

TOWN OF MAYNARD
COMMUNITY PRESERVATION PLAN
Interim Draft – June 2007



SECTION TWO
APPLICATION PROCEDURES and FORMS

CONTENTS:

1. Application Process
2. Checklists – general and specific core categories
3. Proposal Guidelines – specific core categories
4. Preliminary Application Form
5. Final Funding Form



COMMUNITY PRESERVATION ACT Town of Maynard

To Prospective Community Preservation Act (CPA) Grant Applicants:

This packet contains the following information and forms:

- Application Process Guideline
- Preliminary Application*
- General Criteria Checklist* for all CPA proposals
- Specific Guideline(s) for your category of CPA funding:
 - Historic Preservation
 - Open Space
 - Community Housing
 - Recreation
- Specific Checklist(s)* for your category of CPA funding

* These documents must be completed and returned to the Community Preservation Committee (CPC) for review

The CPC will review all three preliminary forms describing your proposal and determine whether you are eligible for CPA funding. If your grant proposal is eligible, you will be mailed the **Final Proposal for Funding**. The final proposal form will require more detailed information about your funding request, including supporting documentation. The form will enable the CPC to determine which grant proposals to recommend for CPA funding at the next Maynard Town Meeting.

Application timeline for applicants seeking recommendation for the May 2008 Town Meeting warrant:

- **September 1, 2007:** Preliminary Application deadline
- **November 1, 2007:** Final Proposal for Funding deadline
- **November through mid-January:** Proposal review process, hearings, and revisions
- **End of January:** CPC completes list of recommended proposals for inclusion on the May 2008 Town Meeting Warrant Article

Other timelines may be created in order to bring proposals to a Special Town Meeting, when applicable. The Committee encourages the year-round submission of project proposals.

Questions? Contact us by mail at: **Community Preservation Committee, Maynard Town Hall, 195 Main St., Maynard, MA 01754** or by email at: **CPA@townofmaynard.net**

Information and forms are available at our web site: <http://web.maynard.ma.us/gov/cpc/>



COMMUNITY PRESERVATION ACT Town of Maynard

APPLICATION PROCESS

The Community Preservation Committee (CPC) looks forward to working with individuals and groups in the development of projects – small and large – that will enhance the Town of Maynard using Community Preservation Act (CPA) funds. If you have a project idea, be sure to inform yourself about the legal requirements as well as the inspiring possibilities of the CPA by visiting www.communitypreservation.org. Be advised that CPA funds cannot be used for the maintenance and upkeep of real and personal property, nor can CPA funds replace existing operating funds.

The CPC usually meets on the second and fourth Wednesday of each month at the Town Hall, Room 101. Meeting dates are posted at the Town Hall. Applications must be submitted by the first Friday of each month for consideration at the regular monthly meeting. The Committee may also request that you attend a meeting to present your idea in person.

The Town of Maynard CPC solicits proposals for projects that qualify for CPA funding. The CPC will review proposals and select projects to propose for CPA funding via Town Meeting vote in May 2008. Proposals can be submitted under one or more topic categories:

- Acquisition, creation, and preservation of open space
- Acquisition, preservation, rehabilitation, and restoration of historic resources
- Acquisition, creation, preservation, rehabilitation, or restoration of land or facilities for recreation
- Creation, preservation, and support of community housing.

Projects will be evaluated according to the following criteria: (not all criteria will apply to every project).

- Is consistent with Maynard's Master Plan, Open Space Plan, Freedom's Way Heritage Landscape Survey, and other planning documents that have been adopted by the Town
- Demonstrates practicality and feasibility, and demonstrates the ability to be implemented expeditiously and within budget
- Demonstrates urgency
- Exhibits affordability
- Serves a currently under-served population
- Serves multiple needs and populations
- Preserves or utilizes currently owned Town assets, and preserves the essential character of the Town
- Promotes acquisition of threatened resources
- Makes use of multiple sources of funding (does it leverage additional public and/or private funding?)
- Promotes use of local contractors where possible
- Produces an advantageous cost/benefit value
- Receives endorsement by other municipal boards or departments

Preliminary Application. This initial document will introduce your proposal to the Committee for determination of project eligibility. The completed application, along with a General Criteria Checklist and applicable Specific Category Checklists, should be returned to the CPC by mail.

Deadline: Submit by September 1, 2007 for consideration at the May 2008 Town Meeting. Although Preliminary Applications may be submitted at any time, project proposals received by the September deadline will have the best chance of being evaluated and processed in time to meet the deadline for Spring Town Meeting Warrant Articles.

Final Proposal for Funding. If the Committee determines that your proposal meets CPA guidelines, you will be mailed the Final Proposal for Funding to complete and submit for evaluation. The CPC will review the Final Proposal for Funding according to guidelines developed for community housing, open space, historic preservation, or recreation categories.

Deadline: November 1, 2007 for consideration at the May 2008 Town Meeting.

Review Process. Projects will be evaluated using the criteria checklists provided to you as well as your Final Proposal for Funding form. The CPC will review all applications and schedule meetings or public hearings beginning in December to assess each proposal. These discussions may lead to the need for proposal revisions. The CPC will select, from submitted proposals, those it will recommend for the May 2008 Town Meeting Warrant. The Committee anticipates that this process will be completed by its last meeting in January 2008.

Town Meeting Approval. Funding for each project must be approved at a Town Meeting. The Meeting can approve, reduce, or reject recommended amounts for a project, by majority vote.

Project Implementation. Funds for approved projects may be available following Town Meeting. Other funds may not be available until the Fiscal Year 2008. Payment of funds is subject to the satisfaction of any conditions or procedures established by the CPC. Invoice submission procedures will be given to project recipients following Town Meeting vote.

Application timeline for applicants seeking project recommendation for inclusion on the May 2008 Town Meeting warrant:

- September 1, 2007: Preliminary Application deadline
- November 1, 2007: Final Proposal for Funding deadline
- November through mid-January: Proposal review process, hearings, and revisions
- End of January: CPC completes list of recommended proposals for inclusion on the May 2008 Town Meeting Warrant Article

Other timelines may be created in order to bring proposals to a Special Town Meeting, when applicable. The Committee encourages the year-round submission of project proposals.

Conflict of Interest: The CPC is governed by Massachusetts General Law Chapter 268A Conflict of Interest Law, which regulates the standards of conduct of all state, county and municipal employees and volunteers, whether paid or unpaid, full or part-time, intermittent or temporary.



CPC USE ONLY:
Application #: _____

COMMUNITY PRESERVATION ACT Town of Maynard

FUNDING FOR CPA PROPOSALS

Your project must meet all the legal criteria of the Community Preservation Act. The project must be well documented and provide sufficient information to be feasible. The following criteria will be considered as the project is evaluated. However, meeting all of the criteria does not guarantee CPC support for the project. Please check all items that apply to your proposal.

Please submit ten copies to:

Community Preservation Committee
Maynard Town Hall
195 Main Street
Maynard, MA 01754

GENERAL CRITERIA

- 1. Does the project require urgent attention?
- 2. Does the project serve a currently underserved population?
- 3. Does the project preserve a threatened resource?
- 4. Is the project consistent with existing Maynard Planning Documents such as the Master Plan or Open Space Plan?
- 5. Does the project fit within current or proposed zoning regulations?
- 6. Does the project have a means of support for maintenance and upkeep?
- 7. Does the project involve currently owned municipal assets?
- 8. Does the project involve currently owned private property?
- 9. Does the project have one or more other sources of funding?
If so, indicate percentages.
- 10. Does the project have community support and provide a positive impact to the community?
- 11. Does the project have sufficient supporting documentation? (This documentation will be required along with the Final Proposal for Funding.)
- 12. Does the project have support from another Maynard Town Board or Committee?
- 13. Does the project have the support of the majority of immediate abutters?
- 14. Does the project reclaim abandoned or previously developed lands?
- 15. Does the project require special permitting?



COMMUNITY PRESERVATION ACT Town of Maynard

HISTORIC PRESERVATION PROPOSAL GUIDELINES

Maynard has a small but rich diversity of historic resources, dating back many years before the incorporation of the town in 1871. Historic preservation goals include:

- Recognizing, restoring, preserving, and enhancing the historic heritage of the Town of Maynard in its entirety
- Optimizing the use and enjoyment of the town's historic resources by residents and visitors, and the contribution such resources make to the town's character and history

An "Historic resource" is defined as a building, structure, vessel, document, artifact, or real property that is listed, or eligible for listing, on the National or State Register of Historic Places or has been determined by the Historical Commission to be significant in the history, archaeology, architecture, or culture of Assabet Village and Maynard. Community Preservation funds may be used for the preservation, restoration, and rehabilitation of historic resources (including town-owned historic resources), but not for routine maintenance. Community Preservation Act (CPA) funds invested in the preservation of historic property require the property to be protected by a permanent historic preservation restriction. A proposal for the historic preservation any type of resource must also provide evidence of public benefit.

The Community Preservation Committee (CPC) supports projects that further these goals. While the CPC welcomes a variety of participants and projects, an understanding of the statutory guidelines will help guide applicants through the process. The CPA sets a preliminary standard for historic preservation projects. In order for an historic resource to be eligible for CPA funding, it must first be determined to be not just historic (i.e., old) but to be of historic significance.

In order to be historically significant, a property must have maintained its historic integrity and also must have gained significance beyond age through association with noteworthy people, through architectural significance, or through the potential to yield important historical or archaeological information.

There are three ways a resource can qualify as historically significant:

- Listing on the State or National Register of Historic Places;
- A written determination by the Massachusetts Historical Commission that a resource is eligible for listing on the State Register of Historic Places; or
- A written determination by the Maynard Historical Commission that a resource is significant in the history, archaeology, architecture, or culture of Maynard.

If the property is not already listed on the State Register of Historic Places or if there is no written determination of eligibility by the Massachusetts Historical Commission, you may request a written determination of historical significance through the Maynard Historical Commission.

Once a resource has been officially determined to be of historical significance, it is eligible for funding consideration by the CPC.

The first step for a historical proposal seeking CPA funding is to bring a preliminary proposal to the CPC. This preliminary discussion will not only introduce the project to the Committee, but will help the applicant to refine a future formal presentation. A formal application to the CPC should then be made. The CPA also encourages combining historic preservation projects with affordable housing projects or with open space efforts.

In deciding whether to recommend funding for specific historic resource projects, the CPC will consider:

- Level of historical significance to the town.
- Public benefit.
- Public support.
- Appropriateness and professionalism of proposed work (rehabilitation work is expected to comply with Standards for Rehabilitation stated in the United States Secretary of the Interior's Standards for the Treatment of Historic Properties).
- Level of additional financial or in-kind services, beyond CPA funds, committed to the project.
- Administrative and financial management capabilities of the applicant in order to ensure that the project is carried out in a timely manner, and that the historic resource can be maintained for continued public benefit.
- Potential loss or destruction of the resource if proposed action is not taken.

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

Historic proposals that address as many of the following criteria as possible will receive preference:

- Protect, preserve, enhance, restore, and/or rehabilitate historical, cultural, architectural, or archeological resources of significance, especially those that are threatened.
- Protect, preserve, enhance, restore and/or rehabilitate town-owned properties, features, artifacts, documents, or resources of historical significance.
- Protect, preserve, enhance, restore and/or rehabilitate the historical function of a property or site.

Additional Information concerning Historic Preservation Proposals:

Historic resources contribute to our understanding of the historical development of the community's heritage, culture, and/or character. They contain or may contain artifacts of cultural or historical importance. Heritage landscapes can include buildings, vistas, objects, structures, or sites. One factor in considering classification as a historic resource, landscape, or structure may include previous recognition such as an award or inclusion in an historic survey or publication.

Integrity of the historic resource or property includes location on original site, location in original historic context, retention of elements of historic design or style, retention of original materials, retention of elements of historic workmanship, and retention of association with the history of town.

Further information and resources are available at the Community Preservation Coalition web site at: <http://www.communitypreservation.org/>



CPC USE ONLY:

Application #: _____

**COMMUNITY PRESERVATION ACT
Town of Maynard**

HISTORIC PRESERVATION PROPOSAL CRITERIA

Please submit ten copies to:

**Community Preservation Committee
Maynard Town Hall
195 Main Street
Maynard, MA 01754**

- ___ 1. Is the property eligible for, or listed on, the State or National Register of Historic Places?
- ___ 2. Does the project demonstrate public benefit?
- ___ 3. Has the property been included in a local survey of historic properties?
- ___ 4. Is the property in danger of being demolished?
- ___ 5. Are there potential archeological artifacts at the site?
- ___ 6. Has the property been noted in published histories of the town or county?
- ___ 7. Is there a realistic chance of restoring the property?
- ___ 8. Are there other potential uses for the property that could benefit the town?
- ___ 9. Could the building be converted to affordable housing, while still retaining its historic appearance, value, or quality?
- ___ 10. Is the property part of an historic area or district in the town?
- ___ 11. Is the owner also interested in preserving the historic integrity of the property?
- ___ 12. Is there an opportunity for additional matching funds from other sources to assist in preservation costs of the property or resource? Explain.
- ___ 13. Does the project demonstrate the ability to provide permanent protection for maintaining a historic resource, such as a deed restriction?
- ___ 14. Was a known architect of the era involved in the design of the structure?



COMMUNITY PRESERVATION ACT Town of Maynard

OPEN SPACE PROPOSAL

GUIDELINES

CPA Open Space Projects: The Act requires that a participating community "... shall spend, or set aside for later spending, not less than 10 percent of the annual revenues in the local Community Preservation Fund for open space, but **not** including land for recreational use...". A city or town must either spend or reserve not less than 10% of current CPA revenues annually for acquisition, creation, preservation, rehabilitation, or restoration of open space. If a community desires to acquire, create, preserve, rehabilitate, or restore recreational facilities, these programs must be funded from the 70% of CPA receipts that may be divided among all the permissible use categories on a discretionary basis.

With regard to permissible purposes for which CPA funds may be spent on open space, the Act specifically provides that CPA funds may be expended for "*... the acquisition, creation, and preservation of open space...and for the rehabilitation or restoration of such open space...that is acquired under the CPA.*"

Open space includes, but is not limited to, the following:

- Well fields, aquifers, recharge areas, and other watershed lands
- Agricultural land
- Grasslands, fields, or forest lands
- Fresh water marshes and other wetlands
- Rivers, streams, lakes, and pond frontages
- Scenic vistas
- Land for habitats of threatened or endangered species of plants and animals, nature preserves, or areas of biodiversity
- Habitat areas that are in danger of vanishing.

Examples of Open Space Expenditures using CPA Funds:

Acquisition

- Purchase land to protect water supplies such as well fields, aquifers, recharge areas, lake or reservoir frontage, and other watershed lands

Creation

- Raze aging, vacant, municipally-owned building to create an open field
- Reconstruct a road to create a median strip with grass and trees
- Rehabilitate and/or redevelop brownfields such as capping a landfill and converting site to open space

Preservation

- Purchase permanent conservation or agricultural preservation restrictions to protect open space or farmland from future development
- Remove invasive plant species from ponds and wetlands to protect existing open space environment and wildlife habitats from harm or injury
- Purchase easements to protect water supplies such as well fields, aquifers, recharge areas, lake or reservoir frontage, and other watershed lands

Rehabilitation and Restoration

- Restore natural areas such as wetlands or marshlands acquired using CPA funds to their original state
- Seed and plant trees and otherwise landscape an open space created by the removal of buildings on site.

Open Space Criteria

Open space proposals which address as many of the following criteria as possible will receive preference:

- Protect drinking water quantity and quality
- Provide flood control/storage
- Preserve important surface water bodies, including wetlands, vernal pools, or riparian zones
- Permanently protect important wildlife habitat, including areas that are of local significance for biodiversity, contain a variety of habitats with a diversity of geologic features and types of vegetation, contain a habitat type that is in danger of vanishing from Maynard, or preserve habitats for threatened or endangered species of plants or animals.
- Provide connections with existing trails or potential trail linkages
- Preserve scenic views
- Border a scenic road
- Contribute to open space in parts of Maynard where open space is very limited or non-existent

Sample CPA Questions and Answers

Question: *An opportunity arose where a landowner was willing to work with the town to sell his development rights on a few parcels of quality watershed/habitat/ agricultural land. Can CPA funds be used to purchase a conservation restriction (CR) that meets many of the Town's goals, but does not explicitly purchase the property? Also, at what point must a parcel purchased with CPA funds have a CR in place? Must this be done immediately after purchase?* **Answer:** The use of CPA funds to purchase a CR is certainly an allowable use of such funds.

Technical CR questions are beyond our areas of expertise. For more detailed information, we suggest you contact the state's CR program at 617-626-1012.

Question: *Can CPA funds be appropriated to a city or town conservation fund?* **Answer:** The Massachusetts Department of Revenue (DOR) has indicated that municipalities that have adopted the CPA may appropriate Community Preservation Fund monies to a Conservation Fund established under the Conservation Commission Act (G.L. Ch. 40 sec. 8c.) Under Ch. 40 sec. 8C, cities and towns may appropriate monies into the Conservation Fund, which the Conservation Commission may then spend without further appropriation, or other legislative body action, for various purposes including the acquisition of fee or other interest in land for open space or other conservation purposes.

The town may use Community Preservation Fund monies to fund all or part of an annual appropriation to the Conservation Fund. The Commission may then spend the money for any purposes allowable by both laws. These include acquisition of land and placing deed restrictions

on the land as required by the CPA. DOR gave this opinion in a 2003 letter to the Town of Duxbury.

Question: *Can a CPA Committee purchase a house with land and then turn around and sell the house to recover some of the money and keep the land?* **Answer:** The answer depends on how you do it. If you want to sell the home at a market rate, then you would have to use another source of funding for that portion of the purchase because market rate housing is not an allowable use of CPA funds. If you wanted to purchase the entire lot with CPA funds, attach a deed restriction to the home to designate it as affordable housing and then sell it at an affordable rate, you could do that with CPA funds. The proceeds from the sale would then go back to the CPA fund.

CPA Expenditure Conditions

- **Incidental Project Costs.** CPA funds may be used for site surveys, environmental assessments, historic or housing consultants, architectural and engineering fees, permit processing fees, construction consultants, financing consultants, legal and accounting fees, and similar costs associated with and incidental to the development of a CPA project. Such expenditures should be made from the appropriation for the particular project and, as project costs, they do not constitute operation or administration expenses of the committee subject to the 5% limitation.
- **Projects in Other Communities.** CPA funds may be spent anywhere in Massachusetts, meaning communities are not confined to expending funds only within their jurisdiction. For example, this flexible provision allows a community to purchase land surrounding its water supply even if located in another city or town. CPA funding also may support intercommunity cooperation on regional housing needs, allowing development that spans borders or shared development in one community that serves several towns. Another example is the coordinated efforts of several communities to establish a "heritage corridor" that celebrates the shared history of a region.
- **Leveraging CPA Funds.** CPA funds may be used as a municipality's matching monies for state and federal grant programs that require a local match such as the Massachusetts Housing Partnerships' Soft Second Program, state Department of Housing and Community Development (DHCD) Self-Help program, Massachusetts Preservation Program Fund (MPPF), and the Executive Office of Environmental Affairs (EOEA) Massachusetts Forest Legacy program, Self-Help and Urban Self-Help programs. Applications for Self-Help and Urban Self-Help matching funds through EOEA receive significantly higher weight if the applying community has already adopted the CPA.
- **Borrowing.** Communities may borrow against the local CPA surcharge revenue they expect to receive under the CPA in subsequent years (not against the state matching funds). Such borrowings may be useful to aggregate sufficient funds to undertake a more costly undertaking in one or all three categories than is possible using funds available on an annual basis. Any bonds issued under the CPA are payable from future revenues, and such expenditures will count toward the 10% minimum expenditure required for the purpose category for which the bond proceeds were spent. Future revenues will not be available to pay debt service, however, to the extent that such revenues are needed to satisfy the other 10% minimum expenditure requirements for other

purpose categories. However, bonds issued under the CPA are general obligation bonds of the city or town, and to the extent that CPA revenues are insufficient to pay off the principal and interest, these obligations must be met with other funds of the city or town.

- **Partnerships.** A city or town may partner with other public entities and, in certain circumstances, with private entities, including for-profit and non-profit entities, to undertake allowable uses.

- **Multiple Purpose Projects.** Communities are encouraged to consider the creative combination of allowable uses in their expenditure of CPA funds. For example, a large tract of land can be acquired for open space protection while reserving part of the parcel for the development of community housing. Another example is adaptive re-use of an historic structure to convert a building to a residential or non-residential CPA-related use.

- **Deed Restrictions.** Section 12(a) of the Act requires that a permanent deed restriction be placed on any "real property interest" acquired using CPA funds to ensure that the property continues to be used for the applicable CPA purpose. If a deed restricted, real property interest acquired using CPA funds is subsequently sold, any proceeds from the sale must be deposited in the local CPA fund. Also, the sale of property acquired under the CPA for open space or recreational purposes may require a two-thirds vote of the Legislature. However, real property interests, as defined by the CPA, do not include those interests with a term of less than 30 years or which represent only a security interest arising under a loan agreement. In any case, the Community Preservation Coalition strongly recommends that use restrictions consistent with the amount and duration of any CPA support be placed on any property receiving CPA assistance in order to preserve the public purposes for which the real property was supported with CPA funds, consistent with the amount and duration of support.

- **Ownership and Management Requirements.** Section 12(b) of the Act further requires that any "real property interest" (e.g. land or buildings) acquired with CPA funds must be owned and managed by the municipality (although management may be delegated to certain municipal agencies and to certain types of non-profit organizations). However, this limitation only applies to real property interests with a term greater than 30 years, excluding security interests in loan agreements. Therefore, CPA funds may be structured to allow an acquisition in the name of a third party provided there is a short-term holding period and/or the form of the funding is a loan.

CPA Definitions

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.

* * *

Further information and resources are available at the Community Preservation Coalition web site at: <http://www.communitypreservation.org/>



CPC USE ONLY:
Application #: _____

COMMUNITY PRESERVATION ACT Town of Maynard

OPEN SPACE PROPOSAL CRITERIA

Please submit ten copies to:

**Community Preservation Committee
Maynard Town Hall
195 Main Street
Maynard, MA 01754**

1. Is the parcel within a delineated wellhead protection area (Zone I or Zone II)?
2. Would the parcel enhance protection of a wellhead area?
3. Is wetland or vernal pool protection a consideration?
4. Is stream and riverbank protection an issue?
5. Is the parcel within an area of critical environmental concern?
6. Would this proposal contribute to a greenway or forested parcel?
7. Would this proposal enhance protection of any FEMA-designated floodway?
8. Will this purchase protect other open space or abut protected land?
9. Does this parcel support a significant wildlife habitat?
10. Is this parcel at risk for development or been part of a past proposal for development?
11. Is this parcel listed for sale?
12. Are additional funds or grants available? If so, have any applications been made?
13. Is there an historic significance to this parcel?
14. Are there any old foundations or stone walls located in this parcel?
15. Does this parcel include any old roads, trails, cart paths, or scenic vistas?
16. Are there any active or passive recreation possibilities associated with this parcel?
17. Is this parcel suitable for a community garden or farm?
18. Is this parcel suitable for nature observation and educational programs?
19. Will the parcel fulfill an underserved need in the town?



COMMUNITY PRESERVATION ACT Town of Maynard

COMMUNITY HOUSING PROPOSAL GUIDELINES

The Community Preservation Act requires that a participating community "...shall spend, or set aside for later spending, not less than 10 per cent of the annual revenues in the Community Preservation Fund for community housing. The Act provides that community preservation funds may be expended for the creation, preservation, and support of community housing, and for the rehabilitation or restoration of community housing that is acquired or created under the Act.

With respect to the permissible purposes for which CPA funds may be spent on community housing, the Act requires that wherever possible, preference be given to the adaptive reuse or rehabilitation of existing buildings, replacement of existing housing, or construction of new buildings on previously developed or disturbed sites. Community housing means housing for low and moderate income individuals and families, including seniors.

Preference will be given to project proposals based on the degree to which they address the following criteria:

- Promotes the goal of having 10 percent of Maynard's housing stock considered affordable
- Ensures long-term affordability
- Promotes the use of existing buildings or construction on town-owned land
- Attracts matching funds or grant opportunities to complete construction.
- Converts market-rate housing to affordable housing
- Intermingles affordable and market-rate housing
- Requires limited management by the Town of Maynard
- Does not create a significantly greater impact on town or natural resources than market-rate housing on the same site
- Provides housing that is harmonious in design and style with the surrounding neighborhood
- Promotes a socioeconomic environment that encourages a diversity of income, ethnicity, religion and age
- Gives priority to local residents, Town employees, and employees of local businesses

Potential allowable uses to which this housing funding may be applied include creation, preservation, support, or rehabilitation and restoration of community housing:

Creation

- Convert existing non-residential properties to community housing (schools, mills, churches office buildings, warehouses, etc)
- Create in-law apartments and other ancillary housing
- Acquire real property (land and/or buildings) for new housing development, both rental and homeownership.

- Grant or loan funds for the creation of community housing to non-profit or for-profit parties (provided that the funds are not used by the private party to acquire a real estate interest and that the municipality establishes sufficient safeguards to ensure that the funds are used primarily for the creation of community housing and that any benefit to the private entity is merely incidental). It is anticipated that many local CPA housing initiatives will utilize private non-profit or for-profit intermediaries for the creation of community housing
- Restore "brown fields" sites for housing or other mitigation of contaminated sites in preparation for housing development

Preservation

- Refinance "expiring use" properties which are at risk of going market rate
- Acquire a preservation restriction to limit the occupancy of certain units in a privately owned rental building to persons of low or moderate income housing

Support

- Modify existing homes, including accessibility improvements that allow the disabled or senior citizens to continue to live in their homes
- Provide a match for state Home Modifications funds to adapt the homes of elderly and disabled town residents, including the installation of such safety measures as ramps and bars
- Assist the local housing authority to support its low income rental properties
- Use as a subsidy to write down interest rates for first-time homebuyer programs such as the Massachusetts Housing Partnership's Soft Second Program or the state's Self Help Program that has specific matching requirements; this subsidy makes the Soft Second Program the most affordable mortgage in the state
- Fund a housing trust or a housing authority to support a particular community housing initiative. Income from an endowment for local affordable housing can be applied directly or matched with state or federal funding
- Provide matching funds under the Housing Innovations Fund which helps to build limited equity coops, housing for people with AIDS, etc

Rehabilitation and Restoration of Community Housing Created Using CPA Funds

- Make site improvements such as water/sewer connections, well installation, septic installation or repair, or other underground utilities associated with the creation of affordable housing
- Rehabilitate or restore existing public or private property being converted to affordable housing units in a mixed income residential environment

As noted above, if a CPA assisted community housing project serves individuals and families earning less than 80% of HUD area median income, any newly created units may count toward a city's or town's Chapter 40B affordable housing inventory. If CPA funds are used in conjunction with established rental or homeownership programs, the eligibility of this housing under 40B is generally assured. However, innovative new programs using CPA will require a determination by DHCD as to whether the amount or form of funding will qualify the housing.

Every housing opportunity should be considered and evaluated. Existing housing that has the following attributes, in order of priority, will be viewed as a more desirable proposal:

- Rehabilitation costs are not prohibitive

- Is structurally sound
- Is free of lead paint, asbestos, pollutants, and other hazards
- Septic system complies with Title 5 and passes inspection or has an existing town sewer connection
- Complies with relevant building and sanitary codes.

When choosing between two or more community housing proposals:

- Multi-unit is preferable to single unit
- Three or more bedrooms is preferable to two bedrooms, and one-bedroom units are likely to be appropriate only in a multi-unit building
- Units with handicapped accessibility are desirable
- The age and style of the building, and the likely maintenance costs and requirements, should be considered (e.g., post-WWII ranch or cape may be preferable to historic Victorian, except when the desire to take advantage of multiple-goal opportunities—such as combining housing and historic preservation—may overcome this consideration).

Location of the housing unit(s) is not critical; however, the following characteristics are favored:

- Located on a site not prone to flooding or burdened with cumbersome restrictions
- Located near conveniences (e.g., shopping) for handicapped and/or elder units
- Not located on a major road.

While undeveloped and developed parcels should be considered for multiple uses, the privacy of persons residing in community housing should be respected by ensuring adequate living room (indoors and out) and not intruding into that space with public access and related easements.

Finally, because of the scarcity of housing opportunities in Maynard, any site or structure that does not score highly according to the above criteria should be reviewed to determine whether use for community housing is feasible and practical.

Maynard Affordable Housing Qualifications

General Requirements

1. The units must serve households at or below 80% of the area median household income (refer to DHCD/HUD tables).
2. The units must be subject to Use Restrictions of a substantial duration to ensure that the units remain available exclusively to persons with qualifying incomes.
3. The units must be rented or sold on a fair and open basis.

Determining Rental/Sales Prices

Affordable units must be priced at levels affordable to buyers with a range of incomes of at least 10% below the maximum listed income. Rent must include heat and utilities or include a utility allowance. Sale prices are based upon principal, interest, and insurance payments assuming a 5% down payment and the low or moderate families spending no more than 30% of their income on housing costs.

Marketing

All units must have a marketing plan approved by DHCD. The three elements are of the plan are as follows:

1. Affirmative marketing to minority households whereby the percentage of minority ownership is equal to the greater of the percentage of income eligible minority households in the community *and* the percentage of income eligible minority households in the regional planning area.
2. 70% local preference as freely determined by the community.
3. Buyer/tenant selection process must be fair and equitable, such as a lottery. Preference may be given to single handicapped individuals.

* * *

Section 12 (a) of the Act requires that **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.

Section 12 (b) of the Act requires that if real property interests are acquired using CPA funds, the property must be **owned and managed by the municipality** (unless the interest has a term of less than 30 years or involves only a security interest such as a mortgage). Direct municipal ownership may constrain the development of community housing by limiting the availability of financing from certain federal and state housing assistance programs and by limiting the potential for private investment. Therefore, municipalities should consider creative ways to acquire and improve real property for community housing under the CPA that do not involve municipal ownership. The legislative body **may also delegate** management of such property to a nonprofit organization created under Chapter 180 or Chapter 203.

Definitions:

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.

Assets: the cash, savings, and valuable things you own that you can use to pay for the things you need.

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 housing is defined to include housing for persons or families earning up to 100% or less of the locality's area-wide median income. Applicable area-wide median income (as further differentiated by household size) is established annually by the United States Department of Housing and Urban Development (HUD). HUD income limits are available from its web site: <http://www.huduser.org>. However, for housing

units created with CPA funds to be counted toward a community's Chapter 40B affordable housing inventory, the units must serve those earning less than 80% of area median income.

Low income housing: housing for those persons and families whose annual income is less than 80 per cent of the area-wide median income. The area-wide median income shall be the area-wide median income as determined by the United States Department of Housing and Urban Development. For income limits in Massachusetts communities, see the HUD 2006 Median Family Incomes.

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 area-wide median income. The area-wide median income shall be the area-wide median income as determined by the United States Department of Housing and Urban Development.

Qualifying Families: Families at or below 80% of the current area median income qualify for affordable housing. The passbook values of any assets are included as income. An applicant may not own any residential property unless, in the case of elderly units, it will be sold to create income to provide a down payment or monthly housing expenses. Allowable assets shall not exceed \$50,000. Affordable unit applicants must meet the program income limits in effect at the time they apply for a unit and must continue to meet the program income limits in effect at the time of all subsequent reviews.

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.

Rehabilitation: the remodeling, reconstruction and making of extraordinary repairs to community housing for the purpose of making such community housing functional for its 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.

Further information and resources are available at the Community Preservation Coalition web site at: <http://www.communitypreservation.org/>



CPC USE ONLY:
Application #: _____

COMMUNITY PRESERVATION ACT Town of Maynard

COMMUNITY HOUSING PROPOSAL CRITERIA

Please submit ten copies to:

Community Preservation Committee
Maynard Town Hall
195 Main Street
Maynard, MA 01754

- ___ 1. Will this involve the renovation of an existing building? If so,
- ___ Is the building structurally sound?
 - ___ Is it free of lead paint? (This would be necessary if children are to live there.)
 - ___ Is it free of asbestos, pollutants, and other hazards?
 - ___ Is there Town sewerage?
 - ___ Is the septic system in compliance with Title 5?
 - ___ Does the building comply with building and sanitary codes?
 - ___ Is it handicap accessible?
 - ___ Is this a conversion of market rate to affordable housing?
 - ___ Is this a tax title property?
- ___ 2. Does this project involve the building of a new structure? If so,
- ___ Will the structure be built on tax title property?
 - ___ Will it be built on Town owned land?
 - ___ Will it be built on donated land?
 - ___ Are there other grants available to help fund this project? Explain.
 - ___ Are there other programs such as Habitat for Humanity involved?
 - ___ Will the project be built on a previously developed site?
- ___ 3. Does the project provide housing that is similar in design and scale with the surrounding community?
- ___ 4. Does this serve the 60% income level population?
- ___ 5. Does this serve the 80% income level population?
- ___ 6. Will this be geared to one age group?
- ___ 7. Is this infill development?
- ___ 8. Will there be more than two bedrooms?

- 9. Will it be located near conveniences (grocery, town services, etc.)?
- 10. Does this project fit with the Master Plan?
- 11. Will there be multiple units?
- 12. Is long term affordability assured?
- 13. Will priority be given to local residents, Town employees, or employees of local businesses?



COMMUNITY PRESERVATION ACT Town of Maynard

RECREATION PROPOSAL GUIDELINES

CPA Open Space Projects: The Act requires that a participating community "... shall spend, or set aside for later spending, not less than 10 percent of the annual revenues in the local Community Preservation Fund for open space, but not including land for recreational use..." If a community desires to also acquire, create, preserve, rehabilitate, or restore recreational facilities, these programs must be funded from the 70% of CPA receipts that may be divided among the permissible use categories on a discretionary basis.

Recreation proposals which address as many of the following criteria as possible will receive preference:

- Support multiple active and passive recreation uses
- Serve a significant number of residents
- Expand the range of recreational opportunities available to Maynard residents of all ages
- Jointly benefit Conservation Commission and Recreation Commission initiatives by promoting a variety of recreational activities
- Maximize the utility of land already owned by Maynard
- Further broaden the diversity of Recreation Department-administered programs to include activities beyond traditional "sports and games".
- Promote the creative use of railway and other corridors to create safe and healthful non-motorized transportation opportunities

Potential Uses of CPA Funds for Recreation:

Once a community has expended or reserved at least 10% of the annual funds generated by the CPA on each required use category (open space, historic preservation and community housing), the City or Town may use all or a portion of the remaining 70% for recreational purposes.

Recreational use is defined to include active or passive recreational use, including, but not limited to, the following:

- Community gardens
- Trails
- Noncommercial youth and adult sports
- Parks, playgrounds, and athletic fields

The Act provides that CPA funds may be expended on the acquisition and/or preservation of land for recreation use, and for rehabilitation or restoration of land or facilities for recreational use that is acquired or created under the CPA. The following are examples of the types of recreational use projects that may be carried out under the CPA:

Acquisition

- Purchase of land to create new athletic fields for noncommercial youth and adult sports

- Purchase of existing, privately owned recreational facilities for municipal use, such as a tennis court

Creation

- Convert existing structures such as a railroad bed to a recreational use such as walking, biking, or inline skating trails
- Convert underutilized municipal lot to community gardens
- Clean up contaminated industrial site or cap landfills to create new soccer or baseball fields or playgrounds

Preservation

- Install an irrigation system at a public park to prevent the grass from dying or otherwise being harmed
- Install new drainage at an existing athletic field to prevent flooding and water damage
- Provide new drainage at an existing athletic field that has severely deteriorated; however, monies cannot be used for routine maintenance or capital improvement for which municipal funding has been already been committed

Rehabilitation and Restoration of Recreational Lands Acquired Using CPA Funds

- Create recreational opportunities through brownfields rehabilitation and/or redevelopment such as capping a landfill and establishing a new outdoor park, tennis courts or other athletic facilities on site
- Restore unused walking trails in forest land acquired with CPA funds to usable condition
- Resurface tennis courts created on municipally owned property

Note: The Act prohibits CPA funds from being used to acquire or create or preserve facilities for horse or dog racing, or land for a stadium, gymnasium, or similar structure.

Question: *The text of the Act does not appear to mention anything about being able to use the 70% of CPA funds (after the obligatory 10 percent to use of the three uses) for recreation. Where does this come from?*

Answer: Section 5(b) of the CPA states the purposes for which the CPA funds can be used, including the acquisition, creation and preservation of recreational lands. Consequently, once you satisfy the three 10% requirements stated in section 6, you are free to use the remaining CPA funds for these recreational purposes.

Question: *Have any towns utilized CPA funds for recreational projects, other than purchasing land? If raw land is purchased for recreational use, it might require some improvements to make it usable for recreation, including grading, installation of an irrigation system, construction of a parking lot, etc. Are these improvements valid uses of CPA funds? Would they be valid uses if applied to an already owned piece of land that needs only the improvements to become a recreation area?*

Answer: Many communities have either completed or are in the process of completing recreation projects. The improvements you mention would be fine, regardless of whether the land is purchased now or was previously owned by the town. The one exception might be the use of CPA funds to construct a parking lot, although if it is an incidental part of a larger project, it could be allowable. The other things mentioned would be fine and have been done in other communities. One note on the already-owned piece of land - these improvements would be allowable so long as they are creating a new recreational facility where none existed previously. For example, if residents currently play ball on an unimproved area of grass, CPA funds could be used to improve that area to create a formal soccer field. This would fall under creation of a

recreational resource since CPA funds would be used to construct a soccer field on a previously unimproved lot, regardless of what the prior use of that lot was. One thing to note is that a goal of the CPA is to create new recreational opportunities, so it would not be allowable, for example, to simply replace a goalpost on an existing soccer field. Improvements to existing facilities are currently limited to preservation.

CPA Definitions

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.

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 open spaces or lands for recreational use for the purpose of making such open spaces or lands for recreational use 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.

* * *

Further information and resources are available at the Community Preservation Coalition web site at: <http://www.communitypreservation.org/>



CPC USE ONLY:
Application #: _____

COMMUNITY PRESERVATION ACT
Town of Maynard

RECREATION PROPOSAL CRITERIA

Please submit ten copies to:
Community Preservation Committee
Maynard Town Hall
195 Main Street
Maynard, MA 01754

- ___ 1. Will the project be used by more than one age group?
- ___ 2. Can the project be used for more than one activity (multi-use)?
- ___ 3. Does the project require maintenance costs of less than \$1000 per year?
- ___ 4. Does the project require maintenance costs of less than \$500 per year?
- ___ 5. Is this project the only facility of its kind in the town or general area?
- ___ 6. Are other grants available to help pay for this project?
If so, has application been made for another grant?
- ___ 7. Can any of the cost be offset by in-kind services (or “non-cash” contributions), including, but not limited to, labor and materials or equipment?
- ___ 8. Does the project include considerations for additional parking?
- ___ 9. Can the project be used more than one season per year?
- ___ 10. Does the project blend in to the surrounding neighborhood?
- ___ 11. Does the project include all normal safety considerations?
- ___ 12. Does the project meet all building and safety codes?
- ___ 13. Is the project accessible by pedestrians? ___ Cars? ___
- ___ 14. Does the project take advantage of connections to other resources?