

**TOWN OF MAYNARD**  
**COMMUNITY PRESERVATION PLAN**

**SECTION TWO**



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## COMMUNITY PRESERVATION ACT

To Prospective Community Preservation Act Funding Applicants:

This handbook contains the following information and forms:

- Overview of the CPA Application Process
- Proposal Guidelines and checklists for each category of CPA funding
- **Preliminary Application for Funding** – form required for each CPA proposal
- **Final Application for Funding** – form required for each CPA proposal

Application submission deadlines for proposals seeking recommendation for the next May Town Meeting warrant:

- **Late September/Early October:** submission of Preliminary Application for Funding
- **Mid-Late November:** submission of Final Application for Funding

The Maynard CPC usually meets at 7:00pm on the first and third Wednesday of each month at the Town Hall, Room 101. Meeting dates are posted at the Town Hall. You are welcome to attend a meeting to ask questions or receive advice about the application process.

### APPLICATION PROCESS

The Community Preservation Committee 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 funds. If you have an idea for a project, be sure to inform yourself about the legal requirements as well as the inspiring possibilities of the CPA by reading **Section One** of the *Community Preservation Plan*. Additional information and links are available at [www.communitypreservation.org](http://www.communitypreservation.org). Be advised that CPA funds cannot be used for maintenance and upkeep of real and personal property, nor can CPA funds replace existing operating funds. The application process requires two submissions, a Preliminary Funding Application and, if solicited by the CPC, a Final Application for Funding.

The CPC requests proposals for projects that qualify for CPA funding. The Committee will review proposals and select projects to propose for CPA funding via the next Annual Town Meeting. Proposals may be submitted under one or more topic categories:

- Acquisition, creation, and preservation of open space
- Acquisition, preservation, rehabilitation, and restoration of historic resources
- Creation, preservation, and support of community housing
- Acquisition, creation, preservation, rehabilitation, improvement, or restoration of land or facilities for recreation, with limitations (see CPA regulations)

Project proposals will be evaluated according to the following applicable criteria:

- 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; demonstrates the ability to be implemented expeditiously and within budget
- Demonstrates urgency
- Exhibits affordability
- Serves a currently under-served population
- Serves multiple needs or populations
- Preserves or utilizes current Town-owned assets; preserves the essential character of the Town
- Promotes acquisition of threatened resources
- Makes use of multiple sources of funding (the ability to leverage additional public and/or private funding)
- Produces an advantageous cost/benefit value
- Receives endorsement from other municipal boards or departments

## **PRELIMINARY APPLICATION FOR FUNDING FORM**

This document will introduce your funding proposal to the CPC for determination of project eligibility. **Submit 10 copies** in person or by mail to: Community Preservation Committee, Maynard Town Hall, 195 Main St., Maynard, MA 01754. The **application deadline is Late September/Early October. The exact date is posted on the Town of Maynard web site.** Although Preliminary Applications may be submitted at any time, proposals received by the September deadline will have the best chance of being evaluated and processed in time to meet the deadline for the next Spring Town Meeting Warrant. Other timelines may be created in order to bring special or timely proposals to a Special Town Meeting, when applicable.

## **FINAL APPLICATION FOR FUNDING FORM**

If the Committee determines that your proposal is beneficial to the Town and meets CPA guidelines and requirements, you will be asked to submit a Final Application for Funding. Final Applications require more detailed information and supporting documentation for your proposal. These documents will enable the CPC to determine which proposals to recommend for CPA funding at the next Maynard Town Meeting. The CPC will review your Final Application according to guidelines developed for community housing, open space, historic preservation, or recreation categories. **Submit 10 copies** in person or by mail to: Community Preservation Committee, Maynard Town Hall, 195 Main St., Maynard, MA 01754. The **application deadline is Mid-Late November. The exact date is posted on the Town of Maynard web site.**

The CPC will review all preliminary applications and may schedule meetings or public hearings beginning in November to assess each proposal. The CPC will select from submitted applications those CPA projects it recommends for the warrant at the next Town Meeting. The Committee anticipates that this process will be completed by early February. Creation of the CPA warrant article(s) and review of the warrant article with the Finance Committee are then completed.

## **GUIDELINES FOR SUBMISSION**

1. Proposal guidelines and criteria checklists are offered in this section of the CPA Plan handbook. They will guide you in the preparation of both the Preliminary Application for Funding and the Final Application for Funding forms. While not all of the criteria checklist questions may apply to your specific proposal, they provide a good cross-section of selection criteria that the CPC will consider during the review and evaluation of each project. If your proposal covers more than one category of CPA funding, include information for each applicable category in your Preliminary Application and Final Application for Funding forms.
2. Preliminary Applications and Final Applications for Funding must be submitted using the standard forms included at the end of this section of the CPA Plan.
3. Preliminary Applications for Funding should include a summary of the project stating the funding category/categories, project goals, key steps to be taken to reach this goal, and an estimated project budget.
4. Applicants should obtain professionally prepared estimates for project costs whenever possible. This information will be required as part of the Final Application for Funding. Project budgets should include any administrative expenses (appraisals, copying, closing costs, legal notices, etc.) associated with the project. Such administrative expenses may account for up to 10% of the total budget.
5. If the proposal is a multi-year project, the applicant should include estimated allocations of the total project cost for each fiscal year as part of the Final Application for Funding.
6. Applicants with multiple applications should prioritize projects.

## **SPECIAL APPLICATION PROCESS**

For any use eligible for CPA funding, under special circumstances as determined by the CPC, the CPC will consider a special application outside the standard application process as described above. These circumstances might include the imminent placing of real property on the market, time-sensitive stabilization of historic resources, or other emergency situations. The principle special consideration outside of a standard application is that a unique opportunity is presented that, if missed, is likely to remove or make unavailable to the Town and its citizens a valuable resource within the Town.

In such cases, the CPC will adhere to the procedures applicable under the standard application process, except for the submission deadlines in that process. The CPC may hold a public hearing to review such an application. If the timing of the application is such that the CPC cannot meet the deadline for Annual Town Meeting, the CPC will consider such an application only if the applicant or the Selectmen have committed to calling a Special Town Meeting, one of the purposes of which will be to consider the appropriation of CPA funds for the project described in the special application. The proponents of such an application may petition the Selectmen and will be responsible for calling a Special Town Meeting or securing other necessary changes in the Town's calendar, at the expense of the proponent.

The CPC will consider an application for funding under the Special Application Process only if the project meets the general and specific criteria for the proposal. The project must also meet the following criteria:

- The proponents were unaware of the opportunity to undertake the project, or the proponents did not have authority to identify such opportunity prior to the standard application deadlines.
- The proponents have either: (a) a letter of intent by the current owner of the real property expressing an interest in selling to the applicant; or (b) legal control (an option, signed purchase and sale agreement or legal title) of the real property.
- The project is supported by one or more Town Boards with responsibility for projects of a similar nature.
- Failure to secure CPA funding will create a high likelihood that the project will not be able to be carried out for the benefit of the Town because the opportunity is of very short duration.
- Receipt of CPA funds will contribute materially to the likelihood of success for the project.
- The project holds a high priority in the Open Space Plan or in other planning documents currently accepted and utilized by the Town.

## CPA EXPENDITURE CONDITIONS

- **Incidental Project Costs.** CPA funds may be used for site surveys, environmental assessments, 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. As project costs, they do not constitute administration expenses of the CPC (which are subject to a 5% annual revenue limitation).

- **Availability of Funds.** Funding for each recommended project must be approved by a majority vote at the May Town Meeting. Town Meeting can approve, reduce, or reject recommended funding amounts for each project. Funds for projects approved at Special Town Meeting may be available immediately following certification of the vote. Other funds may not be available until the beginning of the next fiscal year. Payment of funds is subject to the satisfaction of all conditions and procedures established by the CPC. A Letter of Conditions and invoice submission procedures will be provided to project recipients within 30 days following Town Meeting approval. As a condition of funding, the Letter of Conditions must be signed and returned to the CPC prior to the start of the project. **A signed contract from all involved firms or contractors must also be received, reviewed, and approved by the CPC before work on a project may begin.**

- **State Procurement Requirements.** Enacted in 1990, Chapter 30B of the Massachusetts General Laws, the Uniform Procurement Act, establishes uniform procedures for local governments to use when contracting for supplies, services, and real property. In general, Chapter 30B applies to the procurement of supplies and services, dispositions of surplus supplies, and the acquisition and disposition of real property. For supplies and services, with certain exceptions, Chapter 30B provides for: use of sound business practices for contracts under \$5,000; solicitation of three quotes for contracts in the amount of \$5,000 up to \$24,999; and competitive sealed bids or proposals for contracts in the amount of \$25,000 or more. Contracts for the procurement of goods and services for the improvement or enhancement of town property may be entered into only by a Town entity.

- **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 a development that spans town borders or a 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), the Executive Office of Environmental Affairs (EOEA) Massachusetts Forest Legacy program, or 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 in subsequent years (but not against the state matching funds). Such borrowings may be useful to aggregate sufficient funds to undertake a more costly undertaking than would be possible by applying for funds 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 core 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 10% minimum expenditure requirements for other core categories. However, bonds issued under the CPA are general obligation bonds of the 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 town.
- **Partnerships.** A 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 a historic structure to convert the building to a residential or a 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 property receiving CPA assistance in order to preserve the public purposes for which the real property was supported with CPA funds and as 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.

## HISTORIC PRESERVATION PROPOSAL GUIDELINES

All participating communities must either spend or reserve not less than 10% of annual CPA revenues for “... *the acquisition, preservation, rehabilitation and restoration of historic resources*”.

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

- To recognize, restore, and preserve the historic heritage of the Town of Maynard through preservation of our historical resources
- To optimize the use and enjoyment of the Town’s historic resources for residents and visitors
- To enhance the Town’s character and heritage through preservation programs and projects

“Historic resources”, a building, structure, vessel real property, document or artifact that is listed on the state register of historic places or has been determined by the local historic preservation commission to be significant in the history, archeology, architecture or culture of a city or town. CPA funds may be used for the preservation, restoration, and rehabilitation of historic resources (including town-owned resources) but not for routine maintenance. CPA funds invested in the preservation of historic property require the property to be protected by a permanent preservation restriction. A proposal for the historic preservation any type of resource must also provide evidence of public benefit.

The CPC supports projects that further these goals. While the Committee welcomes a variety of 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 a 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 securing CPA funding is to present a preliminary proposal to the CPC. The initial application will not only introduce the project to the Committee but will help the applicant to refine a future formal presentation. A final application for funding may be requested by the CPC if your proposal has merit and meets all CPA eligibility standards. You are encouraged to combine historic preservation projects with affordable housing or with open space projects wherever possible.

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

- Level of historical significance to the town.
- Public benefit and public support.
- Appropriateness and professionalism of the proposed project (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 that may be 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 will be maintained for continued public benefit.
- Potential loss or destruction of the resource if the proposed funding is not obtained.

**PLEASE NOTE:** The CPA specifically excludes funding for maintenance. The CPA does allow for the remodeling, reconstruction, and the undertaking of extraordinary repairs to historic resources for the purpose of making such 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 archaeological 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.

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 a 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.

## **HISTORIC PRESERVATION CRITERIA CHECKLIST**

1. Does the project demonstrate public benefit? Does the project have community support and provide a positive impact to the community?
2. Does the project preserve a threatened resource or address an urgent need?
3. Has the historic resource been noted in published histories of the town or county?
4. Is there an opportunity for additional matching funds from other sources to assist in preservation costs of the property or historic resource? Explain.
5. Does the project have a means of support for future maintenance and upkeep?
6. Does the project involve currently owned municipal assets?
7. Does the project have support from other Maynard Town Boards or Committees?
8. Does the project have sufficient supporting documentation? (This documentation will be required along with the Final Application for Funding.)
- \*9. Is the historic resource eligible for or listed on the State or National Register of Historic Places?
- \*10. Are there potential archaeological artifacts at the site?
- \*11. Is there a realistic chance of restoring the property? If so, will the Town or owner preserve the historic appearance and value of the property by placing it under permanent protection (e.g. a deed restriction)?
- \*12. Are there other potential uses for the resource that could benefit the town such as open space use or community housing, while still retaining the historic integrity of the property? Explain.
- \*13. Is the resource part of a historic area or district in the town or is it mentioned in existing Town planning, development, or survey documents?
- \*14. Does the project fit within current or proposed zoning regulations or does it require special permitting?
- \*15. Does the project have the support of the majority of immediate abutters?

**\* NOTE: Questions are only applicable to historic resources such as buildings, scenic vistas, and real property.**

## **OPEN SPACE PROPOSAL GUIDELINES**

All participating communities must either spend or reserve not less than 10% of annual CPA revenues for "*...the acquisition, creation, and preservation of open space...or for the rehabilitation or restoration of such open space...that is acquired under the CPA.*"

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 water marshes and other wetlands, river, stream, lake and pond frontage, lands to protect scenic vistas, land for wildlife or nature preserve and land for recreational use.

### **Potential allowable uses for open space projects 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
- Acquire land for scenic vistas, habitat preservation, nature preserves, or passive recreational use

#### **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 to convert the 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 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 to their original state any natural areas previously acquired with CPA funds
- Seed and plant trees or otherwise landscape an open space created by the removal of buildings on the 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, or preserve habitats for threatened or endangered species of plants or animals.

- Provide connections with existing trails or potential trail linkages
- Preserve scenic views or order a scenic road
- Contribute to open space in parts of the town where open space is limited or non-existent

## **CPA Definitions related to Open Space Projects**

**Preservation** - protection of personal or real property from injury, harm or destruction.

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

**Recreational use** – active or passive recreational use including, but not limited to, the use of land for community gardens, trails, and noncommercial youth and adult sports, and the use of land as a park, playground or athletic field. “Recreational use” shall not include horse or dog racing or the use of land for a stadium, gymnasium or similar structure.

**Rehabilitation** - capital improvements or the making of extraordinary repairs, to historic resources, open spaces, lands for recreational use and community housing for the purpose of making such historic resources, open spaces, lands for recreational use and community housing functional for their intended uses, including, but not limited to, improvements to comply with the Americans with Disabilities Act and other federal, state or local building codes or access codes; provided, that with respect to historic resources, “rehabilitation” shall comply with the Standards for Rehabilitation stated in the United States Secretary of the Interior’s Standards for the Treatment of Historic Properties codified in 36 C.F.R. Part 68; and provided further, that with respect to land for recreational use, “rehabilitation” shall include the replacement of playground equipment and other capital improvements to the land or the facilities thereon which make the land or the related facilities more functional for the intended recreational use.

Further resources and information are available at the Community Preservation Coalition web site at: [www.communitypreservation.org/](http://www.communitypreservation.org/)

CPA application forms may be downloaded from our web site at:  
<http://www.townofmaynard-ma.gov/gov/committees/cpc/>

## **OPEN SPACE CRITERIA CHECKLIST**

1. Does the project require urgent attention or preserve a threatened resource?
2. Is the project consistent with existing Town planning, development, or survey documents? such as the Master Plan or the Open Space Plan?
3. Is the parcel within a delineated wellhead protection area or aquifer and would the parcel enhance protection of a wellhead area?
4. Is wetland or vernal pool protection a consideration?
5. Is stream or riverbank protection an issue?
6. Would this proposal contribute to a greenway or forested parcel?
7. Would this proposal enhance protection of any FEMA-designated floodway?
8. Is this parcel at risk for development or has it been part of a past proposal for development?
9. Is this parcel currently listed for sale?
10. Are additional funds or grants available and if so, have any applications been made?
11. Does the project have other sources of funding and if so, list the sources and percentages.
12. Are any active or passive recreation activities suitable for this parcel?
13. Is this parcel suitable for a community garden or farm?
14. Is this parcel suitable for nature observation and educational programs?
15. Does the project have a means of support for future maintenance requirements?
16. Does the project involve currently owned municipal assets or is it privately owned?
17. Does the project have community support and will it provide a visible and positive impact to the community? Will it fill an underserved need in the town?
18. Does the project have the support of the majority of immediate abutters?
19. Does the project reclaim abandoned or previously developed lands?
20. Does the project have support from other Maynard town boards or committees?
21. Does the project require any special permitting?
22. Does the project proposal have sufficient supporting documentation?

## COMMUNITY HOUSING PROPOSAL GUIDELINES

All participating communities must either spend or reserve not less than 10% of annual CPA revenues for “...*the acquisition, creation, preservation and support of community housing... or for the rehabilitation or restoration of 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*”.

Preference will 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 refers to housing for low and moderate income individuals and families, including seniors.

**Preference** will be given to project applications 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 partially fund construction
- Converts market-rate housing to affordable housing
- Intermingles affordable housing 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 to the extent permitted by law

### **Potential allowable uses for community housing projects using CPA funds:**

#### **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 a new housing development, either rental or 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, 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; mitigation of other contaminated sites in preparation for housing development

### **Preservation**

- Refinance "expiring use" properties which are at risk of going to 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 the 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.*

Housing proposals will be reviewed and evaluated by the CPC. 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
- Age and style of the building, and probable future maintenance costs and requirements, will 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 proposed housing unit 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 space (indoors and out) and restricting intrusion into that space by public access and related easements.

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

## **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

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 MGL 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 MGL Chapter 180 or MGL Chapter 203.

## CPA 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 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.

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

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

**Maintenance:** incidental repairs which neither materially add to the value of the property nor appreciably prolong the property's life, but keep the property in a condition of fitness, efficiency or readiness

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

**Qualifying Families:** Families qualify for affordable housing if they are at or below 80% of the current area median income. 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:** capital improvements, or the making of extraordinary repairs, to historic resources, open spaces, lands for recreational use and community housing for the purpose of making such historic resources, open spaces, lands for recreational use and community housing functional for their intended uses, including, but not limited to, improvements to comply with the Americans with Disabilities Act and other federal, state or local building codes or access codes; provided, that with respect to historic resources, "rehabilitation" shall comply with the Standards for Rehabilitation stated in the United States Secretary of the Interior's Standards for the Treatment of Historic Properties codified in 36 C.F.R. Part 68; and provided further, that with respect to land for recreational use, "rehabilitation" shall include the replacement of playground equipment and other capital improvements to the land or the facilities thereon which make the land or the related facilities more functional for the intended recreational use.

## COMMUNITY HOUSING CRITERIA CHECKLIST

1. What is the address of the property if address specific?
2. 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?
3. Does this project involve the building of a new structure? If so, what is the status of the property?
  - Will the project be built on a previously developed site?
  - Will the structure be built on private property?
  - Will the structure be built on tax title land?
  - Will the structure be built on Town owned land?
  - Will the structure be built on donated land?
4. Is this infill development?
5. Will it be located near conveniences (grocery, town services, etc.)?
6. Does the project provide housing that is similar in design and scale with the surrounding community?
7. How will CPA funds be used in the project? Explain.
8. What is the financing of the project? Explain.
  - Are there other grants available to help fund the project?
  - Are there other programs involved, such as Habitat for Humanity?
9. Is this rental housing for for-sale housing?
10. How many housing units are involved? Number of bedrooms per unit:

0 or 1 bedroom	Number of units	___
2 bedrooms	Number of units	___
3 bedrooms	Number of units	___
4 or more bedrooms	Number of units	___
11. Will this be restricted to a specific age group or special needs population? Explain.
12. Is long term affordability assured? Length of affordability? In perpetuity?
13. What level of affordability will be provided?

60% income level population?	Number of unit's	___
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80% income level population?      Number of units \_\_\_\_  
Other? List \_\_\_\_\_                  Number of units \_\_\_\_

14. Will priority be given to local residents or Town employees?

## **RECREATION PROPOSAL GUIDELINES**

If a community desires to acquire or create recreational facilities, those projects must be funded from the remaining 70% balance of CPA annual revenues (after the requisite 10% is spent or reserved for each of three categories - open space, community housing, and historic resources. Proposals addressing preservation, rehabilitation, improvement or restoration of recreational facilities or land areas may be considered for funding.

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 town conservation and recreation initiatives by promoting a variety of recreational activities
- Maximize the utility of land already owned by the Town
- Further broaden the diversity of Recreation Department-administered programs to include activities beyond traditional “sports and games”.

### **Potential Uses of CPA Funds for Recreation**

Active or passive recreational use facilities may include community gardens, playgrounds, trails, noncommercial youth and adult sports, parks, and athletic fields. Some examples of the types of recreational use projects that may be carried out with CPA funds are:

#### **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 or swimming pool

#### **Creation**

- Convert existing structures to a recreational use, such as a railroad bed to a biking trail
- Convert an underutilized municipal lot to community gardens
- Clean up a contaminated industrial site to create a playground

#### **Preservation**

- Install an irrigation system at a public park to prevent the property from harm or destruction
- Install new drainage at an existing athletic field to mitigate flooding, water damage, or deterioration of the grounds.

#### **Rehabilitation and Restoration**

- Create recreational opportunities through brownfields rehabilitation
- Cap and develop a landfill to establish a new outdoor park, tennis court or other athletic facility on the site
- Restore to usable condition old walking trails on forest land acquired with CPA funds

## **Improvement and Development**

- Make improvements or additions to existing recreational facilities or land areas
- Expand existing recreational facilities or land areas

Note: CPA funds cannot be used for routine maintenance or capital improvement of resources or facilities for which municipal funding has already been committed. Projects may add improvements or recreational resources to 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.

Establishment of a recreational facility or improvements to land already owned by a municipality is both allowable uses of CPA funds.

## **RECREATION CRITERIA CHECKLIST**

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 per year? If so, what is the approximate cost?
4. Is this project the only facility of its kind in the town or in neighboring communities?
5. Are other grants available to help pay for this project? If so, has application been made for other funding?
6. 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?
7. Does the project include considerations for additional parking?
8. Can the project be used more than one season per year?
9. Does the project blend in to the surrounding neighborhood?
10. Does the project include all normal safety considerations?
12. Does the project meet all safety considerations and building codes?
13. Is the project accessible by pedestrians? \_\_\_\_ Cars? \_\_\_\_
14. Does the project take advantage of connections to other resources?



CPC USE ONLY:  
Application #: \_\_\_\_\_  
\_\_\_\_\_

**COMMUNITY PRESERVATION ACT  
Town of Maynard**

**PRELIMINARY APPLICATION FOR FUNDING**

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

**Project Title** \_\_\_\_\_ **Date** \_\_\_\_\_

**Applicant/Contact Person (please print)** \_\_\_\_\_

**Signature** \_\_\_\_\_

**Sponsoring Organization, if applicable** \_\_\_\_\_

**Mailing Address** \_\_\_\_\_

**Email** \_\_\_\_\_ **Telephone** \_\_\_\_\_

**CPA Category (check all that apply):**    **Open Space** \_\_\_\_\_ **Historic Resources** \_\_\_\_\_  
**Community Housing** \_\_\_\_\_ **Recreation** \_\_\_\_\_

**CPA Funds Requested** \_\_\_\_\_ **Total Cost of Project** \_\_\_\_\_

**Other Funding Sources** \_\_\_\_\_

**Proposed timeline** \_\_\_\_\_

**Brief Description of Project, including goals and community need (use additional pages, if needed):**

*NOTE: This preliminary application enables the CPC to review your request for funding to ensure eligibility of your project. If eligible, you will be asked to prepare a Final Application for Funding, which must be submitted by Mid-Late November.*



CPC USE ONLY:  
Application #: \_\_\_\_\_  
\_\_\_\_\_

**COMMUNITY PRESERVATION ACT  
Town of Maynard**

**FINAL APPLICATION FOR FUNDING**

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

**Project Title** \_\_\_\_\_ **Date** \_\_\_\_\_

**Applicant/Contact Person (please print)** \_\_\_\_\_

**Signature** \_\_\_\_\_

**Sponsoring Organization, if applicable** \_\_\_\_\_

**Mailing Address** \_\_\_\_\_

**Email** \_\_\_\_\_ **Telephone** \_\_\_\_\_

**CPA Category (check all that apply):**      **Open Space** \_\_\_\_ **Historic Resources** \_\_\_\_  
**Community Housing** \_\_\_\_ **Recreation** \_\_\_\_

**CPA Funds Requested** \_\_\_\_\_ **Total Cost of Project** \_\_\_\_\_

**PROJECT DESCRIPTION:** Provide answers to the questions listed below. A complete application must provide all relevant requested information. Include supporting materials and exhibits as needed.

**1. Goals:** What are the specific objectives of the proposed project? Who will benefit and why? How will success be measured?

**2. Community Need:** Why is this project needed? Does it address needs identified in existing Town or regional plans or non-profit organizations, or needs raised in community discussions?

**3. Community Support:** What is the nature and level of support and/or opposition for the project? In particular, with which Town Boards/Committees/Departments or community organizations have you consulted/collaborated.



**4. Budget:** What is the total budget for the project and how will CPA funds be spent? Provide written estimates to substantiate proposed costs. Include a 2- to 5-year budget, if appropriate. (NOTE: CPA funds may NOT be used for general maintenance purposes.)

**5. Funding:** What other funding sources are committed or under consideration? Include any commitment letters or describes other efforts to secure funding for this project. Is there revenue potential for this project?

**6. Timeline:** What is the schedule for project implementation? Include a timeline for critical elements, expenditures, and receipt of other funds, if any.

**7. Implementation:** Who will be responsible for implementing the project? Who will manage the project? Does the proposed project manager have relevant experience? Who else will be involved in project implementation and what arrangements have been made with them?

**8. Maintenance:** If ongoing maintenance is required, who will be responsible and how will it be funded? Please include a 5-year budget and documentation of commitment.

**ADDITIONAL INFORMATION** Provide the following additional information, if applicable:

**9. Further Documentation:** Show documentation that indicates your control over the site, such as a Purchase and Sale Agreement, option, or deed. Provide evidence of long-term deed restrictions where required for CPA funding.

**10. Feasibility Reports:** Provide feasibility reports, renderings, assessor's maps, or other relevant studies and materials. Photos, detailed design renderings, and supporting documents such as historic structural and existing conditions reports, also will be helpful in defining the parameters of your project.

**11. Zoning Compliance:** Provide evidence that the project does not violate any zoning by-laws or any other laws or regulations, including environmental concerns. Include a list of permits or approvals that may be needed.

**12. Other Information:** Include any additional information that might benefit the Community Preservation Committee in the evaluation of this project.

**13. Applicants with multiple requests:** Please prioritize your 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.