



## **TOWN OF CONCORD**

### **2007 COMMUNITY PRESERVATION PLAN**

**Concord Community Preservation Committee**

*September 25, 2006*

**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 2007 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 CPC Committees in making recommendations to Town Meeting for project funding. The Committee fully recognizes that this document may be modified by future CPA Committees in response to changing goals and experience with the CPA over time.

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

Collections		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

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 CPA Committees for their help in the development of this plan.

For additional information on the CPA statute and how it is being applied in towns across the Commonwealth, visit the Community Preservation Coalition website at [www.communitypreservation.org](http://www.communitypreservation.org). For information on Concord’s Community Preservation activity, visit the Town’s website at [www.concordnet.org](http://www.concordnet.org).

## 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 real estate 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 of more than \$30 million annually. In addition to Concord, over 100 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 are 60 years of age or older).
2. The first \$100,000 of taxable value of residential real property.

For FY 2007, the combined local CPA fund and state match are projected to be in excess of \$2M for Concord. The funds will be available as of October 15, 2007.

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

Pursuant to the CPA, the Community Preservation Committee bylaw adopted at 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 designate a member from their boards, and four at-large members are appointed by the Board of Selectmen. The CPC is comprised of Concord residents Gary Clayton, George Dallas, Joanne Gibson and Evin Phillips as at-large members, with Connie Levine from the Concord Housing Authority, Debbie Bier from the Concord Historical Commission, Alexander Easterday from the Natural Resources Commission, Michele O'Brien from the Recreation Commission, and Dorcas Miller from the Planning Board. The CPC elected Gary Clayton to chair the CPC, with Joanne Gibson as vice chair, Evin Phillips as treasurer, and Debbie Bier as clerk.

The CPA requires the CPC to study Concord's "needs, possibilities and resources" for community preservation. In conducting the study, the CPC must consult with Town boards including the Natural Resources Commission, Historical Commission, Planning Board, Recreation Commission and Housing Authority, and other boards, groups, or individuals that advance one or more of the three community preservation objectives.

In conducting the study for this Plan, the CPC was fortunate to have available the updated *Open Space and Recreation Plan*, the *Comprehensive Long Range Plan*, the *Playing Fields Study*, the *Planned Production Plan for Housing*, 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.

This Plan also outlines the process by which the CPC will solicit, review, and recommend proposals for CPA funding, including the application package. It will be updated every year to reflect changes in goals or emphasis.

All citizens are welcome to attend the CPC's meetings. The times and locations of these meetings are posted at 141 Keyes Road, at the Town House, and on the Town website, [www.concordnet.org](http://www.concordnet.org), under Planning & Land Management, CPC. Written 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.

### **CPA Funding Requirements**

The CPA mandates that each fiscal year Concord must spend, or set aside for later spending, at least 10% of the annual revenues in the Town of Concord Community Preservation Fund for each of the three CPA interests: community housing, historic resources, and open space. Beyond these required allocations, Concord Town Meeting decides, based on 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, are made by a simple majority vote. Borrowing monies for CPA purposes requires a two-thirds majority 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 category. Town Meeting may not, however, increase any recommended appropriation or reservation. In addition, Town Meeting may not appropriate or reserve any fund monies on its own initiative without a prior recommendation by the CPC.

## HOW CPA FUNDS CAN BE USED

The 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 structures and landscapes and the creation and preservation of community housing.” In addition, a portion 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 creation, preservation and support of community housing.** The CPA defines community housing as “low and moderate income housing for individuals, families, and seniors.” 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. The community preservation committee shall recommend, wherever possible, the reuse of existing buildings or construction of new buildings on previously developed sites

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

**The acquisition, creation, and preservation 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, gymnasium or similar structure.”

## **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 completed a three year comprehensive planning effort in April 2005. The CPC has determined that 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. In addition to such studies, the Town Manager's capital budget has also been reviewed.

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.

For 2007, the CPC will strive to reserve a substantial fraction (up to two-thirds) of available CPA funds for the purpose of providing the Town the ability to acquire land for one, and preferably more, CPA purposes. We will expect that such funds at the time of their appropriation by the 2007 or future Town Meetings will be matched in part by other private and public funds.

## COMMUNITY HOUSING

### NEEDS AND RESOURCES ASSESSMENT

Concord continues to be a desirable residential community because of its natural beauty, good schools, rich history and traditions, and proximity to highways and public transportation. Available open land is scarce, which causes the price of land to rise. High land prices contribute to ever-increasing housing costs, which make the Town unaffordable to some who currently reside in the community and 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 preservation of open space. At the same time, through zoning amendments made at Town Meeting, Concord has become a town zoned almost exclusively for single-family residences.

The basis for the Housing Needs Assessment relies on 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.

- **Comprehensive Long Range Plan - April 2005.**
- **Planned Production Housing Plan – June 2004/August 2005**
- **Community Development Plan 2004 – EO 418 June 2004**

#### **Housing Conditions and Trends**

As of 2000, there were 6,153 housing units in Concord. Concord's owner-occupied housing units increased during the decade, but the total number of rental units decreased. The data indicates that Concord's housing stock continues to grow at a faster rate than the population and parallels a national trend of decreasing household size. The number of homeowner occupied units is rising at a more rapid pace than rental units, which will influence the affordability of housing as a whole. Since 2000, rental units have increased with the addition of 80 units at Warner Woods and 42 units at Fairhaven Gardens. None-the-less, the variety of housing options available to meet the needs of a diverse population is diminishing.

The rate of housing development (without deducting for teardowns) has been 460 units over the 10-year period of 1990 - 2000 but the composition of the new construction has changed. The rate of teardowns of existing housing with replacement of larger homes has increased from <3% in 1992 to 70% of permits issued for single-family homes in 2003.

The predominance of increasingly large market rate single family houses threatens the town's social and economic diversity. Average assessment of single family homes went from \$252,000 in 1987 to \$753,000 in 2003 which is an increase of approximately 12% per year. The diversity of Concord's residents may be reduced as current owners (who have become "land-rich") sell out and leave the town, only to be replaced by new owners who have very high incomes.

**Housing Affordability**

While there is a trend toward construction of larger and more expensive single family houses in traditional subdivisions at a distance from town centers, there is a recognized need for other types of housing:

- Affordable housing for moderate and low income renters or buyers
- Smaller houses, condominiums and apartments for elderly residents, "empty nesters," 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

Under the CPA regulations, "community housing" is defined to include housing for persons or families earning up to 100% of the local area wide median income as established by the United States Department of Housing and Urban Development (HUD). Under affordability guidelines, monthly housing cost (including mortgage payment, insurance, and taxes) or for rentals (rent plus utilities) can not 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
<b>100% Median - CPA</b>	58,900	67,300	75,700	84,100	90,800	97,600
<b>80% Median - 40B</b>	46,300	52,950	59,550	66,150	71,450	76,750

*Based on Boston MSA HUD effective March 8, 2006*

The Town currently has 300 units in its affordable housing inventory as counted by the state under Chapter 40B (as of April 2004). There have been an additional 123 units added in just the past two years, which is a 2% gain towards the 10% affordable housing inventory goal, putting the Town at 4.9%. Based on the 2000 census there are 6,153 housing units in Concord, therefore, the Town needs to produce 315 more units of affordable housing to reach its 10% goal. The total number of housing units in Concord increases as new units, affordable or market-rate, are added to the housing stock.

The breakdown of the existing affordable units is as follows:

- 168 Family rental - 46 public housing, 122 privately owned units
- 88 Elderly rental – all public housing units
- 26 Special needs rental – 8 public housing, 18 Minuteman ARC
- 18 Homeownership – all privately developed

## **HOUSING OPPORTUNITIES**

### **1. Village Centers**

There is an opportunity for mixed-use development of commercial and residential uses in the three Village Centers – Concord Center, the Depot/Thoreau Area, and West Concord Center. Allowing 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. The West Concord area has some industrial zoned land along Beharrell Street and in the Bradford Street area that may be redeveloped in the next few years. These properties are ideal for developments that meet smart growth principles because they are in close proximity to a commercial center services and commuter rail/mass transit.

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

Surplus state land can offer many opportunities for meeting housing and other town-wide goals for open space. Of particular concern is the possibility that the land used by the Northeast Correctional Center will be declared surplus. A fourth Village Center may be considered for the Prison Farm land as a mixed-use development with a housing component that includes affordable units that would help in achieving the Town's 10% mandate, along with other commercial uses that would increase the Town's economic base.

An approximately two-acre parcel on Sandy Pond Road is another state owned property that could be suitable for housing. The site is in a residential neighborhood with access from Route 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 developed or unclassified vacant land. These properties become available intermittently. The Town should keep track of which parcels might become available over the next few years, determine which of these would be suitable for housing or a mix of housing and open space and where appropriate, begin preliminary discussions with the property owners in a pro-active way.

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

Pursue the development feasibility of Town-owned sites identified by the Affordable Housing Committee as listed in the Housing Plan.

### **5. Elderly Purchase Program**

Support projects that provide housing for the elderly or create options to purchase homes from the elderly for future affordable housing.

### **6. Affordable Housing Trust Fund**

Establish an Affordable Housing Trust Fund as authorized by state law MGL c.44, section 55c for the creation and preservation of affordable housing and implementation of the housing purchase program. CPC funds may be appropriated to the affordable housing trust fund to be distributed for community housing purposes and to supplement other funds for identified programs and projects.

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

**GOAL H-1:** Increase the variety of housing types to meet the needs of Concord's diverse population.

**GOAL H-2:** Accommodate the evolving needs of individuals, families, the elderly and municipal employees to enable them to move into or remain in Concord.

**GOAL H-3:** Provide affordable housing that is in keeping with the character of Concord and meets the state goal of 10% affordable housing in the town.

**GOAL H-4:** Retain the classic New England character of Concord which optimizes Smart Growth principles and fosters strong neighborhood identities.

## **CRITERIA FOR COMMUNITY HOUSING PROJECTS**

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

1. Address objectives in the *Comprehensive Long Range Plan* or the *Planned Production Plan*.
2. Contribute to the Town goal of 10% affordability consistent with Chapter 40B.
3. Ensure long term affordability through deed restrictions or other mechanisms.
4. Create new affordable housing opportunity through new construction, reuse of non-residential buildings, use of town or state-owned land, or conversion of market rate housing to affordable units with respect to community housing, the Community Preservation Committee recommends, whenever possible, the reuse of existing buildings or 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 affordable housing such as the Concord Housing Trust, Concord Housing Foundation, Concord Housing Authority or the Affordable Housing Committee.
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 historical assets of Concord range from the world famous sites such as the Old North Bridge to the stone walls which once bounded Concord's farm fields. Our town character and sense of history is intrinsic in these historical assets and we need when possible to preserve them. Community Preservation Act funding can play a critical role in supporting projects to preserve Concord's historic assets.

Concord has a careful record of its built assets that can be found in the following documents which should be referred to when planning an historic CPA project. These reports were also the basis for the needs assessment and provide further historic documentation and in particular describe the importance of our cultural landscapes and the settings of historic buildings.

- **Survey of Historical and Architectural Resources**
- **Historic Resources Master Plan**
- **The Comprehensive Long Range Plan – April 2005**
- **Open Space and Recreation Plan of 2004**

**Citizen Historians and Historic Protective Mechanisms:** Concord's history is in people and the homes in which they lived, the barns in which they kept their livestock, the workshops in which they plied their trades and the public facilities for schools, parks, libraries, culture, government and -- at last -- burial. We are all historians. Thus, scholars at all levels need to know about Concord's history. Our archives and library special collections preserve our records. We should continue to use the mechanisms of the National Register and national and local historic districts to celebrate and protect our historic resources. We should constantly improve our regulatory mechanisms for historical protection. Today's homeowners will wish to understand the origin and evolution of the houses in which they live and to come to know about the people who preceded them as owners and occupants. Citizens need to understand their governmental traditions.

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

Concord's scenic and cultural landscapes are the most ephemeral yet defining of the Town's historic resources. Some, like the farmlands, are easily identified and clearly evoke Concord's farming heritage. The protection of these agricultural lands is important for several reasons, including their economic and environmental significance.

**Historic Cemeteries:** In addition to historic landscapes, there are many cultural icons that are important to the town heritage. The cemeteries of Concord are a visual and cultural reminder of Concord's 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 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 a public purpose can be demonstrated. Others -- such as the Town House, the Harrington House, the Thoreau Birth House, the Cemetery Deed House, West Concord Fire Station, 141 Keyes Rd., 51 Walden Street, The Harvey Wheeler Community Center, the Hunt Gym, and the Emerson Umbrella are Town-owned. Whether public or private, it is important to the Town that our historical assets be preserved. The Town House, as the central governmental facility and with its unusual historical significance, deserves special attention.

The Town has often come to the rescue or exercised stewardship over historic buildings. Recent examples are the Town government's leadership in acquisition of the Thoreau birthplace, the rehabilitation of 141 Keyes Road, the Harvey Wheeler Community Center and the Hunt Gym.

There are many historic houses and structures such as barns, water towers, root cellars, carriage houses, and wells that warrant preservation as they contribute to story of Concord's development through the centuries.

Traditionally, cultural and religious institutions and events play 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.

Our public library is without equal and is privately owned in a unique arrangement with the Town. The library receives Town funding for staffing, book acquisitions, and utility costs, but depends largely on private donations and grants for capital improvements and facility maintenance. The recent restoration was done almost entirely with private funding. Concord is home to eight religious institutions that own their own facilities for worship space and a number of other religious communities that gather in other buildings for services. Many of these facilities were built in the latter part of the 19<sup>th</sup> century or early 20<sup>th</sup> century, and are of particular historic and architectural significance.

## **HISTORIC OPPORTUNITIES**

1. Protection and restoration of high priority selected historic sites as identified in Town documents.
2. Protection of agricultural lands, particularly those that are visible or contiguous to other farm land or contribute to the setting of an historic building or area.
3. Restoration of cemeteries, gravestones, memorials, statues, paths, stone walls, fences and gates.
4. Provision of additional public display spaces to increase awareness of Concord's heritage, including Native American and Colonial artifacts.
5. Proposals which seek to document and prepare applications to support local and national historic districts in historically significant areas, which are currently insufficiently protected.
6. Support of placement of significant Town owned buildings on the National Register, including the Town House and 51 Walden.
7. Support of enlargement of the Walden Pond National Historic Landmark designation area.
8. Proposals which support consultation, research and methods to provide further protection to private properties not in the historic districts, such as creating a template for Concord historic preservation restrictions.

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

- GOAL CH-1:** Protect and maintain Concord's existing historic and cultural resources, including Native American archaeological sites and artifacts.
- GOAL CH-2:** Protect and maintain historic and cultural scenic vistas, including farm land, scenic roadways, stone walls, road widths, sidewalks, major trees, and village centers.
- GOAL CH-3:** Increase the level of citizen knowledge and responsibility for the Town's unique history and historic and cultural resources.
- GOAL CH-4:** Protect historic and cultural resources through regulatory mechanisms and historic designation.

#### **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 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, The Comprehensive Long Range Plan, and The Open Space and Recreation Plan of 2004*.
2. Increase the level of citizen knowledge about Concord's historic and cultural resources and those that lay the basis for improved historic protection mechanisms.
3. Supplement project funding for historic buildings which 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, demolition delay bylaw list protection or that are within the historic districts.
5. Help ensure that a threatened historic resource is saved.
6. Preserve the settings for 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 X).

## OPEN SPACE

### NEEDS AND RESOURCES ASSESSMENT

Concord is fortunate to have a significant amount of preserved open space within its borders. According to the *Open Space and Recreation Plan of 2004*, 35% (5,803 acres) of Concord's land is protected open space, 38% (6,277 acres) is developed, and 27% (4,470 acres) is "uncommitted." Over the past 20 years, 932 acres of previously undeveloped land have been developed for residential purposes, increasing the total town acreage developed for residential purposes by 17%.

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

- **Comprehensive Long Range Plan – April 2005**
- **Open Space and Recreation Plan of 2004**
- **Rare Wildlife Habitat and Vernal Pools in Concord**

The *Open Space and Recreation Plan of 2004* has identified seven large swaths of natural vegetation that dominate the open landscape, as well as six large agricultural areas. 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***—Fairlyland 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

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. ***Old Bedford Road and Bedford Street***
6. ***Reformatory Farms/Barrett's Mill Road***

In addition to the above 13 areas, of paramount importance to the town are the lands along the three rivers--Sudbury, Assabet and Concord, and the brooks--Spencer, Second Division, Elm, Jennie Dugan and Nashoba. These watercourses assume importance as major wildlife and water protection corridors as well as their more visible aesthetic and recreational value.

Concord has some 944 acres of rivers and ponds, and 4,252 acres of wetlands within its borders. Farmlands have dwindled to approximately 1,350 acres. Other open areas include the four burial grounds and cemeteries, country clubs and sports clubs and private school campuses. Furthermore, the *Open Space and Recreation Plan 2004* has identified a number of special sites that are ecological habitats, important geological features, important historical or recreational sites with open space value, important water resources, important scenic resources and also resources that are associated with institutional, educational or public works uses.

Approximately 993.56 acres of forest and recreational land receive preferential tax treatment under Ch. 61 but have no permanent conservation restriction. Approximately 1,320 additional undeveloped acres remain in private hands and are subject to development. Each of the 1959, 1972-73, and 1987 Long Range Plans, and 1985, 1992 and 2004 Open Space Plans has 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.

With this in mind, the Town, through the Open Space Plan, has prepared a list of "Properties of Conservation Interest". This list of 77 properties is a mix of public (town, state and federal) and private (non-profit, corporate, or individual) land. Some of these parcels are protected with conservation restrictions or other measures. However, many are not protected. It is this set of unprotected lands of conservation interest that provides the best opportunity for acquisition using CPA funds.

### **OPEN SPACE OPPORTUNITIES**

Based on recommendations from the Open Space Plan (Section 5) and the 2005 Comprehensive Long Range Plan, the following opportunities for open space acquisition or rehabilitation fit the criteria of the CPA:

1. Support efforts to preserve large and small tracts that are contiguous to large open vegetative or agricultural areas identified on the list of "Lands of Conservation Interest" in the 2004 Open Space Plan.
2. Town and school-owned open spaces that are deemed to be a priority for possible conservation protection, 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 Master Plan's list of scenic viewsheds.

- The Barrett's Farm Field and Willow Guzzle are potential projects in this category.
3. Support protection and restoration of Concord's various rivers, brooks, streams and ponds including
    - White Pond Reservation protections and rehabilitation
  4. NE Correctional Institution and Prison Farm - The State may 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.
  5. Consider other state and federal public lands within town borders for conservation or recreation purposes.
  6. Protect loss of private farmland under Chapter 61A that may come on the market that is contiguous to protected farmland, historic landscapes or publicly owned land. Consider opportunities on suitable sites for joint use for housing and open space
  7. Protect neighborhood passive and active recreational opportunities and small green pockets within or near each neighborhood that would address these needs
  8. Provide handicap access to all open space resources to the extent feasible.
  9. Solidify the local/regional trail network for transportation and nature-based recreation such as
    - Bruce Freeman Rail Trail linking Concord to Sudbury and Acton.
  10. Work with Regional towns and agencies to identify and protect common wildlife, water and human corridors.
    - Strengthen wildlife habitat connectivity along Sudbury River Valley and Concord River Valley.

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

**GOAL OS-1:** Protect more open land, both land that is within or contiguous to already conserved open space areas, and pockets of open space within Concord's more densely developed neighborhoods.

**GOAL OS-2:** Remove barriers or disincentives to protection of open spaces.

**GOAL OS-3:** Promote use of and access to existing open space resources.

**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 will receive preference. In particular projects that:

1. Address objectives or projects identified specifically or that fit within the goals or objectives of the *Open Space and Recreation Plan* or *Comprehensive Long Range Plan*.
2. Identify secure funding and are supported by 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 borne by user fees, but capital costs and some administrative expenses are borne 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 on information provided in the following documents which are more detailed and 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.

- **The Comprehensive Long Range Plan – April 2005**
- **Open Space and Recreation Plan 2004**
- **Playing Fields Study**

Concord is an active town where all ages are able to enjoy our town's facilities. Our 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.

Unfortunately this very popularity causes problems. The number of playing fields is inadequate to meet the demand, resulting in overuse and degradation of condition. In addition, many of our fields are not receiving adequate irrigation leading to further deterioration in dry weather. Many of the tennis and basketball courts in town are in need of major repairs as are the playgrounds. Some equipment should be replaced. The track will need maintenance.

### RECREATION OPPORTUNITIES

1. The lack of field space is a growing problem. To fulfill the needs of our sports program, the recreation department needs 3-4 multiple playing fields. The following spaces are worthy of consideration:
  - The Massachusetts Correctional Facility at the Route 2 rotary,
  - Ammendolia land and adjacent properties on Old Bedford Road.
2. One solution to this field demand would be to consider artificial turf. Synthetic playing fields last 10-12 years. These fields would guarantee play regardless of the weather conditions. This would give other fields in Concord a much needed rest.
3. The recreation department would like to provide a lighted outdoor basketball court. The industrial area on Baker Ave. in West Concord is a possible site for this type of active recreation.

4. The Bruce Freeman Trail initiative has been working to gain support for converting and connecting 25 miles of disused railroad track for a Lowell-Framingham multi-use trail. Concord should be an active player in this planning process for recreational uses. Funds are needed to clear and establish the trail.
5. A consideration to work with other groups to increase access to open space and waterways for passive recreation. These would provide sites of passive recreation such as boating or walking.

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

**GOAL R-1:** Provide active recreational programs on fields and facilities that are well maintained and remain responsive to the changing needs of the community.

**GOAL R-2:** Develop a broad range of passive recreational resources to accommodate the interests/needs of all citizens.

### **CRITERIA FOR PROJECT REVIEW**

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

1. Address objectives or projects identified in the Comprehensive Long Range Plan and the Playing Fields Study.
2. Acquire land to fulfill identified current and future recreational needs.
3. Provide accessibility for public use and primarily to serve the community.
4. Ensure universal accessibility to recreational activities.
5. 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 CPA 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, 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, with particular consideration given to those projects whose successful implementation is constrained by scheduling factors not in the control of the applicant. 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.
- 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 currently Town-owned open space, recreation, historic and/or housing assets.
- e. The extent to which the project serves multiple or underserved populations.
- f. Whether or not the project fulfills more than one purpose of the legislation: housing, historic preservation, open space or recreation.
- g. The extent the applicant has successfully implemented projects of a similar type and scale or otherwise demonstrated the ability and competency to implement such a project.
- h. Whether or not the applicant has site control or written consent by the property owner to submit an application.
- i. Whether or not there will be multiple sources of funding for the project, including leveraging of other public and/or private funding.
- j. The feasibility of the project plan and whether or not the most reasonable approach for implementing the project has been selected.

- k. The urgency of the project, the flexibility of the schedule and the impact of any delay in initiating the project.
- l. The plan for the use and maintenance of the project.
- m. The plan includes appropriate permanent deed restriction, preservation restriction, or conservation restriction.
- n. In the case of Town projects, the project does not request reimbursement to the Town for previously appropriated funds. Such reimbursement is not eligible for CPA funds.

## **CPA FUNDING 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 2007 Annual Town Meeting.

Step 1. CPC will conduct pre-proposal public informational meetings. Participation in one or more of the pre-proposal meetings is strongly encouraged to allow for the initial review of project concepts and preliminary eligibility. Pre-proposal meetings for 2006 are scheduled for July 12 at 141 Keyes Road, and September 14 at Harvey Wheeler Community Center, both at 7:30 p.m.

Step 2. Submit Completed Application by September 29, 2006 by 4 PM.

Step 3. Letters of support, if applicable, are due on November 1, 2006, 4 PM, at 141 Keyes Road. The Committee will notify individual applicants if these letters are necessary.

Step 4. Community Preservation Committee Review and Public Comment

- A. Application Review, including CPA eligibility, determination of whether project is sufficiently developed in terms of work plan and timing and is consistent with the goals set forth in this Plan, and is signed by the property owner.
- B. Meetings with applicants to review proposals and respond to questions.
- C. Notification to applicants of funding recommendation decisions. The CPC may ask for additional information.
- D. Public Forum on Proposed Projects. The CPC will seek input on proposed projects before making recommendations for 2007 Town Meeting.
- E. Committee Recommendations to Town Meeting. Final recommendations will be in the form of one or more warrant articles to be voted on at 2007 Town Meeting. The CPC may recommend a project as proposed by the applicant, or may modify the project, or it may recommend partial funding or funding for only a portion or phase of the proposed project. The CPC's recommendation to Town Meeting may include detailed project scopes, conditions, and other specifications as the CPC deems appropriate to ensure CPA compliance and project performance.

Step 5. Public hearing on warrant article prior to Town Meeting, 2007

Step 6. Town Meeting Vote

Step 7. Project Execution/Funding

## GUIDELINES FOR SUBMISSION

The following guidelines should be used for preparing an application for submission 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.
2. Requests should be for funding needed within a 5-year period from FY 2007 – FY 2011.
3. Requests must include a statement of need and be documented with appropriate supporting information, including project scope, with details describing each item and its estimated cost. The use of maps, visual aids and other supplemental information is encouraged.
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.
5. If the funding application is part of a multi-year project, the applicant should include the total project cost and allocations by fiscal year.
6. For applicants with multiple applications, it is important to prioritize projects.
7. The Application for Funding for the fiscal year beginning July 1, 2007 must be received by September 29, 2006 to be considered for recommendation at the April, 2007 Annual Town Meeting.
8. Applicants should review the CPA, the Concord CPA Bylaw and the Town of Concord Community Preservation Plan prior to submitting Applications for CPA Funding. Find these on [www.ConcordNet.org](http://www.ConcordNet.org) and at 141 Keyes Road.

Please keep in mind that there are legal limitations on the use of CPA funds. Additional information on the CPA and the Community Preservation Committee can be found on the Town's website at [www.concordnet.org](http://www.concordnet.org) under Committees. The CPC can be reached by email at [ckowalski@concordnet.org](mailto:ckowalski@concordnet.org).

Please submit the Application for Funding and accompanying documentation to:  
Community Preservation Committee  
C/o Carol Kowalski, Planning and Land Management,  
141 Keyes Road  
Concord, MA 01742

## APPLICATION REQUIREMENTS AND ATTACHMENTS

**Submit 10 copies of the application and any attachments.**  
*(The application should not exceed ten pages, and should be unbound.)*

1. CPA Cover Sheet - Completed
2. Map - Indicate the location of the project using the Town GIS map. Include additional maps as helpful including aerial, zoning, vegetation, and abutting buildings.
3. Narrative – A complete description of the project and its proposed use relative to the CPA. Describe what agency or organization will be responsible and 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.
4. CPC's Selection Criteria and Needs Assessment – Address the issues raised in CPC's General Selection Criteria and the Specific Use Criteria in the Needs Assessment. Make reference to CPC's Needs Assessment and/or Town planning documents such as the Comprehensive Long Range Plan.
5. Budget – Outline the total budget for the project and how CPA funds will be spent. Distinguish between hard and soft costs. Break the project down by year of expenditure. Describe all funding sources. Describe how much of the proposed CPA funding should be ascribed to each of the four CPA purposes.
6. 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 for implementation.
7. Timeline – Describe the major milestones and when the project will be completed. Include an estimate of when the CPA funds requested will be needed.
8. Architectural plans, site plans, photographs, if appropriate.
9. Letters of Support from the applicable Town committees, and from any other appropriate organizations, as applicable. The Committee will notify individual applicants if these letters are necessary and when they will be due.
10. Keep the application unbound – no application or support materials in any form of binding or in 3-ring binders will be accepted. All material must be photocopier-ready.

**Note: If the CPC decides to support the project, additional documentation will 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  
Application for CPA Funding – Due September 29, 2006  
(Application Cover Page)**

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

Submission Date: \_\_\_\_\_

Address, Phone Number, and Email:  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

Purpose: (Select all that apply)  
 Open Space  
 Community Housing  
 Historic Preservation  
 Recreation

Town Committee (if applicable): \_\_\_\_\_

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

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

Amount Requested: \$ \_\_\_\_\_

Project Summary:

**Project Budget:**

Fiscal Year ending June 30	Total Cost	CPA Funds Requested	Other Funding Sources
2007			
2008			
2009			
2010			
2011			
Total			

For Community Preservation Committee Use:

Received on: \_\_\_\_\_

Reviewed on: \_\_\_\_\_

Approved: \_\_\_\_\_

Town Meeting on: \_\_\_\_\_

## 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 and outlining in detail the terms, funding conditions and important instructions. Each applicant will be required to complete an acceptance form attached to the award letter, documenting its acceptance of the CPA grant and agreeing to the terms and conditions outlined in the award letter.
2. In addition, The Town Manager's Office, with input from the Community Preservation Committee, may prepare, as necessary, other contracts related to approve CPA projects, which may be required.
3. The award letter will also request the applicant to notify the CPC when work on the project has commenced, provide periodic updates concerning the progress on the project and especially upon completion.
4. Each applicant is expected to implement the approved project work in accordance with the award letter and/or contract. Any significant changes to the project from what was represented in the application and during the project selection process shall require prior approval from the CPC to ensure such changes are within the scope of the project approved by Town Meeting and that expenditures are eligible. Please contact CPC staff liaison Carol Kowalski, Planning and Land Management, 141 Keyes Road, Concord, MA 01742, to help determine what changes are significant and, if necessary, to schedule an appointment with the CPC.
5. After an applicant receives and approves bills for the project work completed, it will submit a copy of the bills with a letter to the CPC stating how and when the conditions for funding were satisfied. Submissions can be done incrementally. The CPC or its staff liaison may conduct one or more brief site visits to confirm that work has been completed. Once the CPC approves payment to the applicant, the CPC staff liaison will send a letter to this effect notifying the Town Treasurer that he is authorized to pay the applicant from CPA funds. The Town will then issue a check.
6. Unless there are compelling and documented reasons, projects or portions of project for which CPA funds have been made available that are not completed within 30 months following Town Meeting approval may be recommended by the Community Preservation Committee to a subsequent Town Meeting for rescission of the authorized CPA funds.
7. Projects for which 50% (or whatever fraction) of costs were awarded CPA funds will be reimbursed on the basis of 50% (or whatever corresponding fraction) of actual expenditures.

8. CPA grantees are required to acknowledge the Community Preservation Act in all press releases, publicity materials, news, and written or verbal announcements about work supported by CPA funds.

### Funding Notification Form Letter

DATE

ADDRESSEE NAME

ADDRESS

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

We are pleased to confirm that the 2007 Concord Town Meeting approved the recommendation of the Community Preservation Committee to direct the Town Manager to appropriate \$\_\_\_\_\_ of CPA funds for [name of organization]. These funds are for [description of project]. This funding appropriation is contingent on the following:

[Enumerated conditions from Town Meeting  
Summary of Funding Recommendations]

Each applicant is expected to implement the approved project work in accordance with the award letter and/or contract. Any significant changes to the project from what was represented in the application and during the project selection process shall require prior approval from the CPC to ensure such changes are within the scope of the project approved by Town Meeting and that expenditures are eligible. Please contact CPC staff liaison Carol Kowalski, Planning and Land Management, 141 Keyes Road, Concord, MA 01742, 978 318-3293, [ckowolski@concordnet.org](mailto:ckowolski@concordnet.org), to help determine what changes are significant and, if necessary, to schedule an appointment with the CPC.

Unless there are compelling and documented reasons, projects or portions of project for which CPA funds have been made available that are not completed within 30 months following Town Meeting approval may be recommended by the Community Preservation Committee to a subsequent Town Meeting for rescission of the authorized CPA funds.

- Upon full completion of the project (acquisition and development activities eligible under this funding award), you must certify completion in writing to Ms. Kowalski.
- Good publicity for your project is very important. It is exciting for Concord citizens to know where their CPA funds are being spent. It is also 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 and with signs at the project location stating **“This project has been generously supported by the Town of Concord Community Preservation Fund.”** If possible, submit a letter to the Concord Journal detailing how the funds have benefited your project.

(If a public entity, the following is added:) [Name of organization] is responsible to ensure that a procurement of goods and services for CPA funded projects, including procurements

that are partially funded with monies donated by private entities towards the project, will abide by all applicable State and municipal requirements. Such entities require certain procedures, including a requirement that certain State funded projects are done with a specified minimum participation level by minority- and women-owned businesses. Before soliciting proposals or bids for the project, please work with the assigned staff person to ensure compliance with the law.]

The Community Preservation Committee would appreciate a notice when work on the project has commenced, periodic updates concerning the progress of your project, and especially upon completion. For updates or general questions, please contact Ms. Kowalski. Finally, please sign and return to her the attached acceptance form. Thank you for working in partnership with the CPC to make a significant and lasting difference in our town.

Sincerely,

Gary Clayton  
Chair  
Community Preservation Committee

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

**FUNDING ACCEPTANCE FORM**

Re: 2007 CPA Project Funding – [name, location of project]; up to [maximum amount of grant awarded]

[Name of organization] accepts the foregoing grant of Community Preservation funds and agrees to be bound by the conditions in this award letter.

\_\_\_\_\_  
[name, title, address of recipient]

Dated: \_\_\_\_\_, 2007

Appendix I

**2006 Concord Community Preservation Committee**

Gary Clayton, Chairman (at-large member)

Joanne Gibson, Vice Chair (at-large member)

George Dallas (at-large member)

Evin Phillips, Treasurer (at-large member)

Connie Levine (Concord Housing Authority appointee)

Deborah Bier, Clerk (Concord Historical Commission appointee)

Alexander Easterday (Natural Resources Commission appointee)

Michele O'Brien (Recreation Commission appointee)

Dorcas Miller (Planning Board appointee)

Appendix II

**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

Appendix III

**CHAPTER 44B. COMMUNITY PRESERVATION**

**Chapter 44B: Section 1 Title**

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

**Section 2 Definitions**

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.

"**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 or real property that is listed or eligible for listing on the state register of historic places or has been determined by the local historic preservation commission to be significant in the history, archeology, architecture or culture of a city or town.

"**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 areawide median income. The areawide median income shall be the areawide 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"**, the upkeep of real or personal property.

**"Moderate income housing"**, housing for those persons and families whose annual income is less than 100 per cent of the areawide median income. The areawide median income shall be the areawide 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, but not including maintenance.

**"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"**, the remodeling, reconstruction and 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 use, including but not limited to improvements to comply with the Americans with Disabilities Act and other federal, state or local building or access codes. With respect to historic resources, rehabilitation shall have the additional meaning of work to 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.

### **Section 3 Acceptance of secs. 3-7**

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.

(c) All exemptions and abatement 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 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; or

(3) for \$100,000 of the value of each taxable parcel of residential real property.

(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 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.

#### **Section 4 Surcharge on real property; collection**

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 Community preservation committee; members; recommendations**

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. 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 and preservation of land for recreational use; for the creation, preservation and support of community housing; and for the rehabilitation or restoration of open space, land for recreational use and community housing that is acquired or created 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 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 such recommendations from the community preservation committee, the legislative body shall then take such action and approve such appropriations from the Community Preservation Fund as set forth in section 8, and such additional appropriations as it deems appropriate to carry out the recommendations of the community preservation committee.

(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.

*[ Paragraph as added by 2004, 491, Sec. 2 effective April 7, 2005.]*

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

### **Section 6 Annual revenues; open space, historic resources and community housing**

Section 6. In every 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, but not including land for recreational use, 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 such appropriations from the Community Preservation Fund as it deems necessary for the administrative and operating expenses of the community preservation committee, but the appropriations shall 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, but 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 in the commonwealth. The community preservation funds shall not replace existing operating funds, only augment them.

### **Section 7 Community preservation fund**

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: (a) all funds collected from the real property surcharge or bond proceeds in anticipation of revenue pursuant to sections 4 and 11; (b) all funds received from the commonwealth or any other source for such purposes; and (c) 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 Surcharges; fees of registers of deeds; fees of assistant recorder**

Section 8. (a) The fees of the registers of deeds, except as otherwise provided, to be paid when the instrument is left for recording, filing or deposit shall be subject to a surcharge of \$20. The fees for so recording, filing or depositing 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 under chapter 188. No surcharge shall apply to the fees charged for additional pages, photostatic copies, abstract cards, additional square feet for the filing and recording of plans or for additional or required marginal references.

(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 Massachusetts community preservation trust fund**

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 Annual distributions of monies in trust fund**

Section 10. (a) The commissioner of revenue shall annually on October 15 disburse monies from the fund established in section 10 to cities and towns that have accepted sections 3 to 7, inclusive, and notified the commissioner of their 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 municipality has raised through June 30 by imposing a surcharge on its real property levy and shall certify the percentage of the surcharge applied.

(b) The commissioner shall multiply the amount in the fund by 80 per cent. 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. 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 municipality's equalized property valuation per capita ranking, ranking municipalities from highest to lowest valuation. The commissioner shall also determine the population of each municipality 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 two. The dividend is the community preservation raw score for that municipality.

(e) The commissioner shall then order each municipality by CP raw score, from the lowest raw score to the highest raw score. This order shall be the CP rank for each municipality. If more than one municipality has the same CP raw score, the municipality with the higher equalized valuation rank shall receive the higher CP rank.

(f) After determining the CP rank for each municipality in the commonwealth, the commissioner shall divide all municipalities into deciles according to their CP ranking, with approximately the same number of municipalities in each decile, and with the municipalities with the highest CP 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 municipality to a decile according to their CP 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.

(f) Notwithstanding any other provision of this section, the total state contribution for each city or town shall not exceed the amount raised by the municipality's surcharge on its real property levy.

(g) When there are monies remaining in the trust fund after the first and second round distributions, and any necessary administrative expenses have been paid in accordance with section 6, 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 this chapter. 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.

(h) 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 or rounds 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 allowed by this chapter 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 in the commonwealth 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 one round of distributions, or in any other equitable manner.

(j) After distributing the trust fund in accordance with this section, the commissioner may keep any remaining funds in the trust for distribution in the following year.

### **Section 11 General obligation bonds or notes**

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 Real property interest; deed restriction; management**

Section 12. (a) A real property interest that is purchased with monies from the Community Preservation Fund shall be bound by a permanent deed restriction that meets the requirements of chapter 184, limiting the use of the interest to the purpose for which it was acquired. The deed restriction shall run with the land and shall be enforceable by the city or town or the commonwealth. The deed restriction may also run to the benefit of a nonprofit, charitable corporation or foundation selected by the city or town with the right to enforce the restriction.

(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 Accurate account of recommendations and actions; records of appropriations and expenditures and of real property interests**

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 grantors or grantees and the nature of the consideration. The records and accounts shall be public records.

**Section 14 State grants**

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 Tort liability for destruction of real property purchased with funds from chapter**

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 Amendments to amount and computation of surcharge; revocation of secs. 3-7**

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.

(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 Rules and regulations**

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

## Appendix IV

**2005 ANNUAL REPORT**

Following Concord's 2004 adoption of the Community Preservation Act, the Community Preservation Committee was established in January of 2005. As specified in the Massachusetts Community Preservation Act (CPA) enabling legislation, the Committee is charged with the task of "studying the needs, possibilities, and resources of the town regarding community preservation." The areas of study are open space, community housing, historic preservation and recreation. The Committee is required to consult with town boards and commissions to ascertain the needs of the community and hold at least one public informational meeting per year. Finally, the Committee is to solicit applications for CPA projects and after review present funding recommendations to the citizens at Concord's Town Meeting.

Concord's Committee consists of nine members. The four members appointed by the Selectmen include Gary Clayton, Chairman, Joanne Gibson, Vice Chairman, George Dallas, and Evin Phillips. Other Committee members were appointed by their respective Boards and Commissions. They are Toby Kramer, Treasurer, the Planning Board, Joe Wheeler, Clerk, the Historical Commission, Michele O'Brien, Recreation Commission, Connie Levine, Concord Housing Authority, and Al Easterday, Natural Resources Commission.

The state enabling legislation was adopted at the 2004 Concord Town Meeting and affirmed by the voters at the polls in November, 2004. Concord voted to assess a 1.5 % surcharge on property tax bills. The first \$100,000 of each tax bill is exempt from the surcharge. In addition, those taxpayers whose incomes are eligible for low and moderate income housing and qualified seniors are not subject to the tax surcharge. The revenues raised at the local level will be augmented with state funds. The present ratio of state to Town funds is currently 1 to 1. Over one hundred towns in the Commonwealth have adopted the CPA with some towns voting for surcharges as high as the limit of 3%.

Approximately \$2 million in Community Preservation Funds are available for appropriation by the 2006 Town Meeting. This represents the revenue from Concord's surcharge for fiscal years 2005 and 2006 plus the state's matching funds for fiscal year 2005. Next year's availabilities will be comprised of that portion of the \$2 million not appropriated in the 2006 Town Meeting plus surcharge revenue collected in fiscal year 2007 along with state matching funds for 2006. The Community Preservation Committee is recommending projects for the 2006 Town Meeting totaling about \$1.8 million -- \$200,000 less than the \$2 million available. This means the availabilities for appropriation by the 2007 Town Meeting should be only modestly less than availabilities for 2006.

The funds are to be spent or reserved for the preservation of the community and may 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. Under the law, a minimum of 10% of revenues must be appropriated or reserved for each of the three interests of open space, community housing and historic preservation. The

Committee is recommending more than 10% for projects in each of these categories for consideration by the 2006 Town Meeting.

The first task of the Committee was to write a Plan, which was completed in June of 2005. It includes the following sections: 1) The CPA in Concord; 2) How CPA Funds can be Used; 3) Needs Assessment, Community Housing, Historic Preservation, Open Space, Recreation; 4) General Selection Criteria; 5) Application Process; and 6) Guidelines for Submission. The Plan is available on the Town of Concord website [www.Concordnet.org](http://www.Concordnet.org) and at the Town Libraries and Planning Office.

In writing the Plan, the Committee received input from the Town's boards, commissions and officials. They also referenced the recently completed Comprehensive Long Range Plan, the Open Space and Recreation Plan and the Playground Study.

Upon completion of the Plan in June of 2005, the Committee held three informational meetings for prospective applicants. The deadline for applications was October 14<sup>th</sup>, 2005. Thirteen applications for CPA funds were filed by the deadline. They covered a range of needs amounting to \$2,300,559 in requests. From mid-October to mid-December, the Committee reviewed the applications and met regularly with the applicants for discussion of projects.

As mandated, a public hearing was held at Harvey Wheeler Community Center on November 29<sup>th</sup> 2005. Approximately fifty citizens and town officials attended and voiced their opinions on various aspects of the CPA. A public hearing was scheduled in March of 2006 to discuss the Committee's warrant article and its proposed project funding levels for the 2006 Concord Town Meeting.

The Committee will present to the 2006 Concord Town Meeting the following applications for funding:

Community Housing Projects:

- Concord Housing Authority- \$350,000 for construction of two affordable duplexes (four units) for the elderly to be built on the Ammendolia land at the corner of Bedford Street and Old Bedford Road.
- Concord Housing Trust-\$236,000 that will be matched with private funds for construction of two affordable duplexes (four units) at 129 Bedford Road on the edge of the Burke property behind the current landowner's house.
- Concord Affordable Housing Committee-\$65,000 for site acquisition-related expenses for Affordable Housing.

Historic Preservation Projects:

- Emerson Umbrella - \$200,000 that will be matched with private fundraising for code mandated fire and elevator safety repairs and upgrades in this Town-owned building.

- Friends of the Performing Arts-\$60,000 that will be matched with private fund-raising for rebuilding of the stage and green room at 51 Walden Street, a Town-owned building.
- Town of Concord- \$114,000 for installation of sprinkler system in the Town House.
- Save Our Heritage-\$200,000 that will supplement other funds, for stabilization and preservation of the pre-revolutionary Col. James Barrett House at 448 Barretts Mill Road.

Open Space/ Recreation Projects:

- Town of Concord-\$250,000 for repair of the Town-owned Warner's Pond Dam (Allocation of \$200,000 Open Space and \$50,000 Recreation).
- Bruce Freeman Rail Trail-\$160,000 that will supplement other funds for preliminary design of what will ultimately be a Town-managed (long-term lease) bicycle and pedestrian trail. (Allocation of \$80,000 for Open Space and \$80,000 Recreation).

Recreation Project:

- Town of Concord-\$150,000 for complete reconstruction of the Town-owned Emerson Play Ground Tot Lot.

Administration:

- Town of Concord-\$30,000 for administration of the CPA

Uncommitted Funds:

- Uncommitted funds-\$153,782 (This number will increase as interest accrues)

At the Town Meeting, there will be a single CPA warrant article which will incorporate each of the project recommendations of the Committee. Discussion or amendments are possible on any of the individual projects in a manner that is analogous to the review and action on the annual operating budget for the Town. In accordance with the Community Preservation Act, the funding recommendation of the Committee can be accepted, rejected or reduced, but may not be increased at Town Meeting.

This has been an exciting year as we launched the CPA in Concord. We have worked hard to establish the administrative guidelines and procedures for the Committee. It has, however, been a difficult balancing act as the Committee considered the present and future needs of Concord, especially in this initial round of funding requests where there were many excellent applications. Most importantly, we have studied the needs of Concord and reached out to the community so that CPA funds will be used wisely and help to preserve some of the important features that define Concord as a community.

## Appendix V

**CERTIFIED 2006 TOWN MEETING VOTES****Town of Concord**

Office of the Town Clerk  
 22 Monument Square  
 P.O. Box 535  
 Concord, Massachusetts 01742-0535

**2006 Annual Town Meeting**  
**April 24, 25 and 26, May 1 and 2**

**COMMUNITY PRESERVATION COMMITTEE**  
**EXPENDITURE RECOMMENDATIONS**

**ARTICLE 28.** Upon a motion duly made and seconded, the following was

**VOTED:** That pursuant to the recommendation of the Concord Community Preservation Committee, the Town appropriate \$1,665,000 from the Concord Community Preservation Fund, to be expended under the direction of the Town Manager, for the following:

Item	Project/Description	Amount	Category	Prior Year Fund Balance	FY07 CPA Fund Reserves
A	Affordable Housing Committee	\$ 79,000	Housing	\$ 65,000	\$ 14,000
B	Concord Housing Authority Ammendolia Land	350,000	Housing	0	350,000
C	Concord Housing Trust	222,000	Housing	200,000	22,000
D	Emerson Umbrella	200,000	Historic Preservation	200,000	0
E	Town House Sprinklers	114,000	Historic Preservation	0	114,000
F	FOPAC	60,000	Historic Preservation	0	60,000
G	Save Our Heritage Barrett Farm House	200,000	Historic Preservation	0	200,000
H	Warner's Pond Dam	250,000	Open Space-80% Recreation-20%	0	250,000
I	Emerson Playground	0	Recreation	0	0
J	Bruce Freeman Rail Trail	160,000	Recreation-50% Open Space-50%	160,000	0
K	Administration	30,000		26,573	3,427
	<b>TOTALS</b>	<b>\$1,665,000</b>		<b>\$651,573</b>	<b>\$1,013,427</b>

Passed by Majority Vote  
 April 25, 2006

A True Copy Attest:  
 Anita S. Tekle  
 Town Clerk

Appendix VI

**CONDITIONS RELATING TO 2006 CPC FUNDING  
RECOMMENDATIONS**

The Community Preservation Committee (CPC) recommends that the Town Manager make the disbursement of Community Preservation Act (CPA) funds contingent upon fulfillment of the following terms and conditions:

**A. Affordable Housing Committee**

Appropriate \$79,000, to be held in the CPA account for the purpose of supporting activities related to acquiring property for affordable housing. The funds may be expended by the Town Manager, with the advice of the Affordable Housing Committee, for preservation of existing community housing and or predevelopment and site feasibility activities and contingent on the following:

- Such activities shall be consistent with implementation of Concord's Comprehensive Long Range Plan and the Planned Production Housing Plan.
- The Affordable Housing Committee and Town Manager shall develop guidelines and a process for expenditure requests for approval by the CPC.

**B. Concord Housing Authority: Elderly Housing on Ammendolia Property**

Appropriate \$350,000 of CPA funds for the Concord Housing Authority to be used for the construction of four affordable housing units to house the elderly on the Ammendolia property at the intersection of Bedford Street and Old Bedford Road. Funding is contingent on the following:

- Title to the property shall be in name of the Concord Housing Authority (or its nominee),
- Obtain all necessary pre-construction permits and approvals for this project.
- Obtain necessary waiver and permits from the Public Works Commission for a sewer connection.
- Demonstration that adequate funding is in place to complete the project.
- CPA funds may be expended during the actual construction phase of the project through monthly requisitions.

**C. Concord Housing Trust: Old Bedford Road Homes**

Appropriate \$222,000 of CPA funds for the Concord Housing Trust for the development of three units of for-sale community housing at 129 Old Bedford Road. Funding is contingent on the following:

- Title to the property shall be in name of the Concord Housing Trust (or its nominee.)
- Execution of the purchase of the site from the owner as stipulated in the Purchase and Sale agreement.

- Approval at Town Meeting of a roadway easement on the Town-owned Burke land.
- Obtain all necessary permits and approvals for this project.
- Satisfactory solution to the wastewater disposal issues associated with this project.
- Demonstration that adequate funding is in place to complete the project, including a construction loan and private fund raising.
- CPA funds shall not be used for the actual purchase of the land but can be used for other development costs.
- Deed restriction to ensure permanent affordability for all three units to be sold to buyers with income's not to exceed 80% of Area Median Income.

#### **D. Emerson Umbrella**

Appropriate \$200,000 of CPA funds for the Emerson Umbrella to utilize for safety repairs and improvements to upgrade the theater stage, the elevator, and fire protection systems throughout the building located at 40 Stow Street, as required by the Concord Fire Chief in consultation with the State Executive Office of Fire Safety, Massachusetts Department of Public Safety, and the Concord Town Manager. Funding is contingent on the following:

- Emerson Umbrella shall obtain all necessary permits and approvals for this project.
- Demonstration that adequate funding shall be in place to complete the project.
- An historic preservation architect be employed as a consultant on the project so that the work may be accomplished in accordance with the Secretary of the Interior's Standards for the Treatment of Historic Properties and that the work disturb as little of the historic fabric of the building as possible.

#### **E. Town of Concord: Town House Sprinkler and Alarm System**

Appropriate \$114,000 of CPA funds for the installation of a sprinkler and alarm system in the Town House. Funding is contingent on the following:

- The Town will provide the balance of the funding needed to complete this project.
- An historic preservation architect be employed as a consultant on the project so that the addition of the sprinkler system may be accomplished in accordance with the Secretary of the Interior's Standards for the Treatment of Historic Properties and that the work disturb as little of the historic fabric of the building as possible.
- The Town will prepare an inventory of items of historic value in the Town House.
- The Concord Historical Commission will be requested to prepare a report that compiles a record of significant events and activities that have occurred in the Town House.

#### **F. Friends of Performing Arts in Concord**

Appropriate \$60,000 of CPA funds for Friends of the Performing Arts in Concord (FOPAC)'s to reconstruct and renovate the drama stage in the historic Town-owned building located at 51 Walden Street. Funding is contingent on the following:

- FOPAC shall obtain all necessary permits and approvals for this project.
- Demonstration that adequate funding is in place to complete the project.
- The Massachusetts Historical Commission (MHC) has confirmed that such renovations will not negatively impact the building's acceptance on the National Register of Historic Places.

#### **G. Save Our Heritage: Barrett Farm House**

Appropriate \$200,000 of CPA funds for Save Our Heritage's use for stabilization and limited restoration of the Col. James Barrett House on Barrett's Mill Road. Funding is contingent on the following:

- A written agreement between Save Our Heritage and the Town on an historic preservation restriction for the Barrett House.
- A professional historical engineer/architect and an historic preservationist is retained for the duration of this project, and consulted as appropriate in each phase of work.

#### **H. Town of Concord: Warner's Pond Dam**

Appropriate \$250,000 for the reconstruction, renovation, and improvement of the Warner's Pond dam at the intersection of Commonwealth Avenue and Laws Brook Road in West Concord. Funding is contingent on the following:

- The Town will provide the balance of the funding needed to complete this project.
- Obtain all necessary permits and approvals for this project.
- The Town will prepare a plan to enhance public access and interpretation of the Warner's Pond Dam and related areas.

#### **I. Town of Concord: Emerson Playground**

This project has been withdrawn by the CPC due to eligibility questions.

#### **J. Bruce Freeman Rail Trail**

Appropriate \$160,000 of CPA funds for the preliminary design and center line survey for the Bruce Freeman Rail Trail in the Town of Concord. Funding is contingent on the following:

- Funds to be expended by the Town Manager, with advice from the Bruce Freeman Rail Trail Advisory Committee.
- Obtain all necessary permits and approvals for this project.
- An inventory of the remaining historical railroad artifacts be developed prior to completion of the final preliminary design.

Appendix VII

**TOWN MEETING 2006 HANDOUT**

**WARRANT ARTICLE 28  
COMMUNITY PRESERVATION ACT EXPENDITURES  
RECOMMENDATIONS OF THE COMMUNITY PRESERVATION COMMITTEE  
2006 TOWN MEETING**

**4/24/06**

**Introduction**

The 2006 Annual Town Meeting is the first Concord Town Meeting to vote on Community Preservation Act projects proposed by the Town's Community Preservation Committee. Consistent with the state Community Preservation Act, the purpose of these projects is the preservation of housing, open space, historic and recreation resources. These projects are all contained in Warrant article #28. As in the consent calendar, citizens may request that the Moderator flag individual projects for separate discussion. For each project the Town Meeting can vote to approve, reject, or reduce the amount proposed by the Committee. Under the law, Town Meeting may not vote to increase the amount for a project above the amount proposed by the Community Preservation Committee. Funds not appropriated are retained in Concord's Community Preservation Fund and will be available for appropriation in a subsequent year. Following is an explanation of the Community Preservation Act, the formation of Concord's Community Preservation Committee and the process which led to Warrant Article #28.

**CPA Background**

The Community Preservation Act (CPA) was signed into law in 2000. The legislation was enacted to help Massachusetts communities preserve and plan for their community's future and to raise funds to accomplish town goals. Adoption of the CPA allows towns that accept its provisions to levy a tax surcharge of up to 3% on property tax bills. This qualifies the town for state matching funds. The CPA funds can only be used to acquire, create, and preserve open space; to acquire, preserve, rehabilitate and restore historic resources; to create, preserve and support affordable housing; and to acquire, create and preserve land for recreational use. Under the law, a minimum of 10% of revenues must be appropriated or reserved each year for each of the three interests of open space, community housing and historic preservation.

Concord adopted the state enabling legislation at the 2004 Annual Town Meeting and it was affirmed by the voters at the polls in November 2004. Concord voted to assess a 1.5% surcharge. The first \$100,000 of assessed value of each property's assessment is exempt from the surcharge. In addition those taxpayers whose incomes are eligible for low and moderate income housing and qualified seniors may obtain exemptions to the tax surcharge. The revenues raised in Concord are augmented by state CPA funds. For 2005 the ratio of state to town funds was 1 to 1.

Following Concord's 2004 adoption of the Community Preservation Act, the Board of Selectmen established the Community Preservation Committee (CPC). As specified in the enabling legislation, the Committee is charged with the task of "studying the needs, possibilities, and resources of the town regarding community preservation." The areas of

study are open space, community housing, historic preservation and recreation. The Committee is required to consult with town boards and commissions to ascertain the needs of the community and hold at least one public informational meeting per year. Finally, the Committee is to solicit applications for CPA projects and after review present funding recommendations to the citizens at Concord's Town Meeting.

Concord's Committee consists of nine members. The four members appointed by the Selectmen are Gary Clayton, Chairman, Joanne Gibson, Vice Chairman, George Dallas, and Evin Phillips. Other Committee members were appointed by their respective Boards and Commissions. They are Toby Kramer, Treasurer, designated by the Planning Board, Joe Wheeler, Clerk, designated by the Historical Commission, Michele O'Brien, designated by the Recreation Commission, Connie Levine, designated by the Concord Housing Authority, and Al Easterday, designated by the Natural Resources Commission.

The first task of the Committee was to write a Plan, which was completed in the summer of 2005. It includes the following sections: 1) The CPA in Concord; 2) How CPA Funds can be Used; 3) Needs Assessment, Community Housing, Historic Preservation, Open Space, Recreation; 4) General Selection Criteria; 5) Application Process; and 6) Guidelines for Submission. The Plan is available on the Town of Concord website [www.Concordnet.org](http://www.Concordnet.org) and at the Town libraries and Planning Department at 141 Keyes Road.

In writing the Plan, the Committee received input from the Town's boards, commissions and officials. It also utilized the recently completed Comprehensive Long Range Plan, the Open Space and Recreation Plan and the Playground Study. The Committee conducted public informational meetings on the Community Preservation Plan and finalized the Plan on June 21, 2005.

### **2006 Town Meeting Application Process**

Approximately \$2.1 million in Community Preservation Funds were available for appropriation by the 2006 Town Meeting. Next year's availabilities will be comprised of that portion of the \$2.1 million not appropriated in the 2006 Town Meeting plus surcharge revenue collected in fiscal year 2007 along with state matching funds in FY 2007. The Community Preservation Committee is recommending projects for the 2006 Town Meeting totaling \$1,665,000. The remainder of approximately \$450,000 will be reserved for appropriation in subsequent years.

Applications for funding for the 2006 Town Meeting were solicited after adoption of the Plan. The Committee held pre-proposal meetings on July 19, August 11, and September 19, 2005 for prospective applicants prior to the deadline for applications on October 14<sup>th</sup>, 2005. Thirteen applications for CPA funds were filed by applicants by the deadline. They covered a range of needs amounting to \$2,300,559 in requests. In addition, the Committee recommended an administrative spending appropriation of \$30,000 in support of administrative services and operating expenses provided in support of the Community Preservation Committee. From mid-October to mid-December, the Committee reviewed the applications and met regularly with the applicants for further clarification about projects.

As mandated, a public hearing was held at Harvey Wheeler Community Center on November 29<sup>th</sup>, 2005. Approximately fifty citizens and town officials attended and voiced their opinions on various aspects of the CPA.

After receiving this extensive input, the Committee met on three occasions to deliberate their recommendations for projects for the 2006 Annual Town Meeting. The final vote was taken on December 20<sup>th</sup>. Three projects were not recommended for funding this year: Concord Housing Authority, Outdoor Light Replacement, \$10,750 requested; Concord Housing Authority, Sidewalks at Peter Bulkeley Terrace and Everett Gardens, \$35,000 requested; Town of Concord, Cousins Field, \$300,000 requested. A fourth project for Emerson Playground was later eliminated at a meeting held on April 10, 2006 after Town Counsel advised that the proposed project did not conform to the strict definition in the law of allowable CPA activities relative to recreation.

The results of the final recommendations are found below and in Article #28.

**Summary of Funding Recommendations**

**Community Housing:**

A. Applicant: **Affordable Housing Committee**  
Proposal: Acquisition for Affordable Housing  
Request: \$130,000  
**Recommendation: \$79,000**  
Other sources: Not applicable

The CPC recommends that the Town Meeting appropriate \$79,000 to be held in the CPA account for the purpose of supporting activities related to acquiring land or existing structures for affordable housing. Such funds may be expended by the Town Manager, with advice from the Affordable Housing Committee, for preservation of existing community housing and or predevelopment and site feasibility activities. Such activities shall be consistent with implementation of the Concord Comprehensive Long Range Plan and the Planned Production Housing Plan.

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

B. Applicant: **Concord Housing Authority**  
Proposal: Elderly Housing, Ammendolia Property  
Request: \$350,000  
**Recommendation: \$350,000**  
Other sources: \$300,000

The CPC recommends this appropriation for the development of four units of affordable housing for the elderly on the Ammendolia land at 405 Old Bedford Road that the Town acquired in accordance with Town Meeting’s decision in 2004. The wait time for an

affordable elderly housing unit is now 1 ½ to 2 years. The Concord Housing Authority has prepared design plans and will apply for a Comprehensive Permit for the duplexes.

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

C. Applicant:                      **Concord Housing Trust**  
Proposal:                              Old Bedford Road Homes  
Request:                                \$236,486  
**Recommendation: \$222,000**  
Other sources: \$881,120

The CPC recommends this appropriation to assist the Concord Housing Trust in a development at 129 Old Bedford Road. The existing house will be re-sold with approximately half an acre at market-rate. The remaining rear portion of the lot would be developed under a Comprehensive Permit to construct three new homes of community housing in one structure. The units would be sold to homeowners having incomes not to exceed 80% of area median income. The purchase is contingent on Town Meeting granting an easement for a road on the adjacent Burke land.

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

**Historic Preservation:**

D. Applicant:                      **Emerson Umbrella**  
Proposal:                              Mandated repairs and safety improvement  
Request:                                \$228,573  
**Recommendation: \$200,000**  
Other sources: \$228, 573. (Capital campaign underway)

The CPC recommends this appropriation to assist the Emerson Umbrella Center for the Arts to meet local- and state-mandated repairs and safety improvement to the theater stage, elevator, and fire protection system in the historic former Emerson School building leased from the Town.

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

E. Applicant:                      **Town of Concord**  
Proposal:                              Town House Sprinkler and Alarm System  
Request:                                \$114,750  
**Recommendation: \$114,000**  
Other sources: \$114,750

The CPC recommends this appropriation for safety improvements to the historic 1851 Concord Town House that has no fire sprinkler system. CPA funding would pay for a fire sprinkler system and a new fire alarm system linked to the Fire Department’s radio fire alarm system. The current fire alarm system is approximately 25 years old.

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

F. Applicant: **Friends of the Performing Arts in Concord**  
Proposal: Reinforce/renovate stage floor  
Request: \$60,000  
**Recommendation: \$60,000**  
Other sources: \$60,000 (Capital campaign underway)

The stage floor at the Town-owned 51 Walden Street has been in continuous use for 84 years and does not meet current code for weight distribution. The CPC recommends funding to renovate the stage floor and the offstage facilities (green room) directly beneath the stage floor. This historic former armory was built in 1887.

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

G. Applicant: **Save Our Heritage**  
Proposal: Stabilization, Col. James Barrett House  
Request: \$275,000  
**Recommendation: \$200,000**  
Other sources: Capital campaign underway (\$50,000 raised to date, and two Save America’s Treasures grant applications pending.)

The Col. James Barrett House, identified by the Town as a “highest priority” historical resource, was recently acquired by Save Our Heritage, a nonprofit organization. Funding is recommended to help pay for stabilization to prevent further deterioration and for initial restoration measures. The site is listed on the National Register of Historic Places. Save Our Heritage, Minute Man National Historical Park, and the Town of Concord are seeking Congressional approval to study the feasibility of adding the Barrett’s Mill Road Farmhouse and land to the Minute Man National Historical Park.

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

**Open Space, Recreation:**

H. Applicant: **Town of Concord**  
Proposal: Warner’s Pond Dam Reconstruction  
Request: \$250,000  
**Recommendation: \$250,000**

Other sources: \$250,000

The Massachusetts Office of Dam Safety determined in 1999 that the Town-owned Warner’s Pond dam has a hazard potential of “Significant”, and recommended repair and replacement. CPA funds are recommended to help pay for the cost of constructing the dam to maintain the pond, an important open space resource of the Town.

<b>Recommendations:</b>	<b><u>Board of Selectmen</u></b> <b>Recommended</b>	<b><u>Finance Committee</u></b> <b>Recommended</b>
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**Open Space, Recreation:**

I. Applicant:	<b>Town of Concord</b>
Proposal:	Emerson Tot Lot
Request	\$150,000
<b>Recommendation:</b>	<b>\$0     Withdrawn by CPC</b>
Other sources	not applicable

The wooden playground structures at Town-owned Emerson Playground have reached their useful life and are in need of replacement. The CPC recommendation to fund this activity was withdrawn on April 10, 2006 at the advice of Town Counsel due to questions about CPA eligibility.

J. Applicant:	<b>Friends of the Bruce Freeman Rail Trail</b>
Proposal:	Bruce Freeman Rail Trail in Concord
Request:	\$160,000.
<b>Recommendation:</b>	<b>\$160,000</b>
Other sources:	Value of long-term lease

The former right-of-way of the New Haven Railroad running from Route 2 near the Acton town line through West Concord to the Sudbury town line is the Concord segment of the proposed Bruce Freeman Rail Trail. The CPC recommends appropriation of funds required to complete the 25% Design Phase needed to file an application with the Massachusetts Highway Department for the Bruce Freeman Rail Trail. This includes a centerline survey and title review, an environmental assessment, and preliminary design.

<b>Recommendations:</b>	<b><u>Board of Selectmen</u></b> <b>Recommended</b>	<b><u>Finance Committee</u></b> <b>Recommended</b>
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**Other:**

K. Applicant:	<b>Concord Community Preservation Committee</b>
Proposal:	Administration
Request	\$30,000
<b>Recommendation:</b>	<b>\$30,000</b>

The CPC recommends this appropriation to help provide administrative support associated with implementing the Community Preservation Act. The law allows a maximum of 5% of annual CPA revenues to be used for administration.

**Recommendations:** **Board of Selectmen**  
**Recommended**

**Finance Committee**  
**Recommended**

## Appendix VIII

**2005 Project Proposals and Committee Funding Recommendations**

	<b>Applicant</b>	<b>Proposal</b>	<b>Request</b>	<b>Committee Recommendation</b>	<b>CPA Category</b>
1	Affordable Housing Committee	Acquisition for Affordable Housing	\$ 130,000	\$ 79,000	Housing
2	Concord Housing Authority	Elderly Housing, Ammendolia Property	350,000	350,000	Housing
3	Concord Housing Authority	Everett Gardens/ Peter Bulkeley Terrace Sidewalk Repair/Replacement	35,000	0	
4	Concord Housing Authority	Bedford Street/ Strawberry Hill Rd. Light Replacement	10,750	0	
5	Concord Housing Trust	Old Bedford Road Homes	236,486	222,000	Housing
6	Emerson Umbrella	Mandated Repairs & Safety Improvements	228,573	200,000	Historic Preservation
7	Town of Concord	Town House Sprinkler & Alarm System	114,750	114,000	Historic Preservation
8	Friends of the Performing Arts in Concord (FOPAC)	Reinforce/Renovate Stage Floor at 51 Walden	60,000	60,000	Historic Preservation
9	Save Our Heritage.	Stabilization, Col. James Barrett House	275,000	200,000	Historic Preservation
10	Town of Concord	Warner's Pond Dam Reconstruction	250,000	250,000	Open Space-80% Recreation-20%
11	Town of Concord	Emerson Tot Lot (withdrawn)	150,000	0	
12	Town of Concord	Cousins Field Improvements	300,000	0	
13	Friends of the Bruce Freeman Rail Trail	Bruce Freeman Rail Trail in Concord	160,000	160,000	Recreation-50% Open Space-50%
14	Community Preservation Committee	Provide Administrative Support Services to CPC in Implementing the Community Preservation Act.	30,000	30,000	Administration
	<b>Totals</b>		<b>\$2,330,559</b>	<b>\$1,665,000</b>	

Available Funds  
Balance

The 2006 Annual Town Meeting adopted the Committee's recommendations.

Appendix IX  
Adapted Form CP-1

Community Preservation Surcharge Report

Town of Concord  
Fiscal Year Ended June 30, 2006  
Surcharge 1.5%

Total Surcharge Committed to Collector for FY	\$706,488.54
Less Surcharge Abatements/Exemptions	8,693.62
Net Surcharge Raised for FY 2006	\$697,794.92

Adapted from Form CP-2

**Community Preservation Fund Report  
Town of Concord  
Fiscal year Ended June 30, 2006  
Surcharge 1.5%**

1 Total fund balance from prior year (PY) report (Form CP-2) \$651,572.98

**New Revenues**

2 Proceeds from community preservation surcharge	695,911.32
3 Collections from community preservation surcharge	652,084.00
4 Distributions from State trust fund	63,417.21
5 Earnings on investments	1,009.10
6 Gifts, Grants, Donations	1,009.10

**Total New Revenue**

1,412,421.63

**Expenditures**

0.

**Town of Concord  
Analysis of Community Preservation Fund Balance**

1 Open Space Reserve balance from PY report (Form CP-2)	0.
2 Historic Resources Reserve balance from PY report (Form CP-2)	0.
3. Community Housing Reserve balance from PY report (Form C-P2)	0.
4. F/B Reserved for Cont'd Appropriations from PY report (Form CP-2)	0.
a. Minus Continued Appropriations Expended	
b. Minus Continued Appropriations closed to Res./UFB	
c. Set up current year Continued Appropriations	1,665,000.
Fund Balance Reserved for Continued Appropriations	1,665.00
5. Community Preservation Fund Balance from PY Report (Form CP-2)	651,157.98
a. Plus Revenue closed	1,412,421.63
b. Plus Continued Appropriation balances closed	
c. Minus Expenditures closed	
d. Minus Transfers to reserves for special purposes	
e. Minus Reserved for continued appropriations	1,665,000.00
Undesignated Fund Balance June 30	398,994.61
6 Total Community Preservation Fund Balance June 30, 2006	\$ 2,063,994.61

Appendix X

**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.