  
Kerry Lafleur, Finance Director

**From:** John Cratsley, Chair  
Community Preservation Committee

**Cc:** Select Board  
[NRC, CHC, etc]

**Re:** 2019 CPA Funding for [Project Name]

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The Community Preservation Committee is pleased to confirm that your application for Community Preservation Act funding of the [Project Name] was approved by Concord's 2020 Annual Town Meeting. The intent of this memo is to memorialize the approved project details and review the CPA funding process.

**Amount:** \$Amount                      **Category:** Community Housing, Historic Preservation, Open Space and/or Recreation

**Project Objective as Approved By Town Meeting:** The Town of Concord will use the funds to [Brief Project Explanation]

**Accessing CPA Funds:** The Town project reimbursement process is outlined in the Community Preservation Plan and a copy of the agreed upon process is attached. While the CPC relies on the Finance Director to review and process all Town project requests for CPA funding, applicants are asked to keep the CPC informed of the status of the CPA funded work. Please forward copies of any invoices for CPA funded work to Senior Planner Heather Lamplough for inclusion in the CPC's project files.

**Project Updates:** CPC Staff may contact you periodically to check on the status of a project or schedule a site visit to document any completed work. The CPC appreciates notification by email to Senior Planner Heather Gill at [hgill@concordma.gov](mailto:hgill@concordma.gov) or in writing when a project has commenced and again when it is complete.

**Project Changes:** Town Meeting has allocated these CPA funds only for the use specified in the Town Meeting Motion and Presentation. Any material changes to the project from what was represented during the project selection process in relationship to the use of CPA funds must be approved in advance and in writing by the CPC. In making its decision, the CPC will determine whether the new CPA funding use is consistent with the Town Meeting approval. Any project work funded from other (non CPA) sources is not subject to this process.

**Signage:** If the project involves construction or restoration work, the CPC will provide a temporary sign recognizing that Community Preservation Funds have been used to complete this work. The sign can be installed on an existing fence or wall, or using posts, and should remain in a visible location while the CPA funded work is underway. Any articles, website postings, or project announcements should also note the "Concord Community Preservation Fund " support for this project. If permanent signage is installed, the CPC will require that the CPA funding contribution be noted.

**Project Completion:** Once the project is complete, a final site visit will be conducted and/or the CPC will request copies of any completed studies or materials for its files. Whenever possible, projects should be completed within 30 months following Town Meeting approval.

**Unused Project Funds:** In the event that the total cost of the project is less than the budgeted amount, or if the project is terminated prior to its completion, any unexpended funds that have been allocated to the Grantee shall be refunded to the Town and returned to the general CPA fund. Funds shall be returned in the proportion that they were used to make up the entire project budget.

**Conditions Specific to This Project:** The following conditions specific to this project are required to be met:

- [List of Project Conditions/Materials Requested](#)

## SAMPLE GRANT AGREEMENT FOR NON-TOWN PROJECTS

Grant Agreement dated \_\_\_\_\_, 2020, by and between \_\_\_\_\_, a private non-profit organization duly organized under the laws of the Commonwealth of Massachusetts and having a principal office at (Address), Concord, Middlesex County, Massachusetts 01742 (the “Grantee”), and the Town of Concord, a municipal corporation with its principal offices at 22 Monument Square, Concord, Middlesex County, Massachusetts 01742, acting by and through its Town Manager (the “Town”):

WHEREAS, the Grantee has sought funding from the Town pursuant to the Community Preservation Act, G.L. c. 44B, to complete (brief project description) located at (address of property); and

WHEREAS, at the 2020 Annual Town Meeting the Town voted to appropriate the sum of (Spell out Amount) Dollars (\$) under Article XX from the FY20 anticipated fund revenues (or undesignated reserve, previous funds, etc.) of the Community Preservation Fund (the “Funds”) for that purpose, and authorized the Town Manager to enter into an agreement with the Grantee requiring that said amount may be used solely for the purposes outlined in the application and Town Meeting materials; and

WHEREAS, the Town and the Grantee wish to memorialize herein the terms governing the disbursement of the Funds appropriated by the Town at the 2020 Annual Town Meeting, and the repayment of the Funds with interest in the event that the funds are not used for the project goals as approved for funding by the Town;

NOW, THEREFORE, in consideration of the mutual covenants herein set forth, the parties agree as follows:

1. The Grantee agrees that the Funds shall be used solely for (list project specifics). The Grantee represents that the Project is (state goal of project and funding category) and that the Project is therefore fundable under the Community Preservation Act, G.L. c. 44B, § 5(b)(2). The Grantee shall make no other use of the Funds.

2. The Grantee will meet the requirements of the following conditions which are specific to this project and have been previously discussed and agreed upon:

- a. List agreed upon conditions here
- b.

3. The Grantee agrees to submit a copy of the signed contract or contracts for the work to be completed with CPA funds to the CPC prior to the start of any work.

4. The Grantee agrees to make copies of any drawings or other proposed bid documents available for inspection by the Town at the Town’s request. Any documentation procured with the Funds shall be limited to work necessary or appropriate to carry out the Project, and shall be consistent with the (creation, support preservation, rehabilitation and restoration dependent on category) for (CPA funding category) use.

5. The Grantee agrees that the Town shall have the right to require written confirmation by the Grantee that the Funds were used solely for the intended purpose.

6. The Grantee agrees that as recipients of CPA funds they will conform to all relevant Federal, State, and local laws and regulations, including the Americans with Disabilities Act, State Building Code and other relevant regulations. It is the responsibility of the Grantee to ensure that all of their project's relevant requirements are met, and to attain any required approvals or permits before any CPA funding is received.

7. The Grantee agrees to acknowledge the "Concord Community Preservation Fund " support for this project on any websites and in all press releases, publicity materials, news and written or oral announcements.

8. The Grantee will install a temporary sign acknowledging the Concord Community Preservation Fund support for the project in a visible location on the site while the CPA-funded project (or portion thereof) is being carried out. The temporary sign will be provided by the Community Preservation Committee (CPC). If permanent signage is installed, the CPC will require that the CPA funding contribution be noted.

9. The Grantee acknowledges that any material changes to the project from what was approved at Town Meeting and represented in the Town Meeting materials and during the project selection process must be approved in advance by the CPC. Work which is outside of the scope of Town Meeting's CPA funding approval for the project will not be reimbursed.

10. The Grantee will contact the CPC upon completion of the project or the portion of the project completed with CPA funds and will notify the CPC in writing that the work for which the CPA funds were allocated has been completed in accordance with the application (as modified with CPC approval).

11. The Grantee agrees to complete the portions of the project for which CPA funding has been allocated within 30 months following Town Meeting approval unless the CPC grants an extension for good cause.

12. In the event that the total cost of the Project is less than the budgeted amount, or if the project is terminated prior to its completion, any unexpended portion of the Funds that have been allocated to the Grantee shall be refunded to the Town and returned to the general CPA fund. Funds shall be returned in the proportion that they were used to make up the entire project budget. The Grantee may also ask to use the excess funds to complete additional Project work so long as that work is within the scope of the project as approved by Town Meeting. This use of excess funds must be approved in advance and in writing by the CPC.

13. The Grantee shall draw on the Funds only as necessary to meet its current and imminent payment obligations, which it shall certify in the form of a letter to the Town Manager. The Grantee will follow the reimbursement process as outlined in the Community Preservation Plan (Page 47). All documentation shall be submitted to the CPC's staff for review and processing.

14. In the event of a sale of the Property to another party within ten (10) years of the date of the delivery of the Funds (the "Disbursement Date"), then, at the election of the Community Preservation Committee, the Grantee shall repay the Town no later than the time of any such sale the principal amount of the grant (~~\$X~~, less any amount refunded pursuant to paragraph 9, above), with interest at three percent (3%) per annum, commencing on the Disbursement Date. Repaid funds will be returned to the Town's general Community Preservation Act fund. Interest shall be compounded annually on the anniversary of the

Disbursement Date for a period of five years. On the fifth anniversary of the Disbursement Date, interest shall cease to accrue, but shall remain due and payable, together with the principal amount, until the tenth anniversary of the Disbursement Date, or until the outstanding principal and interest is repaid as provided herein. This clause shall not apply to the Property so long as a permanent deed restriction upholding the purpose of the original CPA funding grant is executed for the Property and filed with the Registry of Deeds.

15. So long as the Property has not been sold so that the principal and interest were paid as provided above, the Grantee's obligation to pay the principal and interest on the grant shall terminate on the tenth anniversary of the Disbursement Date.

16. The Town's grant of funds to the Grantee is made with the understanding that the Town has no other obligation to provide other or additional support to the Grantee for the Project or otherwise.

17. The Town hereby certifies that the Funds have been duly appropriated and will be available as of July 1, 2020 to meet the Town's obligations as stated in this Agreement.

Executed under seal as of the date first set forth above.

TOWN OF Concord  
By its Town Manager

(Applicant)

\_\_\_\_\_

BY: \_\_\_\_\_  
*Authorized Signer, duly authorized*

## **REIMBURSEMENT PROCESS**

CPA funds are distributed through the Town's Finance Department, and the materials submitted for payment must meet both the Town's requirements for payment as well as any conditions specified when the CPA funds are awarded. Applicants are asked to work with the CPC's staff to insure that all of the requirements of this process are met. A general description of the types of materials which must be submitted for reimbursement are listed below. Please keep in mind, however, that additional materials or steps may be required depending on the type and scale of the project.

In general, the following materials are required for the reimbursement of funds:

- Cover Letter - Each request for reimbursement should be accompanied by a letter stating how and when the conditions for funding were satisfied. This letter should clearly outline both the expenses incurred and the total reimbursement requested.
- Paid invoices for materials or labor - These invoices should be signed as appropriate to pay by either the applicant or a contractor or specialist hired to oversee the project. Whenever possible, the applicant should work with CPC staff to insure that this verification process is in place before any invoices are received.
- Canceled Checks - These must be attached to the individual invoice(s) for which the checks were written. If canceled checks are not available, bank statements which identify the payee and appropriate project budget category will also be accepted.
- Project Budget Spreadsheet - Payment requests should also include the project's up to date budget information in spreadsheet form. At a minimum, this spreadsheet should include: the overall project budget; all funding sources to be used in the project; the amount budgeted for each category of the project and how the funding sources will be allocated to them; any payments received to date (including the funding source and to what it was applied); the total amount of funding requested for reimbursement; and the balance required to complete the project. A sample spreadsheet will be made available upon request.
- Verification of CPC staff site visit - CPC staff will set up site visits with the applicant to review the work to date either at regular intervals or when reimbursements are requested. Following these site visits, staff will document the visit for the CPC's review and attach the memo to the file copy of the invoice.

Once these materials have been received and any verifications (including a site visit) are complete, CPC staff will present the materials to the CPC Treasurer or Chairman for approval. Once approved, the CPC will request that the Finance Department release the appropriate amount from the CPA funds allocated to the project. This request is signed by either the CPC Treasurer or Chairman and forwarded with its supporting documentation to the Finance Department for payment on the next available warrant.

### **REIMBURSEMENT OF TOWN OF CONCORD PROJECTS**

Concord's Town Departments already work directly with the Finance Department to pay invoices associated with construction and/or consulting projects and so do not need to follow all of the steps noted above. Each Department receiving CPA funding will work directly with the Finance Department to set up any Purchase Orders or to complete any bidding requirements necessary for a municipal project. Purchase Orders are required for all purchases over \$2000. Town

Departments have the option of either submitting the initial Purchase Order to the CPC for review, or to submit individual invoices as they are submitted for the project. Once a Purchase Order has been authorized by the Finance Department, the Department may choose to submit it to the CPC for a letter approving all future reimbursements associated with that P.O. All invoices associated with that Purchase Order may then be paid without further review by the CPC. This initial review provides the benefit of allowing the Department to receive all necessary approvals at the start of their project and it is hoped will prevent any delays in payments on individual invoices. Although individual invoices do not need to be submitted for approval under this process, Applicants are requested to forward copies of invoices to CPC staff for their project files.

If the Applicant chooses to submit individual invoices instead, then the standard reimbursement process for Town Projects will apply. Applicants should submit invoices for completed work on CPA funded projects directly to the Finance Director. The Finance Director will process any invoices for CPA funded projects for payment and will forward copies of the paid invoices to the CPC for their project files.

Applicants are requested to contact the CPC at the start of their project and to forward any RFP or bid documents for a project to the CPC for their project files. Site visits may be scheduled periodically during the course of a project in order to document the work for the CPC project files.

### **ALTERNATIVE PAYMENT PROCESS FOR COMMUNITY HOUSING CONSTRUCTION PROJECTS**

The CPC has approved an alternative payment process to expedite payment of construction invoices for Community Housing projects. This new process differs from the one described on the previous page in that it allows applicants to use CPA funds to pay invoices directly rather than through the reimbursement process. In these cases, the amount of CPA funds released per invoice is based on the percentage of the project funded through the CPA, taking into account both any third party financing and/or funds raised by the applicants through other sources. For example, if CPA funds represent 1/3 of the total project budget, then the applicant may request CPA funding for up to 1/3 of each construction invoice.

Prior approval from the CPC is required for the use of this payment process. Applicants considering this process should plan to meet with the CPC to review the project and receive approval for the inspection process well before construction begins. At a minimum, the CPC will require the following materials before approval will be given to use this process:

- A project budget and timeline. These documents must be submitted prior to the start of any construction and should be detailed enough for the CPC to establish the percentage of funds to be paid per invoice as well as the overall payment schedule.
- Letter stating who will be inspecting the property on behalf of the applicant. The inspection process may take several forms but will most commonly be an inspector hired by a third party funding source or the applicant, or may be a project architect or other professional. The project inspector must be approved by the Committee prior to the receipt of the first request for payment.

Once an applicant has been approved to use this process, requests for payment may be submitted according to the timetable agreed upon at the start of the project. As with the reimbursement process, there are specific materials which must be submitted for payment to be released.

Individual Requests for Payment must include:

- Verification that the work has been satisfactorily completed. Documentation may include, but is not limited to, verification by an inspector acceptable to the Committee and approved or employed by the third-party financier or by the sponsor. This verification must be in written form and should include a list of the work completed as well as photographic documentation.
- A copy of the invoice from the contractor for the project. This invoice should be signed by the project architect as ready to be paid and should include a list of the work completed during this period.
- A letter or other verification from any third party funding sources that their funds have been released. Typically, this will come from a bank or other financial institution which is releasing funds from a construction loan for the project.

Once these materials have been submitted for payment, the process follows the same one as outlined for Reimbursements. As noted above, CPC staff will review and verify that the materials have been submitted as required, and a site visit may be conducted. Once approved by the Chair or Treasurer of the Committee, the materials will be sent to the Finance Department for processing on the next available Town warrant.

## **CLOSING PROCESS**

Once a project has been completed or all of its CPA funds expended, the CPC will begin the process of officially closing the project file. The Closing Process insures that all of the project conditions and requirements have been met, and that the project file is complete.

The Closing Process begins once the Committee receives notice of a project's completion from the applicant as required in the CPC's Standard Condition which reads "That upon full completion of each project, the applicant must certify completion in writing to the Concord Community Preservation Committee." Once this notification is received, CPC Staff will:

- 1) Review the initial acceptance letter to make sure that all of the Terms and Conditions have been met. If required documentation is missing, Staff will contact the Applicant or applicable agency to request copies;
- 2) Contact the Applicant to schedule a final site visit to the property to review and photograph the completed work;
- 3) Generate a final summary of the CPA fund expenditures for the project; and,
- 4) Submit the final site visit form, expenditures summary, and any additional information to the CPC Chair and/or full Committee for review and approval.

Once the final materials are approved and/or certified, a letter is sent to the Applicant thanking them for their work on the project and stating that the project is now Closed. A copy of this letter and the final review materials listed above will be placed at the front of the project file.

If the project funds have been expended but no further information has been received from the applicant, then Staff will contact the applicant after a reasonable period of time has passed to request information on the status of the project.

Once the work has been certified as complete and the project closed, the CPC will work with the Finance Department to return any unexpended funds to the general CPA fund account for reallocation at a future Town Meeting to other CPA eligible projects. In these cases, the CPC must send a letter to the Town Accountant which explains the proposed change and includes copies of the project's Closing worksheet as well as information on the expended funds. These projects must be officially closed before June 30 of the current year for the funds to be available for reallocation at the following year's Town Meeting.

**2019 - 2020 Concord Community Preservation Committee**

John Cratsley, Chair (Select Board appointee) (term expiring 2021)

Tom Kearns (Select Board appointee) (term expiring 2021)

Burton Flint (Planning Board appointee) (term expiring 2021)

Paul Grasso (Recreation Commission appointee) (term expiring 2021)

Nancy Nelson (Concord Historical Commission appointee) (term expiring 2020)

Hester Schnipper (Concord Housing Authority appointee) (term expiring 2020)

Judy Zaunbrecher (Natural Resources Commission appointee) (term expiring 2021)

Peter Ward (Select Board appointee) (term expiring 2023)

Diane Proctor (Select Board appointee) (term expiring 2023)

**TOWN OF CONCORD**  
**COMMUNITY PRESERVATION COMMITTEE BYLAW**

**Chapter 1. Establishment**

- (1) There is hereby established a Community Preservation Committee consisting of nine voting members pursuant to Massachusetts General Laws Chapter 44B. The Committee shall consist of the following members:

One member of the Historical Commission as designated by the Commission

One member of the Housing Authority as designated by the Authority

One member of the Natural Resources Commission as designated by the Commission

One member of the Planning Board as designated by the Board

One member of the Recreation Commission as designated by the Commission

Four at-large members to be designated by the Board of Selectmen

- (2) Terms for the four at-large members will begin on June 1 of each year and will be staggered four-year terms. Any vacancy on the Community Preservation Committee shall be filled by the commission, authority, or board that designated the member who creates the vacancy by designating another member in accordance with Section (1) above for the unexpired term.
- (3) Should any commission, authority or board designating a member for the Community Preservation Committee cease to exist for whatever reason the Board of Selectmen will determine the appropriate alternative designating commission, authority or board.

**Chapter 2. Duties**

- (1) The Community Preservation Committee shall study the needs, possibilities and resources of the town regarding community preservation. The committee shall consult with town boards and others including, *inter alia*, the Historical Commission, the Housing Authority, the Natural Resources Commission, the Planning Board and the Recreation Commission in conducting such studies. As part of its studies the Committee shall hold one or more public informational hearings on the needs, possibilities and resources of the town regarding community preservation possibilities and resources, notice of which shall be posted publicly, including on the Town's web page, and published for each of two weeks preceding a hearing in a newspaper of general circulation in the town. The Committee will file an annual report on its activities to the Town Clerk.
- (2) The Community Preservation Committee shall make recommendations to the Town Meeting for the acquisition, creation and preservation of open space; for the acquisition, rehabilitation, restoration and preservation 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 such open space, land for recreational use and community housing that is acquired or created as provided in this section. With respect to community housing, the Community Preservation Committee shall

recommend, wherever possible, the reuse of existing buildings, or construction of new buildings on previously developed sites.

- (3) The Community Preservation Committee may include in its recommendations to the Town Meeting a recommendation to set aside for later spending funds for specific purposes that are consistent with community preservation, but for which sufficient funds are not then available in the Community Preservation Fund to accomplish that specific purpose, or to set aside for later spending funds for general purposes that are consistent with community preservation.

### **Chapter 3. Requirements for a quorum and cost estimates**

The Community Preservation Committee shall not meet or conduct business without the presence of a quorum. A majority of the members of the Community Preservation Committee shall constitute a quorum. The Community Preservation Committee shall approve its actions by majority vote. Meetings will be held in accordance with the open meeting law. Recommendations to the Town Meeting shall include their anticipated costs.

### **Chapter 4. Amendments**

The Community Preservation Committee shall, from time to time, review the administration of this By-law, making recommendations, as needed, for changes in the By-law and in administrative practice to improve the operations of the Community Preservation Committee. The first review shall be completed at least by November 1, 2008 and subsequent reviews shall be completed in no more than five-year intervals. This Bylaw may be amended from time to time by a majority vote of the Town Meeting, provided that the amendments would not be in conflict with Chapter 44B of the Massachusetts General Laws.

### **Chapter 5. Severability**

In case any section, paragraph or part of this By-law be for any reason declared invalid or unconstitutional by any court of last resort, every other section, paragraph or part shall continue in full force and effect.

### **Chapter 6. Effective Date**

This vote shall take effect and this Bylaw shall be submitted to the Attorney-General of the Commonwealth only upon certification that a majority of voters have approved a ballot question accepting sections 3 to 7, inclusive, of Massachusetts General Laws Chapter 44B. Upon approval of this Bylaw by the Attorney General of the Commonwealth, the Board of Selectmen shall request the Historical Commission, the Housing Authority, the Natural Resources Commission, the Planning Board and the Recreation Commission to designate a member to serve on the Community Preservation Committee. The Board of Selectmen will designate four at-large members of the Community Preservation Committee.

### **Chapter 7. Exemption Application Deadline**

The application deadline for exemption from the surcharge shall be the same as for personal exemption applications, 90 days following the issuance of the actual tax bill.

Article 38, Annual Town Meeting, April 2004  
Article 44, Annual Town Meeting, April 2005

**COMMUNITY PRESERVATION ACT**  
**General Laws Chapter 44B (2010 Official Edition)**  
**As amended by St. 2012, c. 139, §§ 69-83**

*Provided by the Massachusetts Department of Revenue, January 2013*

Section 1. This chapter shall be known and may be cited as the Massachusetts Community Preservation Act.

Section 2. As used in this chapter, the following words shall, unless the context clearly indicates a different meaning, have the following meanings:—

“Acquire”, obtain by gift, purchase, devise, grant, rental, rental purchase, lease or otherwise. “Acquire” shall not include a taking by eminent domain, except as provided in this chapter.

“Annual income”, a family’s or person’s gross annual income less such reasonable allowances for dependents, other than a spouse, and for medical expenses as the housing authority or, in the event that there is no housing authority, the department of housing and community development, determines.

“Capital improvement”, reconstruction or alteration of real property that: (1) materially adds to the value of the real property, or appreciably prolongs the useful life of the real property; (2) becomes part of the real property or is permanently affixed to the real property so that removal would cause material damage to the property or article itself; and (3) is intended to become a permanent installation or is intended to remain there for an indefinite period of time.

“Community housing”, low and moderate income housing for individuals and families, including low or moderate income senior housing.

“Community preservation”, the acquisition, creation and preservation of open space, the acquisition, creation and preservation of historic resources and the creation and preservation of community housing.

“Community preservation committee”, the committee established by the legislative body of a city or town to make recommendations for community preservation, as provided in section 5.

“Community Preservation Fund”, the municipal fund established under section 7.

“CP”, community preservation.

“Historic resources”, a building, structure, vessel real property, document or artifact that is listed 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.

“Legislative body”, the agency of municipal government which is empowered to enact

ordinances or by-laws, adopt an annual budget and other spending authorizations, loan orders, bond authorizations and other financial matters and whether styled as a city council, board of aldermen, town council, town meeting or by any other title.

“Low income housing”, housing for those persons and families whose annual income is less than 80 per cent of the area wide median income. The area wide median income shall be the area wide median income as determined by the United States Department of Housing and Urban Development.

“Low or moderate income senior housing”, housing for those persons having reached the age of 60 or over who would qualify for low or moderate income housing.

“Maintenance”, incidental repairs which neither materially add to the value of the property nor appreciably prolong the property’s life, but keep the property in a condition of fitness, efficiency or readiness.

“Moderate income housing”, housing for those persons and families whose annual income is less than 100 per cent of the area wide median income. The area wide median income shall be the area wide median income as determined by the United States Department of Housing and Urban Development.

“Open space”, 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 and salt water marshes and other wetlands, ocean, river, stream, lake and pond frontage, beaches, dunes and other coastal lands, lands to protect scenic vistas, land for wildlife or nature preserve and land for recreational use.

“Preservation”, protection of personal or real property from injury, harm or destruction.

“Real property”, land, buildings, appurtenant structures and fixtures attached to buildings or land, including, where applicable, real property interests.

“Real property interest”, a present or future legal or equitable interest in or to real property, including easements and restrictions, and any beneficial interest therein, including the interest of a beneficiary in a trust which holds a legal or equitable interest in real property, but shall not include an interest which is limited to the following: an estate at will or at sufferance and any estate for years having a term of less than 30 years; the reversionary right, condition or right of entry for condition broken; the interest of a mortgagee or other secured party in a mortgage or security agreement.

“Recreational use”, 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.

“Rehabilitation”, capital improvements, or the making of extraordinary repairs, to historic resources, open spaces, lands for recreational use and community housing for the purpose of making such historic resources, open spaces, lands for recreational use and community housing functional for their intended uses, including, but not limited to, improvements to comply with the Americans with Disabilities Act and other federal, state or local building 13 or access codes; provided, that with respect to historic resources, “rehabilitation” shall 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 provided further, that with respect to land for recreational use, "rehabilitation" shall include the replacement of playground equipment and other capital improvements to the land or the facilities thereon which make the land or the related facilities more functional for the intended recreational use.

"Support of Community housing", shall include, but not be limited to, programs that provide grants, loans, rental assistance, security deposits, interest-rate write downs or other forms of assistance directly to individuals and families who are eligible for community housing, or to an entity that owns, operates or manages such housing, for the purpose of making housing affordable.

**Section 3. (a)** Sections 3 to 7, inclusive, shall take effect in any city or town upon the approval by the legislative body and their acceptance by the voters of a ballot question as set forth in this section.

**(b)** Notwithstanding the provisions of chapter 59 or any other general or special law to the contrary, the legislative body may vote to accept sections 3 to 7, inclusive, by approving a surcharge on real property of not more than 3 per cent of the real estate tax levy against real property, as determined annually by the board of assessors. The amount of the surcharge shall not be included in a calculation of total taxes assessed for purposes of section 21C of said chapter 59.

**(b<sup>1/2</sup>)** Notwithstanding chapter 59 or any other general or special law to the contrary, as an alternative to subsection (b), the legislative body may vote to accept sections 3 to 7, inclusive, by approving a surcharge on real property of not less than 1 per cent of the real estate tax levy against real property, and making an additional commitment of funds by dedicating revenue not greater than 2 per cent of the real estate tax levy against real property; provided, however, that additional funds so committed shall come from other sources of municipal revenue, including, but not limited to, hotel excises pursuant to chapter 64G, linkage fees and inclusionary zoning payments, however authorized, the sale of municipal property pursuant to section 3 of chapter 40, parking fines and surcharges pursuant to sections 20, 20A, and 20A<sup>1/2</sup> of chapter 90, existing dedicated housing, open space and historic preservation funds, however authorized, and gifts received from private sources for community preservation purposes; and provided further that additional funds so committed shall not include any federal or state funds. The total funds committed to purposes authorized under this chapter by means of this subsection shall not exceed 3 per cent of the real estate tax levy against real property, less exemptions, adopted. In the event that the municipality shall no longer dedicate all or part of the additional funds to community preservation, the surcharge of not less than 1 percent shall remain in effect, but may be reduced pursuant to section 16.

**(c)** All exemptions and abatements of real property authorized by said chapter 59 or any other law for which a taxpayer qualifies as eligible shall not be affected by this chapter. A taxpayer receiving an exemption of real property authorized by said chapter 59 or any other law shall be exempt from any surcharge on real property established under this section. The surcharge to be paid by a taxpayer receiving an abatement of real property 14 authorized by said chapter 59 or any other law shall be reduced in proportion to the amount of such abatement.

**(d)** Any amount of the surcharge not paid by the due date shall bear interest at the rate per annum provided in section 57 of said chapter 59.

**(e)** The legislative body may also vote to accept one or more of the following exemptions:

- (1) for property owned and occupied as a domicile by a person who would qualify for low income housing or low or moderate income senior housing in the city or town;
- (2) for class three, commercial, and class four, industrial, properties as defined in section 2A of said chapter 59, in cities or towns with classified tax rates;
- (3) for \$100,000 of the value of each taxable parcel of residential real property; or
- (4) for \$100,000 of the value of each taxable parcel of class three, commercial property, and class four, industrial property as defined in section 2A of said chapter 59.

**(f)** Upon approval by the legislative body, the actions of the body shall be submitted for acceptance to the voters of a city or town at the next regular municipal or state election. The city or town clerk or the state secretary shall place it on the ballot in the form of the following question:

"Shall this (city or town) accept sections 3 to 7, inclusive of chapter 44B of the General Laws, as approved by its legislative body, a summary of which appears below?"

(Set forth here a fair, concise summary and purpose of the law to be acted upon, as determined by the city solicitor or town counsel, including in said summary the percentage of the surcharge to be imposed.)

If a majority of the voters voting on said question vote in the affirmative, then its provisions shall take effect in the city or town, but not otherwise.

**(g)** The final date for notifying or filing a petition with the city or town clerk or the state secretary to place such a question on the ballot shall be 35 days before the city or town election or 60 days before the state election.

**(h)** If the legislative body does not vote to accept sections 3 to 7, inclusive, at least 90 days before a regular city or town election or 120 days before a state election, then a question seeking said acceptance through approval of a particular surcharge rate with exemption or exemptions, may be so placed on the ballot when a petition signed by at least 5 per cent of the registered voters of the city or town requesting such action is filed with the registrars, who shall have seven days after receipt of such petition to certify its signatures. Upon certification of the signatures, the city or town clerk or the state secretary shall cause the question to be placed on the ballot at the next regular city or 15 town election held more than 35 days after such certification or at the next regular state election held more than 60 days after such certification.

**(i)** With respect to real property owned by a cooperative corporation, as defined in section 4 of chapter 157B, that portion which is occupied by a member under a proprietary lease as the member's domicile shall be considered real property owned by that member for the purposes of exemptions provided under this section. The member's portion of the real estate shall be represented by the member's share or shares of stock in the cooperative corporation, and the percentage of that portion to the whole shall be determined by the percentage of the member's shares to the total outstanding stock of the corporation, including shares owned by the corporation. This portion of the real property shall be eligible for any exemption provided in this section if the member meets all requirements for the exemption. Any exemption so provided shall reduce the taxable valuation of the real property owned by the cooperative corporation, and the

reduction in taxes realized by this exemption shall be credited by the cooperative corporation against the amount of the taxes otherwise payable by or chargeable to the member. Nothing in this subsection shall be construed to affect the tax status of any manufactured home or mobile home under this chapter, but this subsection shall apply to the land on which the manufactured home or mobile home is located if all other requirements of this clause are met. This subsection shall take effect in a city or town upon its acceptance by the city or town.

**Section 4. (a)** Upon acceptance of sections 3 to 7, inclusive, and upon the assessors' warrant to the tax collector, the accepted surcharge shall be imposed.

**(b)** After receipt of the warrant, the tax collector shall collect the surcharge in the amount and according to the computation specified in the warrant and shall pay the amounts so collected, quarterly or semi-annually, according to the schedule for collection of property taxes for the tax on real property, to the city's or town's treasurer. The tax collector shall cause appropriate books and accounts to be kept with respect to such surcharge, which shall be subject to public examination upon reasonable request from time to time.

**(c)** The remedies provided by chapter 60 for the collection of taxes upon real estate shall apply to the surcharge on real property pursuant to this chapter.

**Section 5. (a)** A city or town that accepts sections 3 to 7, inclusive, shall establish by ordinance or by-law a community preservation committee. The committee shall consist of not less than five nor more than nine members. The ordinance or by-law shall determine the composition of the committee, the length of its term and the method of selecting its members, whether by election or appointment or by a combination thereof. The committee shall include, but not be limited to, one member of the conservation commission established under section 8C of chapter 40 as designated by the commission, one member of the historical commission established under section 8D of said chapter 40 as designated by the commission, one member of the planning board established under section 81A of chapter 41 as designated by the board, one member of the board of park commissioners established under section 2 of chapter 45 as designated by the board and one member of the housing authority established under section 3 of chapter 121B as designated by the authority, or persons, as determined by the ordinance or by-law, acting in the capacity of or performing like duties of the commissions, board or authority if they have not been established in the city or town. If there are no persons acting in the capacity of or performing like duties of any such commission, board or authority, the ordinance or by-law shall designate those persons.

**(b) (1)** The community preservation committee shall study the needs, possibilities and resources of the city or town regarding community preservation, including the consideration of regional projects for community preservation. The committee shall consult with existing municipal boards, including the conservation commission, the historical commission, the planning board, the board of park commissioners and the housing authority, or persons acting in those capacities or performing like duties, in conducting such studies. As part of its study, the committee shall hold one or more public informational hearings on the needs, possibilities and resources of the city or town regarding community preservation possibilities and resources, notice of which shall be posted publicly and published for each of two weeks preceding a hearing in a newspaper of general circulation in the city or town.

**(2)** The community preservation committee shall make recommendations to the legislative body for the acquisition, creation and preservation of open space; for the acquisition, preservation, rehabilitation and restoration of historic resources; for the acquisition, creation, preservation, rehabilitation and restoration of land for recreational use; for the acquisition,

creation, preservation and support of community housing; and for rehabilitation or restoration of open space and community housing that is acquired or created as provided in this section; provided, however, that funds expended pursuant to this chapter shall not be used for maintenance. With respect to community housing, the community preservation committee shall recommend, wherever possible, the reuse of existing buildings or construction of new buildings on previously developed sites. With respect to recreational use, the acquisition of artificial turf for athletic fields shall be prohibited.

(3) The community preservation committee may include in its recommendation to the legislative body a recommendation to set aside for later spending funds for specific purposes that are consistent with community preservation but for which sufficient revenues are not then available in the Community Preservation Fund to accomplish that specific purpose or to set aside for later spending funds for general purposes that are consistent with community preservation.

(c) The community preservation committee shall not meet or conduct business without the presence of a quorum. A majority of the members of the community preservation committee shall constitute a quorum. The community preservation committee shall approve its actions by majority vote. Recommendations to the legislative body shall include their anticipated costs.

(d) After receiving recommendations from the community preservation committee, the legislative body shall take such action and approve such appropriations from the Community Preservation Fund as set forth in section 7, and such additional non-Community Preservation Fund appropriations as it deems appropriate to carry out the recommendations of the community preservation committee. In the case of a city, the ordinance shall provide for the mechanisms under which the legislative body may approve and veto appropriations made pursuant to this chapter, in accordance with the city charter.

(e) For the purposes of community preservation and upon the recommendation of the community preservation committee, a city or town may take by eminent domain under chapter 79, the fee or any lesser interest in real property or waters located in such city or town if such taking has first been approved by a two-thirds vote of the legislative body. Upon a like recommendation and vote, a city or town may expend monies in the Community Preservation Fund, if any, for the purpose of paying, in whole or in part, any damages for which a city or town may be liable by reason of a taking for the purposes of community preservation.

(f) Section 16 of chapter 30B shall not apply to the acquisition by a city or town, of real property or an interest therein, as authorized by this chapter for the purposes of community preservation and upon recommendation of the community preservation committee and, notwithstanding section 14 of chapter 40, for purposes of this chapter, no such real property, or interest therein, shall be acquired by any city or town for a price exceeding the value of the property as determined by such city or town through procedures customarily accepted by the appraising profession as valid.

A city or town may appropriate money in any year from the Community Preservation Fund to an affordable housing trust fund.

**Section 6.** In each fiscal year and upon the recommendation of the community preservation committee, the legislative body shall spend, or set aside for later spending, not less than 10 per cent of the annual revenues in the Community Preservation Fund for open space, not less than 10 per cent of the annual revenues for historic resources and not less than 10 per cent of the annual

revenues for community housing. In each fiscal year, the legislative body shall make appropriations from the Community Preservation Fund as it deems necessary for the administrative and operating expenses of the community preservation committee and such appropriations shall not exceed 5 per cent of the annual revenues in the Community Preservation Fund. The legislative body may also make appropriations from the Community Preservation Fund as it deems necessary for costs associated with tax billing software and outside vendors necessary to integrate such software for the first year that a city or town implements this chapter; provided, however, that the total of any administrative and operating expenses of the community preservation committee and the first year implementation expenses do not exceed 5 per cent of the annual revenues in the Community Preservation Fund.

Funds that are set aside shall be held in the Community Preservation Fund and spent in that year or later years; provided, however, that funds set aside for a specific purpose shall be spent only for the specific purpose. Any funds set aside may be expended in any city or town. The community preservation funds shall not replace existing operating funds, only augment them.

**Section 7.** Notwithstanding the provisions of section 53 of chapter 44 or any other general or special law to the contrary, a city or town that accepts sections 3 to 7, inclusive, shall establish a separate account to be known as the Community Preservation Fund of which the municipal treasurer shall be the custodian. The authority to approve expenditures from the fund shall be limited to, the legislative body and the municipal treasurer shall pay such expenses in accordance with chapter 41.

The following monies shall be deposited in the fund: (i) all funds collected from the real property surcharge or bond proceeds in anticipation of revenue pursuant to sections 4 and 11; (ii) additional funds appropriated or dedicated from allowable municipal sources pursuant to subsection (b<sup>1</sup>/<sub>2</sub>) of section 3, if applicable; (iii) all funds received from the commonwealth or any other source for such purposes; and (iv) proceeds from the disposal of real property acquired with funds from the Community Preservation Fund. The treasurer may deposit or invest the proceeds of the fund in savings banks trust companies incorporated under the laws of the commonwealth, banking companies incorporated under the laws of the commonwealth which are members of the Federal Deposit Insurance Corporation or national banks, or may invest the proceeds in paid up shares and accounts of and in co-operative banks or in shares of savings and loan associations or in shares of federal savings and loan associations doing business in the commonwealth or in the manner authorized by section 54 of chapter 44, and any income therefrom shall be credited to the fund. The expenditure of revenues from the fund shall be limited to implementing the recommendations of the community preservation committee and providing administrative and operating expenses to the committee.

**Section 8. (a)** Except as otherwise provided, the fees of the registers of deeds to be paid when a document or instrument is recorded shall be subject to a surcharge of \$20; provided, however, that if the document or instrument to be filed includes multiple references to a document or instrument intending or attempting to assign, discharge, release, partially release, subordinate or notice any other document or instrument, each reference shall be separately indexed and separately assessed an additional \$20 surcharge. The fee for recording a municipal lien certificate shall be subject to a surcharge of \$10; provided, however, that if the certificate includes multiple references to a document or instrument intending or attempting to assign, discharge, release, partially release, subordinate or notice any other document or instrument, each reference shall be separately indexed and separately assessed an additional \$10 surcharge. The surcharges imposed shall be used for community preservation purposes. No surcharge shall apply to a declaration of

homestead under chapter 188. No surcharge shall apply to the fees charged for additional pages, photostatic copies, abstract cards or additional square feet for the recording of plans.

(b) The fees of the assistant recorder, except as otherwise provided, to be paid when the instrument is left for registering, filing or entering with respect to registered land shall be subject to a surcharge of \$20. The fees for so registering, filing or entering a municipal lien certificate shall be subject to a surcharge of \$10. The surcharges shall be imposed for the purposes of community preservation. No surcharge shall apply to a declaration of homestead of chapter 188. No surcharge shall apply to the fees charged for additional lots shown on plans, for indexing instruments recorded while a petition for registering is pending, for additional certificates of sewer assessments, for old age assistance liens, for duplicates and for photocopies.

(c) All surcharges on fees collected pursuant to this section shall be forwarded to the Massachusetts Community Preservation Trust Fund, established in section 9.

**Section 9. (a)** There shall be established and set up on the books of the commonwealth a separate fund, to be known as the Massachusetts Community Preservation Trust Fund, for the benefit of cities and towns that have accepted sections 3 to 7, inclusive, and pursuant to said sections 3 to 7, inclusive, have imposed a surcharge on their real property tax levy, subject to any exemptions adopted by a municipality. The fund shall consist of all revenues received by the commonwealth: (1) under the provisions of section 8; (2) from public and private sources as gifts, grants and donations to further community preservation programs; (3) from damages, penalties, costs or interest received on account of litigation or settlement thereof for a violation of section 15; or (4) all other monies credited to or transferred to from any other fund or source pursuant to law.

(b) The state treasurer shall deposit the fund in accordance with the provisions of section 10 in such manner as will secure the highest interest rate available consistent with the safety of the fund and with the requirement that all amounts on deposit be available for withdrawal without penalty for such withdrawal at any time. All interest accrued and earnings shall be deposited into the fund. The fund shall be expended solely for the administration and implementation of this chapter. Any unexpended balances shall be redeposited for future use consistent with the provisions of this chapter.

(c) The state treasurer shall make all disbursements and expenditures from the fund without, further appropriation, as directed by the commissioner of revenue in accordance with said section 10. The department of revenue shall report by source all amounts credited to said fund and all expenditures from said fund. The commissioner of revenue shall assign personnel of the department as it may need to administer and manage the fund disbursements and any expense incurred by the department shall be deemed an operating and administrative expense of the program. The operating and administrative expenses shall not exceed 5 per cent of the annual total revenue received under the provisions of said section 10.

**Section 10. (a)** The commissioner of revenue shall annually on or before November 15 disburse monies from the fund established in section 9 to a city or town that has accepted sections 3 to 7, inclusive, and notified the commissioner of its acceptance. The community shall notify the commissioner of the date and terms on which the voters accepted said sections 3 to 7, inclusive. The municipal tax collecting authority shall certify to the commissioner the amount the city or town has raised through June 30 by imposing a surcharge on its real property levy and shall certify the percentage of the surcharge applied. In the event a city or town accepts said sections 3 to 7, inclusive, pursuant to subsection (b $\frac{1}{2}$ ) of section 3 the municipal tax collecting authority shall certify to the commissioner by October 30, the maximum additional funds the city

or town intends to transfer to the Community Preservation Fund from allowable municipal sources for the following fiscal year. Once certified, the city or town may choose to transfer less than the certified amount during the following fiscal year.

**(b)** The commissioner shall multiply the amount remaining in the fund after any disbursements for operating and administrative expenses pursuant to subsection (c) of section 9 by 80 percent. This amount distributed in the first round distribution shall be known as the match distribution. The first round total shall be distributed to each city or town accepting said sections 3 to 7, inclusive, in an amount not less than 5 per cent but not greater than 100 per cent of the total amount raised by the additional surcharge on real property by each city or town and if applicable, the additional funds committed from allowable municipal sources pursuant to subsection (b½) of section 3. The percentage shall be the same for each city and town and shall be determined by the commissioner annually in a manner that distributes the maximum amount available to each participating city or town.

**(c)** The commissioner shall further divide the remaining 20 per cent of the fund in a second round distribution, known as the equity distribution. The commissioner shall determine the equity distribution in several steps. The first step shall be to divide the remaining 20 per cent of the fund by the number of cities and towns that have accepted said sections 3 to 7, inclusive. This dividend shall be known as the base figure for equity distribution. This base figure shall be determined solely for purposes of performing the calculation for equity distribution and shall not be added to the amount received by a participant.

**(d)** Each city and town in the commonwealth shall be assigned a community preservation rank for purposes of the equity distribution. The commissioner shall determine each community's rank by first determining the city or town's equalized property valuation per capita ranking, ranking cities and towns from highest to lowest valuation. The commissioner shall also determine the population of each city or town and rank each from largest to smallest in population. The commissioner shall add each equalized property valuation rank and population rank, and divide the sum by 2. The dividend is the community preservation raw score for that city or town.

**(e)** The commissioner shall then order each city or town by community preservation raw score, from the lowest raw score to the highest raw score. This order shall be the community preservation rank for each city or town. If more than 1 city or town has the same community preservation raw score, the city or town with the higher equalized valuation rank shall receive the higher community preservation rank.

**(f)** After determining the community preservation rank for each city and town, the commissioner shall divide all cities or towns into deciles according to their community preservation ranking, with approximately the same number of cities and towns in each decile, and the cities or towns with the highest community preservation rank shall be placed in the lowest decile category, starting with decile 10. Percentages shall be assigned to each decile as follows:

decile 1	140 per cent of the base figure.
decile 2	130 per cent of the base figure.
decile 3	120 per cent of the base figure.
decile 4	110 per cent of the base figure.
decile 5	100 per cent of the base figure.

decile 6	90 per cent of the base figure.
decile 7	80 per cent of the base figure.
decile 8	70 per cent of the base figure.
decile 9	60 per cent of the base figure.
decile 10	50 per cent of the base figure.

After assigning each city and town to a decile according to their community preservation rank, the commissioner shall multiply the percentage assigned to that decile by the base figure to determine the second round equity distribution for each participant.

(g) Notwithstanding any other provision of this section, the total state contribution for each city and town shall not exceed the actual amount raised by the city or town’s surcharge on its real property levy and, if applicable, additional funds committed from allowable municipal sources pursuant to subsection (b½) of section 3.

(h) When there are monies remaining in the Massachusetts Community Preservation Trust Fund after the first and second round distributions and any necessary administrative expenses have been paid in accordance with section 9 the commissioner may conduct a third round surplus distribution. Any remaining surplus in the fund may be distributed by dividing the amount of the surplus by the number of cities and towns that have accepted sections 3 to 7, inclusive. The resulting dividend shall be the surplus base figure. The commissioner shall then use the decile categories and percentages as defined in this section to determine a surplus equity distribution for each participant.

(i) The commissioner shall determine each participant's total state grant by adding the amount received in the first round distribution with the amounts received in any later round of distributions, with the exception of a city or town that has already received a grant equal to 100 per cent of the amount the community raised by its surcharge on its real property levy.

(1) Only those cities and towns that adopt the maximum surcharge pursuant to subsection (b) of section 3 and those cities and towns that adopt the maximum surcharge and additional funds committed from allowable municipal sources such that the total funds are the equivalent of 3 percent of the real estate tax levy against real property pursuant to subsection (b½) of said section 3 shall be eligible to receive additional state monies through the equity and surplus distributions.

(2) If less than 10 per cent of the cities and towns have accepted sections 3 to 7, inclusive, and imposed and collected a surcharge on their real property levy, the commissioner may calculate the state grant with only 1 round of distributions, or in any other equitable manner.

(j) After distributing the Massachusetts Community Preservation Trust Fund in accordance with this section, the commissioner shall keep any remaining funds in the trust for distribution in the following year.

**Section 11.** A city or town that accepts sections 3 to 7, inclusive, may issue, from time to time, general obligation bonds or notes in anticipation of revenues to be raised pursuant to section 3, the proceeds of which shall be deposited in the Community Preservation Fund. Bonds or notes

so issued may be at such rates of interest as shall be necessary and shall be repaid as soon after such revenues are collected as is expedient. Cities or towns that choose to issue bonds pursuant to this section shall make every effort to limit the administrative costs of issuing such bonds by cooperating among each other using methods including, but not limited to, common issuance of bonds or common retention of bond counsel. Except as otherwise provided in this chapter, bonds or notes issued pursuant to this section shall be subject to the applicable provisions of chapter 44. The maturities of each issue of bonds or notes issued under this chapter may be arranged so that for each issue the amounts payable in the several years for principal and interest combined shall be as nearly equal as practicable in the opinion of the officers authorized to issue bonds or notes or, in the alternative, in accordance with a schedule providing for a more rapid amortization of principal.

**Section 12. (a)** A real property interest that is acquired with monies from the Community Preservation Fund shall be bound by a permanent restriction, recorded as a separate instrument, that meets the requirements of sections 31 to 33, inclusive, of chapter 184 limiting the use of the interest to the purpose for which it was acquired. The permanent restriction shall run with the land and shall be enforceable by the city or town or the commonwealth. The permanent restriction may also run to the benefit of a nonprofit organization, charitable corporation or foundation selected by the city or town with the right to enforce the restriction. The legislative body may appropriate monies from the Community Preservation Fund to pay a non-profit organization created pursuant to chapter 180 to hold, monitor and enforce the deed restriction on the property.

**(b)** Real property interests acquired under this chapter shall be owned and managed by the city or town, but the legislative body may delegate management of such property to the conservation commission, the historical commission, the board of park commissioners or the housing authority, or, in the case of interests to acquire sites for future wellhead development by a water district, a water supply district or a fire district. The legislative body may also delegate management of such property to a nonprofit organization created under chapter 180 or chapter 203.

**Section 13.** The community preservation committee shall keep a full and accurate account of all of its actions, including its recommendations and the action taken on them and records of all appropriations or expenditures made from the Community Preservation Fund. The committee shall also keep records of any real property interests acquired, disposed of or improved by the city or town upon its recommendation, including the names and addresses of the grantor's or grantees and the nature of the consideration. The records and accounts shall be public records.

**Section 14.** Notwithstanding the provisions of any general or special law to the contrary, every city and town may accept sections 3 to 7, inclusive, and may thereupon receive state grants under section 10. A city or town that accepts said sections 3 to 7, inclusive, shall not be precluded from participating in state grant programs.

State grant programs may include local adoption of this chapter among the criteria for selection of grant recipients. Funds in the Community Preservation Fund may be made available and used by the city or town as the local share for state or federal grants upon recommendation of the community preservation committee and the legislative body, as provided for in section 5, if such grants and such local share are used in a manner consistent with the recommendations of the community preservation committee.

**Section 15. (a)** A person who, without permission, knowingly carries away or steals, mutilates, destroys, damages, causes to be damaged or cuts any tree, shrub, grass or any other portion of

real property purchased by a city or town with funds derived from this chapter shall be liable to the city or town in tort for such actions.

**(b)** Damages, including punitive damages for willful or wanton violation of this chapter or any rule or regulation issued or adopted hereunder, may be recovered in a civil action brought by the city or town or, upon request of the city or town, by the attorney general. The city or town or, upon request of the city or town, the attorney general, may bring an action for injunctive relief against any person violating this chapter or any rule or regulation issued hereunder. The superior court shall have jurisdiction to enjoin violations, to award damages and to grant such further relief as it may deem appropriate.

**(c)** Any damages, penalties, costs or interest thereon recovered pursuant to this section shall be deposited into the Community Preservation Fund of the city or town in which the violation occurred.

**Section 16. (a)** At any time after imposition of the surcharge, the legislative body may approve and the voters may accept an amendment to the amount and computation of the surcharge, or to the amount of exemption or exemptions, in the same manner and within the limitations set forth in this chapter, including reducing the surcharge to 1 per cent and committing additional municipal funds pursuant to subsection (b<sup>1/2</sup>) of section 3.

**(b)** At any time after the expiration of five years after the date on which sections 3 to 7, inclusive, have been accepted in a city or town, said sections may be revoked in the same manner as they were accepted by such city or town, but the surcharge imposed under section 3 shall remain in effect in any such city or town, with respect to unpaid taxes on past transactions and with respect to taxes due on future transactions, until all contractual obligations incurred by the city or town prior to such termination shall have been fully discharged.

**Section 17.** The commissioner of revenue shall have the authority to promulgate rules and regulations to effect the purposes of this chapter.

## **Town Policy on CPA Funded Town Projects**

A Memorandum of Understanding (MOU) will be drafted by the Community Preservation Committee and provided to the Town Manager and Project Manager/Department for review and comment as part of the project review process prior to Town Meeting. It is the general policy of the Town of Concord that all Town staff and departments who receive CPA project funding will adhere to the terms and recommendations included in the Final Executed MOU in administering the project.

## Community Preservation Committee 2018 Annual Report

Terri Ackerman, Chair (Select Board Appointee)  
John Cratsley, Vice Chair (Select Board Appointee)  
Dee Ortner, Secretary (Select Board Appointee)  
Judy Zaunbrecher, Treasurer (Natural Resources Commission Appointee)  
Tom Kearns (Select Board Appointee)  
Hester Schnipper (Concord Housing Authority Appointee)  
Burton Flint (Planning Board Appointee)  
Peter Ward (Recreation Commission Appointee)  
Melissa Saalfield (Historical Commission Appointee)

The Community Preservation Committee had a busy year in 2018 with an increasingly competitive application process. The Community Preservation Committee (CPC) recommended that \$1,861,038 in CPA funds be appropriated for projects involving community housing, historic preservation, open space, and recreation to the 2018 Annual Town Meeting. These funding recommendations were approved without alteration as noted below:

### *Community Housing Projects:*

- Town of Concord - \$18,000 for the Town's participation in the Regional Housing Services Office, an inter-municipal organization which provides professional housing staff for the administration of the affordable housing programs in Concord and six neighboring communities.
- Town of Concord - \$350,000 for the Junction Village Assisted Living project. Funds will be used towards the development of an 83 unit, fully affordable assisted living complex on former State land in West Concord, with 43 units available at deeply affordable levels. The Concord Housing Development Corporation is working with the Grantham Group, on this development.

### *Historic Preservation Projects:*

- 51 Walden Inc. - \$100,000 to connect the performing arts center building's 100-year old plumbing to the Town sewer system. In order to accomplish this, the bathrooms in the Green Room will need to be relocated to one side of the building and a waste pipe run thru the basement to connect to existing plumbing.
- Concord Masonic Corporation - \$150,000 for the restoration of the Corinthian Lodge. Funds will be used to repaint the building's historic brick façade, which has begun to degrade resulting in leaking that has caused damaged to the interior of the building.
- Concord Museum - \$140,000 to replace obsolete mechanical and electrical systems in the museum's original ca. 1930 Little building. This work will create a stable physical environment to ensure the long term preservation of the Museum's permanent collection of nationally significant, Concord-based artifacts.

### *Open Space and Recreation Projects:*

- Town of Concord Division of Natural Resources - \$174,000 to restore eroded slopes and remove dilapidated steps on Town land at White Pond, thereby reducing sediment and pollutant loading and improving water quality of the pond. Slope restoration will be accomplished through removal and replacement of old concrete steps, improved and

directed access points to minimize slope erosion, and plantings and erosion controls to stabilize eroded slopes in five locations.

- Town of Concord - \$35,000 to conduct the initial survey that will provide a starting point for the design of the Assabet River Pedestrian Bridge, and conduct the permitting needed for the project. The bridge will provide a pedestrian connection that links the Baker Ave. business area with the West Concord Village Center.
- Town of Concord - \$500,000 for the acquisition of 369, 37B and 37Y Commonwealth Ave land; known as the Gerow Land; to meet the Town's Open Space and Recreation goals. This 7-acre property has been identified in Town plans as land of interest to the Town for three of the purposes outlined in the Community Preservation Act.
- Town of Concord - \$40,000 to provide additional landscaping and screening during final construction of Phase 2C of the Bruce Freeman Rail Trail and to be available for additional design for Phase 2B that may not be funded by MassDOT, as well as additional historic interpretation features near the Nashoba Brook bridge.

*Recreation Projects:*

Town of Concord Public Works - \$200,000

- A. Town of Concord Public Works - \$200,000 to begin improvements at Emerson Field, including irrigation system upgrades, on-site water supply well redevelopment or replacement, infield and outfield renovations of the two baseball fields and one softball field, and sustainability and operational improvements to the spray fountain. Pathway installation and ADA upgrades, replacement of fencing, backstops, and player bench areas, and potential improvements to the seasonal winter ice skating rink.

*Administration:*

- Town of Concord - \$123,838 to contribute to the Community Housing Reserve fund, a reserve fund established to insure that funding is available when needed for future housing projects.
- Town of Concord - \$30,000 for administration of the CPA. Funding provides staff support, signage, legal and consulting services, public notices, copying, and other administrative expenses.

In addition to the funding recommendations noted above, the CPC worked closely with funding recipients and the Finance Department throughout 2018 to ensure that the reimbursement process went smoothly and efficiently and that completed projects were closed in a timely manner. The CPC held informational meetings in June and September for potential applicants. At the end of September, the Committee received 15 new applications for 2019 Annual Town Meeting funding. As in previous years, the nearly \$2.6 million in CPA funds requested far exceeded the just over \$1.4 million in CPA funds estimated to be available for distribution. From October through December, the CPC has been working to better understand these projects in order to make its recommendations for the 2019 Annual Town Meeting. A recommendation to allocate \$1,811,419 in CPA funds to 12 projects will be included in a warrant article for the 2019 Annual Town Meeting.



## Town of Concord

Office of the Town Clerk  
22 Monument Square  
Concord, Massachusetts 01742-0535

### ANNUAL TOWN MEETING APRIL 8, 9, and 10, 2019

#### COMMUNITY PRESERVATION COMMITTEE APPROPRIATION RECOMMENDATIONS

**ARTICLE 22.**

**WARRANT ARTICLE**

To determine whether the Town will vote to appropriate the sum of \$1,811,419, or any other sum, from the Concord Community Preservation Fund, of which up to \$194,503 shall be appropriated from the prior year undesignated fund balance as of June 30, 2018; \$80,000 shall be appropriated from the Land Acquisition Reserve Fund; \$125,497 shall be appropriated from the Housing Reserve Fund; and up to \$1,411,419 shall be appropriated from projected Fiscal Year 2020 Fund Revenues, in accordance with Massachusetts General Laws c. 44B, to be expended under the direction of the Town Manager as follows:

Item	Project/Description	Category	Sources				Total Amount Recommended
			Land Acquisition Reserve Fund	Housing Reserve Fund	Prior Year Undesignated Fund Balance	FY20 CPA Fund Revenues	
A	Town of Concord – Regional Housing Services Program	Community Housing				19,000	19,000
B	Town of Concord – Junction Village Assisted Living	Community Housing		125,497	174,503	-	300,000
C	Concord Free Public Library Corporation - Expansion and Renovation of the Main Library and the Heywood-Benjamin House	Historic Preservation			20,000	480,000	500,000
D	Concord Home for the Aged - 110 Walden Street Preservation Project	Historic Preservation				20,800	20,800
E	Town of Concord - Gerow Recreation Area Improvements	Open Space				100,000	200,000
		Recreation				100,000	
F	Town of Concord - White Pond Beach Access Improvements	Open Space				75,000	250,000
		Recreation				175,000	
G	Town of Concord – Warner's Pond Dredging Project	Open Space				50,000	75,000
		Recreation				25,000	
H	Town of Concord – Emerson Land Acquisition	Open Space	80,000			10,000	90,000
I	Town of Concord – Heywood Meadow Stone Wall Extension	Open Space				21,619	21,619

J	Town of Concord – Old Calf Pasture Habitat Restoration	Open Space				5,000	5,000
K	Town of Concord Public Works – Emerson Field Improvements	Recreation				300,000	300,000
L	Staff and Technical Support	Administration				30,000	30,000
			80,000	125,497	194,503	1,411,419	1,811,419

or take any other action relative thereto.

**VOTE**

Upon a **MOTION** made by Ms. Ackerman and duly seconded, the following was **VOTED**:

That the Town appropriate the sum of \$1,811,419 from the Concord Community Preservation Fund, of which \$194,503 shall be appropriated from the prior year undesignated fund balance as of June 30, 2018; \$125,497 shall be appropriated from the Housing Reserve Fund; \$80,000 shall be appropriated from the Land Acquisition Reserve Fund; and \$1,411,419 shall be appropriated from the projected Fiscal Year 2020 Fund Revenues, in accordance with M.G.L. c. 44B, to be expended under the direction of the Town Manager, and for the purposes described in the Warrant.

Passed by near unanimous vote

April 10, 2019

A True Copy Attest:



Katri Mai Tari  
 Town Clerk

**CPA Historic Preservation Projects and the U.S. Secretary of the Interior's Standards for the Treatment of Historic Properties**

The CPA Statute, in Section 2, Definitions, "Rehabilitation", states that Historic Preservation projects funded through CPA must comply with the U.S. Secretary of the Interior's Standards for the Treatment of Historic Properties codified in 36 C.F.R. Part 68.

(The four "treatments" are Preservation, Rehabilitation, Restoration, and Reconstruction. In short, Rehabilitation is the treatment for properties that will have contemporary uses, NOT serving as a museum, nor serving as a historic resource frozen in time, nor completely brought back to a specific period in history, nor duplicated exactly based on historic records.)

The Secretary of the Interior's Standards for Rehabilitating Historic Properties:

1. A property shall be used for its historic purpose or be placed in a new use that requires minimal change to the defining characteristics of the building and its site and environment.
2. The historic character of a property shall be retained and preserved. The removal of historic materials or alteration of features and spaces that characterize a property shall be avoided.
3. Each property shall 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 architectural elements from other buildings, shall not be undertaken.
4. Most properties change over time; those changes that have acquired historic significance in their own right shall be retained and preserved.
5. Distinctive features, finishes, and construction techniques or examples of craftsmanship that characterize a property shall be preserved.
6. Deteriorated historic features shall be repaired rather than replaced. Where the severity of deterioration requires replacement of a distinctive feature, the new feature shall match the old in design, color, texture, and other visual qualities and, where possible, materials. Replacement of missing features shall be substantiated by documentary, physical, or pictorial evidence.
7. Chemical or physical treatments, such as sandblasting, that cause damage to historic materials shall not be used. The surface cleaning of structures, if appropriate, shall be undertaken using the gentlest means possible.
8. Significant archeological resources affected by a project shall be protected and preserved. If such resources must be disturbed, mitigation measures shall be undertaken.
9. New additions, exterior alterations, or related new construction shall not destroy historic materials that characterize the property. The new work shall be differentiated from the old and shall be compatible with the massing, size, scale, and architectural features to protect the historic integrity of the property and its environment.
10. New additions and adjacent or related new construction shall 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.

## **HISTORIC STRUCTURE REPORT ADDITIONAL INFORMATION**

Historic Structure Reports provide a valuable foundation for the rehabilitation, restoration, stabilization or reconstruction of an historic building. They are particularly important if the proposed work involves fabricating significant missing architectural or landscape features, recapturing the appearance of a property at one particular period of its history, removing later additions, or substantially modifying existing historic fabric. This document provides a project architect with the information necessary to make appropriate decisions on whether to restore or remove fabric, and on the period of restoration as recommended in the “Secretary of the Interior’s Standards for the Treatment of Historic Properties.” The report should basically provide a clear description of the building’s architectural history including its original appearance; what changes were made and when; and its present condition. In addition, it should provide guidance with respect to any proposed new work. For additional information, please see the National Park Service’s Preservation Brief #43 at [www.nps.gov/hps/tps/briefs/brief43.htm](http://www.nps.gov/hps/tps/briefs/brief43.htm) which provides detailed information on the purpose and development of Historic Structure Reports.

The following is a suggested format for Historic Structure Reports:

### **Table of Contents**

#### **Forward or Introduction** (when appropriate)

- Purpose of the report
- Preservation objectives

#### **Brief History of the Property**

- Significance and historic events, local and regional, persons associated, ownership history, etc. (Much of this information should be available in existing local/national nomination forms.)

#### **Construction History** (original and subsequent alterations)

- Chronology
- Historical documentation (letters, diaries, vouchers, newspaper articles, etc.)
- Site work (including ordering of materials, construction, unusual craft work, etc.)
- Reference to craftsmen/builders/architects associated with the property
- Early views, photographs, etc., showing appearance at different periods
- Physical investigation (e.g. analysis of paint layers relative to construction events) may be necessary to clarify which construction events are historic

#### **Architectural Evaluation**

- Assessment of all exterior and interior features and finishes
- Identification of those architectural features, materials and finishes that are character defining and therefore significant, and which must be preserved in the course of project work
- Prioritization of these features (premiere, important, contributing, non-contributing)
- Room-by-room evaluation, including identification of materials, construction techniques, features (lighting, paneling, wainscoting, radiators, glazing, cabinetwork, fireplaces) and finishes

- Prioritization of architectural significance of spaces (premiere, important, contributing, non-contributing).
- Description and evaluation of building mechanical systems (heating, lighting, plumbing, electrical, etc.)

### **Existing Conditions**

- Analyze existing conditions, damage, structural problems, materials deterioration, etc.
- Prioritize repair/stabilization work
- Assess the need for materials conservation

### **Maintenance Requirements**

- Outline the need for a plan and program for general and periodic maintenance, recognizing that deferred maintenance is not an option for historic resources

### **Archeology**

- Depending on the nature of the property, its site and setting, and on potential funding sources, it may be desirable or necessary to include this section to address any archeological concerns associated with any proposed stabilization plans or project work

### **Proposed Work**

- Recommendations for any proposed work based on existing conditions and preservation objectives (this might include a list of work priorities, phasing, and estimated costs)
- Categories of work: Architectural, Structural, Mechanical, Electrical, Archeological, Conservation, etc.

### **Drawings and Photographs**

- Copies of original drawings and specifications, along with similar documentation of subsequent alterations are of great importance. Drawings of the existing facility are also important.
- Historic and current photographs are of critical importance. A good, clear set of current photographs for both the exterior and interior, including overviews and details. As complete a package as possible of this type of documentation should be provided.

### **Bibliography** (as needed)

### **References** (as needed)

### **Appendices** (as needed)

(California State Parks Office of Historic Preservation -HSR format-2-03)

## **2019 Annual Town Meeting Community Preservation Act Project Summaries**

**A. Regional Housing Services Program, Town of Concord**

Category: Community Housing

The Town of Concord requests 50% funding for the Town's participation in the Regional Housing Services Office, an inter-municipal organization which provides professional housing staff for the administration of the affordable housing programs in Concord and six neighboring communities.

Requested Funding: \$19,000

**Recommended Funding: \$19,000**

Amount from Other Funding Sources: \$19,000

Total Project Budget: \$38,000

**B. Junction Village Assisted Living Housing, Town of Concord**

Category: Community Housing

The Town of Concord requests the final portion of CPA funding as our local contribution for the construction of an 83-unit fully affordable assisted living facility on land owned by the Concord Housing Development Corporation at 6X Winthrop Street. The project site is located within walking distance of the West Concord Village District and Fitchburg commuter railroad line, as well as directly adjacent to the future Bruce Freeman Rail Trail.

Requested Funding: \$300,000

**Recommended Funding: \$300,000**

Amount from Other Funding Sources: \$16,071,533

Total Project Budget: \$18,071,533

Past CPA Funding: \$700,000

(\$1,000,000 over 3 years)

2017 Free Cash Allocation: \$1,000,000

**C. Expansion and Renovation of the Main Library and Heywood-Benjamin House,  
Concord Free Public Library Corporation**

Category: Historic Preservation

The Concord Free Public Library Corporation requests funding to preserve the exterior of the Heywood-Benjamin House (151 Main Street) and to ensure that the new interior spaces comply with ADA accessibility regulations as they relate to bathrooms, corridors, ramps, elevator, and adjacent handicap parking. This project is in relation to the Library's \$8.5 million building project to create new and expanded Children's Center, Teen Zone, workshop, and meeting spaces, as well as enhancing the Special Collections.

Requested Funding: \$500,000

**Recommended Funding: \$500,000**

Amount from Other Funding Sources: \$9,500,000 (Includes \$550,000 Municipal Capital Projects in Article 7)

Total Project Budget: \$10,000,000

D. **110 Walden Street Preservation Architectural Design Project, Concord Home for the Aged**

Category: Historic Preservation

The Concord Home for the Aged requests funding for the preparation of the architectural designs, specifications and supporting documents needed for permitting for the preservation work identified in the recently completed Historic Structures Report. The identified work includes structural repairs, masonry repairs, site drainage, roofing, gutters, flashing, bird control, windows and door replacement and repair, and building envelope insulation. The historic Timothy Wheeler House, built c. 1750, is a Greek Revival structure which has served as the home for this organization since its founding in 1887.

Requested Funding: \$20,800

**Recommended Funding: \$20,800**

Amount from Other Funding Sources: \$11,000

Total Project Budget: \$31,800

E. **Gerow Recreation Area Improvements, Town of Concord**

Category: Open Space and Recreation

The Town of Concord requests funding for Phase I of the Gerow Recreation Area Improvements project. The project includes the design and engineering of a new park entrance driveway and parking areas; construction of new walking paths and connecting pathways from the Bruce Freeman Rail Trail to the parking areas and amenities; development of a waters-edge dock system; and the creation of accessible paths through densely wooded areas of the park with new drainage and filtration systems for stormwater runoff.

Requested Funding: \$300,000

**Recommended Funding: \$200,000**

Amount from Other Funding Sources: TBD

Total Project Budget: Approx. \$1,500,000

Past CPA Funding: \$500,000

(towards the land acquisition)

F. **White Pond Beach Access Improvements, Town of Concord**

Category: Open Space and Recreation

The Town of Concord requests funding for accessibility improvements to the newly acquired White Pond beach area. The project includes the creation of a sloped and accessible walking pathway connecting the parking area to the waterfront, and renovation of the restroom facilities to make them fully accessible.

Requested Funding: \$250,000

**Recommended Funding: \$250,000**

Amount from Other Funding Sources: \$515,500

Total Project Budget: \$765,500

G. **Warner's Pond Dredging Project, Town of Concord – Division of Natural Resources**

Category: Open Space and Recreation

The initial CPA funded study of Warner's Pond, determined limited dredging to be the most effective way to control weeds and resulting eutrophication. The Town of Concord Natural Resources Division originally requested funding to permit the dredging and to partially fund the dredging and parking

improvements implementation. The applicant later reduced their request to \$75,000 - to fund the permitting for the dredging project.

Requested Funding: \$250,000

**Recommended Funding: \$75,000**

Amount from Other Funding Sources: \$3,000

Total Project Budget: \$253,000

H. **Emerson Land Acquisition, Town of Concord – Division of Natural Resources**

Category: Open Space

The Town of Concord Natural Resources Division requests funding to purchase a 6.4 acre parcel of land located between the Ralph Waldo Emerson House and the cart path on Walden Street across from the Hugh Cargill Community Garden. A portion of the Emerson-Thoreau Amble is located over this parcel, which also includes the Mill Brook and a farm field. The requested amount was reduced to \$90,000, after the Concord Land Conservation Trust indicated support in the amount of \$50,000; and the Town's Capital Plan added \$60,000 for acquisition of this land.

Requested Funding: \$200,000

**Recommended Funding: \$90,000**

Amount from Other Funding Sources: \$110,000 (Including \$60,000 Municipal Capital Projects in Article 7)

Total Project Budget: \$200,000

I. **Heywood Meadow Stone Wall Extension, Town of Concord – Division of Natural Resources**

Category: Open Space

The Town of Concord Natural Resources Division requests funding to replace the bollards at the intersection of Heywood Street and Lexington Road with approximately 70 feet of fieldstone wall. This will provide an important visual connection between the two sides of the meadow at this well-travelled intersection.

Requested Funding: \$21,619

**Recommended Funding: \$21,619**

Amount from Other Funding Sources: \$5,300

Total Project Budget: \$26,919

J. **Old Calf Pasture Habitat Restoration, Town of Concord – Division of Natural Resources**

Category: Open Space

The Town of Concord Natural Resources Division requests funding for the continued removal of the invasive species glossy buckthorn, in an effort to protect the largest population of the state listed Britton's violet at the Old Calf Pasture. The requested amount was reduced to \$5,000 after receiving an Environmental Legacy gift related to the filming of 'Little Women.'

Requested Funding: \$15,000

**Recommended Funding: \$5,000**

Other Funding Sources: \$12,000

Total Project Cost: \$17,000

Past CPA Funding: \$61,000

(funded treatment from 2013 – 2018)

K. **Emerson Field Improvements, Town of Concord Public Works Department**

Category: Recreation

The Town of Concord requests funding to complete much needed infrastructure improvements at Emerson Field. The proposed improvements include irrigation system upgrades, on-site water supply well redevelopment or replacement, infield and outfield renovations of the two baseball fields and one softball field, and sustainability and operational improvements to the spray fountain. In addition, the project scope will include pathway installation and ADA upgrades, replacement of fencing, backstops, and player bench areas, and potential improvements to the seasonal winter ice skating rink.

Requested Funding: \$510,000

Past CPA Funding: \$200,000

**Recommended Funding: \$300,000**

Other Funding Sources: \$510,000

Total Project Cost: Approx. \$1,020,000

L. **Staff and Technical Support, Town of Concord**

Category: Administration

The Town of Concord requests funds to support the CPA in Concord by providing staff support from the Dept. of Planning and Land Management; legal, technical, and consulting assistance for the Town's CPA funded projects; and supplies and associated administrative requirements including legal ads, copying, etc.

**Recommended Funding: \$30,000**

**Conditions and Contingencies placed on CPA Funded Projects as  
Voted on at the 2018 Annual Town Meeting**

**4-18 Regional Housing Services Program – Town of Concord**

1. The CPA funds shall be used to fund half of Concord’s membership fee in the Regional Housing Services Program (approximately \$19,000) as substantially in accordance with the Intermunicipal Agreement dated July 1, 2015
2. The remaining funds left in the account after the membership is paid shall be used to fund other “a la carte” services of the Program’s Housing Staff including assistance with the sale or resale of affordable housing units and other similar services.
3. The CPC may request copies of any periodic reports issued to the Town on this program.

**5-18 Junction Village Assisted Living – Town of Concord**

1. The CPA funds shall be used for the construction of the affordable units in the Junction Village Assisted Living Development of which 17 units will be available at or below 30% AMI, and 26 units will be available at or below 60% AMI.
2. The units will be deed restricted to ensure their permanent affordability as “Community Housing” as defined in the Massachusetts Community Preservation Act.

**12-18 Expansion and Renovation of the Main Library and the Heywood-Benjamin House – Concord Free Public Library**

1. The CPA funds shall be used to preserve the exterior of the Heywood-Benjamin House and to ensure that the new interior spaces comply with ADA accessibility regulations.
2. The applicant shall complete historic documentation of the exterior of the house; a survey of the interior of the house (including photo documentation) to assess any remaining historic fabric that may be lost during renovations; and develop a preservation philosophy that will guide the exterior preservation of the building. A copy of this shall be submitted to the Concord Historical Commission and to the CPC.
3. The applicant shall submit to the CPC a full set of plans or specifications for the proposed restoration work to be completed with CPA funds. All plans and materials may be submitted in digital form when possible.
4. The Grantee shall submit a copy of the signed contract or contracts for the work to be completed with CPA funds to the CPC prior to the start of any work.
5. Any project work on the exterior of the building that results in the change in design, material, color or the outward appearance thereof, shall be reviewed and approved by

the Historic Districts Commission. A copy of the Certificate of Appropriateness should be submitted for the CPC's files.

6. All work shall be completed in accordance with the Secretary of the Interior's Standards for Rehabilitation and that the work disturb as little of the historic fabric of the structure as possible. A copy of the Standards is attached.
7. To the degree applicable, a permanent sign acknowledging the Concord Community Preservation Fund support for the project shall be installed following completion of the project.

**13-18 110 Walden Street Preservation Project – Concord Home for the Aged**

1. The CPA funds be used to develop the architectural designs, specifications, and supporting documents needed for permitting for the preservation work identified in the Historic Structures Report.
2. That a copy of the completed documents be submitted to the CPC for its files.

**2-18 Gerow Recreation Area Improvements – Town of Concord**

1. The CPA funds shall be used to complete capital improvements to the Gerow Recreation Area; including the construction of the new park entrance and parking areas which will be off the entrance-way; the construction of paved connections to the BFRT and the large bike-entrance focal point; the construction of new walking and connection pathways to the open space and blazed trails in the woodland, and the construction of the waters-edge erosion control system and shoreline dock.
2. The applicant shall submit to the CPC a full set of plans or specifications for the project. All plans and materials may be submitted in digital form when possible.
3. The Grantee shall submit a copy of the signed contract or contracts for the work to be completed with CPA funds to the CPC prior to the start of any work.
4. To the degree applicable, a permanent sign acknowledging the Concord Community Preservation Fund support for the project shall be installed following completion of the project.

**1-18 White Pond Beach Access Improvements – Town of Concord**

1. The CPA funds shall be used for accessibility improvements to the White Pond beach area; including the construction of a sloped and accessible walking pathway connecting the parking area to the waterfront, and renovation of the restroom facilities to make them fully accessible.
2. The applicant shall submit to the CPC a full set of plans or specifications for the proposed restoration work to be completed with CPA funds. All plans and materials may be submitted in digital form when possible.
3. The Grantee shall submit a copy of the signed contract or contracts for the work to be completed with CPA funds to the CPC prior to the start of any work.

4. To the degree applicable, a permanent sign acknowledging the Concord Community Preservation Fund support for the project shall be installed following completion of the project.

**8-18 Warner's Pond Dredging Project – Town of Concord**

1. The CPA funding shall be used for the permitting necessary for the dredging of Warner's Pond.
2. The applicant shall submit to the CPC a copy of the documents and any other reports or findings produced as part of this project. All materials may be submitted in digital form when possible.

**9-18 Emerson Land Acquisition – Town of Concord**

1. The CPA funding shall go towards the purchase of the property for the purposes of Open Space and passive recreation.
2. The title to the property shall be in the name of the Town of Concord.
3. Any permanent signs placed on the property shall include an acknowledgment of the CPA funds used to purchase the site.

**10-18 Heywood Meadow Stone Wall Extension – Town of Concord**

1. The CPA funds shall be used to replace the bollards at the intersection of Heywood Street and Lexington Road with approximately seventy feet of fieldstone wall.
2. The applicant shall submit to the CPC a full set of plans or specifications for the proposed restoration work to be completed with CPA funds. All plans and materials may be submitted in digital form when possible.
3. The Grantee shall submit a copy of the signed contract or contracts for the work to be completed with CPA funds to the CPC prior to the start of any work.
4. The project shall be reviewed and approved by the Historic Districts Commission. A copy of the Certificate of Appropriateness should be submitted for the CPC's files.
5. To the degree applicable, a permanent sign acknowledging the Concord Community Preservation Fund support for the project shall be installed following completion of the project.

**11-18 Old Calf Pasture Habitat Restoration - Town of Concord**

1. That the CPA funds be used to continue habitat improvements at the Old Calf Pasture which preserve the rare Britton's violet by removing the invasive Buckthorn and other invasive plants.

2. That the removal of the invasive species work be completed by the New England Wildflower Society or approved equivalent in conjunction with the Natural Resources Commission with their approval and authorization.
3. That the applicant submits annual reports with recommendations for continued restoration in areas funded by CPA funds.

#### **14-18 Emerson Field Improvements – Town of Concord Public Works Division**

1. The Town of Concord shall use the funds for engineering design and construction-period engineering services and infrastructure improvements at Emerson Field; including irrigation system upgrades, on-site water supply well redevelopment or replacement, infield and outfield renovations of the two baseball fields and one softball field, improvements to the spray fountain, pathway installation and ADA upgrades, and replacement of fencing, backstops, and player bench areas.
2. The applicant shall make available to the CPC a full set of plans or specifications for any construction to be completed with CPA funds on request. All plans and materials may be submitted in digital form when possible.
3. The Grantee shall submit a copy of the signed contract or contracts for the work to be completed with CPA funds to the CPC prior to the start of any work.
4. To the degree applicable, a permanent sign acknowledging the Concord Community Preservation Fund support for the project shall be installed following completion of the project.

#### **General Provisions for All Projects:**

1. The applicant shall acknowledge the “Concord Community Preservation Fund ” support for this project on any websites and in all press releases, publicity materials, news and written or oral announcements.
2. To the degree applicable, a temporary sign acknowledging the Concord Community Preservation Fund support for the project shall be installed at the site while the CPA-funded project (or portion thereof) is being carried out. The temporary sign will be provided by the CPC.
3. Any significant changes to the project from what was represented in the application and during the project selection process shall be approved in advance, in writing, by the CPC.
4. Progress reports shall be submitted every six (6) months beginning in January following the award of CPC funds and during every July and January subsequent to that time until the completion of the project.
5. Upon completion of the project or the portion of the project completed with CPA funds, the applicant shall notify the CPC in writing that the work for which the CPA funds were allocated has been completed in accordance with the application (as modified with CPC approval).
6. The portion of the project for which CPA funds have been made available shall be completed within 30 months following Town Meeting approval unless the CPC grants an extension for good cause.

**2018- 2019 Project Proposals and Committee Funding Recommendations**

	<b>Project</b>	<b>Applicant</b>	<b>Request</b>	<b>Committee Recommendation</b>	<b>CPA Category</b>
<b>1</b>	Regional Housing Services Program	Town of Concord	\$19,000	\$19,000	Community Housing
<b>2</b>	Junction Village Affordable Assisted Living	Town of Concord	\$300,000	\$300,000	Community Housing
<b>3</b>	Expansion and Renovation of the Main Library and the Heywood Benjamin House	Concord Free Public Library Corporation	\$500,000	\$500,000	Historic Preservation
<b>4</b>	110 Walden Street Preservation Project	Concord Home for the Aged	\$20,800	\$20,800	Historic Preservation
<b>5</b>	Gerow Recreation Area Improvements	Town of Concord	\$300,000	\$200,000	Open Space and Recreation
<b>6</b>	White Pond Beach Access Improvements	Town of Concord	\$250,000	\$250,000	Open Space and Recreation
<b>7</b>	Warner's Pond Dredging Project	Town of Concord	\$250,000	\$75,000	Open Space and Recreation
<b>8</b>	Emerson Land Acquisition	Town of Concord	\$200,000	\$90,000	Open Space
<b>9</b>	Heywood Meadow Stone Wall Extension	Town of Concord	\$21,619	\$21,619	Open Space
<b>10</b>	Old Calf Pasture Habitat Restoration	Town of Concord	\$15,000	\$5,000	Open Space
<b>11</b>	Emerson Field Improvements	Town of Concord	\$510,000	\$300,000	Recreation
<b>12</b>	Staff and Technical Support	Town of Concord	\$30,000	\$30,000	Administration
<b>Totals</b>			<b>\$2,546,419</b>	<b>\$1,811,419</b>	

The 2019 Annual Town Meeting adopted all of the Committee's recommendations.

Appendix XII

Community Preservation Fund Report FY2018  
Town of Concord

MASSACHUSETTS DEPARTMENT OF REVENUE  
DIVISION OF LOCAL SERVICES

Concord  
TOWN

CP1

Community Preservation Surcharge Report - Fiscal Year 2018

Return by September 15 to:  
Municipal Data Management/Technical Assistance Bureau  
Division of Local Services  
P.O. Box 9569  
Boston MA 02114-9569

Surcharge %	1.50%
Total Surcharge Committed to Collector for FY	1,182,392.96
Current Yr Surcharge Abatements/Exemptions	4,877.83
Prior Yr Surcharge Abatements/Exemptions	211.15
Net Surcharge Raised for FY	1,177,303.98
Additional Revenue Appropriated to CPF (Ch. 44, Sec. 3b1/2)	0.00
<b>Total Net Surcharged Raised and Other Appropriated Revenue</b>	<b>1,177,303.98</b>

Signatures

Board of Assessors

Completed by:

R. Lane Partridge, Town Assessor, Concord, lpartridge@concordma.gov 978-318-3070 | 9/10/2018 2:19 PM

Accounting Officer

Mary Barrett, Town Accountant, Concord, maryb@concordma.gov 978-318-3060 | 9/10/2018 12:45 PM

MASSACHUSETTS DEPARTMENT OF REVENUE  
DIVISION OF LOCAL SERVICES

Concord  
TOWN

CP2

Community Preservation Fund Report - Fiscal Year 2018

Surcharge % 1.50

1. Total fund balance from prior year (PY) report (Form CP-2) 1,942,080.05

NEW REVENUES/OFS

2. Proceeds from bonds and OFS	0.00	
3. Collections from community preservation surcharge	1,179,113.48	
4. Distributions from State trust fund	193,105.00	
5. Earnings on investments	34,248.03	
6. Gifts, Grants, Donations	0.00	
7. Other, i.e. Interest, OFS appropriated to the fund-CH44B 3-b1/2 : CPA TAX TITLE CPA TAX TITLE INTEREST	3,369.60	
<b>Total New Revenue/OFS</b>	<b>1,409,836.11</b>	

EXPENDITURES/OFU

8. Expenditures:		
a. Open Space	172,019.50	
b. Historic Resources	263,537.10	
c. Community Housing	121,423.61	
d. Other (Community Recreation)	236,223.88	793,204.09
9. Expenditures for Debt Service:		
a. Open Space	0.00	
b. Historic Resources	0.00	
c. Community Housing	0.00	
d. Other (Community Recreation)	0.00	0.00
10. Administrative Expenses	25,845.28	
11. Other	0.00	
<b>Total Expenditures/OFU</b>	<b>819,049.37</b>	
<b>Total Fund Balance June 30, 2018 (Detail Following)</b>	<b>2,532,866.79</b>	

# Community Preservation Fund Report FY2018 Town of Concord

MASSACHUSETTS DEPARTMENT OF REVENUE  
DIVISION OF LOCAL SERVICES

Concord  
TOWN

## CP2

### Community Preservation Fund Report - Fiscal Year 2018

CITY/TOWN of Concord  
Detail of Community Preservation Fund Total Fund Equity  
Fiscal year ended June 30, 2018

1. Fund Balance Reserved for Encumbrances (3211)	457,594.37
2. Fund Balance Reserved for Expenditures (3240)	10,000.00
3. Fund Balance Reserved for Open Space (3241)	298,561.72
4. Fund Balance Reserved for Historic Resources (3242)	440,274.42
5. Fund Balance Reserved for Community Housing (3243)	792,471.01
6. Fund Balance Reserved for Special Purposes (3280)	180,826.00
7. Fund Balance Reserved for Community Preservation Act (3320)/Undesignated (3590)	353,139.27
8. Total Community Preservation Fund Balance June 30, 2018	<u>2,532,866.79</u>
<small>(Total must equal total fund balance page 1)</small>	
Has the community met the requirement to either appropriate or reserve for future appropriation at least 10% of the estimated annual fund revenue for open space, historic resources and community housing?	Y
<small>If no, explain how the town plans to meet the requirement?</small>	

Signatures
Accountant/Auditor Completed by: <b>Mary Barrett, Town Accountant , Concord , maryb@concordma.gov 978-318-3060   10/24/2018 10:12 AM</b>

Comments
No comments to display.

## **Community Preservation Committee Working Year**

### **June**

- First Time Applicant Information Session
- Orient new CPC members
- Elect CPC officers
- Renew and update Town CPA Plan
- Establish annual meeting schedule including next year's public hearings in conjunction with Select Board, Finance Committee and Town Manager
- Staff presents quarterly project status report on all CPA projects
- Committee hold public informational meeting for Applicants who have never applied to for CPA funds

### **July**

- Distribute Town CPA Plan for public review and comment including an article/notice in the Concord Journal
- Send out letter to inactive projects requesting further status information (based on quarterly reports)
- Complete CP-3 Report for Department of Revenue (CPC Staff and Finance Dept.)

### **August**

- Press release on September public informational/application workshop
- Press release on application process and deadlines
- Press release and calendar section item on information/application workshop

### **September**

- Conduct joint public informational meeting on upcoming CPA funding cycle and public hearing on draft CPA Plan
- Complete review of public comments on updated CPA Plan and vote to endorse final Plan (Public Hearing Required every five years – Can do in Sept or earlier)
- Review Finance Director's Report for Current Status of Concord's Community Preservation Fund Account
- Staff presents quarterly project status report on all CPA projects
- Application deadline for CPA applications

### **October**

- Prepare press release on applications received
- Prepare schedule for meetings with applicants
- Schedule and hold Site Visits on Saturday/Sunday
- Conduct interviews with applicants
- Confirm receipt by the Town of the state CPA fund match (Staff)

### **November**

- Prepare press release for public hearing on applications
- Conduct public hearing on applications
- Review Finance Director's Report on the current status of Concord's Community Preservation Fund Account

## **December**

- Develop recommendations for Annual Town Meeting for CPA applications; Town Counsel review as needed
- Prepare press release on CPC recommendations for funding
- Update Select Board regarding CPC funding recommendations
- Draft Town Meeting warrant article(s) for CPC recommendations
- Participate in annual Coordination Meeting
- Prepare CPC report for Town Annual Report
- Prepare draft conditions for CPC recommended appropriations
- Staff presents quarterly project status report on all CPA projects

## **January**

- Town Meeting warrant closes (first week)
- Finalize warrant article text as needed and provide summary (Staff and Chair)
- Provide applicants with draft conditions for CPC recommended appropriations
- Prepare draft MOU and Grant Agreement documents for review by applicants and Town Counsel (Staff)

## **February**

- Prepare presentation and handouts for Finance Committee public hearing and Annual Town Meeting
- Prepare press release on public hearing
- Update Town Moderator (Chair)
- Update Finance Committee
- Letter to editor or article for Journal
- Present CPC recommendations for Annual Town Meeting at Finance Committee public hearing (Chair)

## **March**

- Update Town Moderator (Chair does this)
- Staff and Chair present quarterly project status report on all CPA projects
- Send letters to nominating committees for any new members or those needing reappointment
- Prepare presentations and handouts for Town Meeting
- Finalize conditions for CPC recommended appropriations

## **April**

- Update Town Moderator (Chair)
- Prepare and distribute news article
- Present CPC Recommendations at Annual Town Meeting (Chair)
- Review Finance Director's Report for Current Status of Concord's Community Preservation Fund Account
- Contact Boards and Committees to verify new CPC appointments (template attached)

## **May**

- Present at Annual Town Meeting (if not in April)

- Prepare and distribute Grant Agreements and MOUs to successful applicants, including terms and conditions
- Select Board and Town Committees appoint new CPC members by May 30

**Ongoing:**

- Update Town website
- Write and post all Meeting minutes and agendas
- Prepare & distribute informational articles/letters to Concord Journal
- 5-year review of Concord CPA (last done 2015)

Prepared by Gary Clayton, January 2007

Updated June 2008, January 2010, July 2015, June 2017, July 2019