

## APPENDIX A

### MASSACHUSETTS GENERAL LAWS CHAPTER 44B (Community Preservation Act -CPA)

<https://malegislature.gov/laws/generallaws/parti/titlevii/chapter44b>

## APPENDIX B

### TERMS & DEFINITIONS (MGL CH 44B SEC. 2)

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

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

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

**"Community housing"**, low- and moderate-income housing for individuals and families, including low- or moderate-income senior housing.

**"Community preservation"**, the acquisition, creation and preservation of open space, the acquisition, creation and preservation of historic resources and the creation and preservation of community housing.

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

**"Community Preservation Fund"**, the municipal fund established under section 7.

**"CP"**, community preservation.

**"Historic resources"**, a building, structure, vessel real property, document or artifact that is listed on the state register of historic places or has been determined by the local historic preservation commission to be significant in the history, archeology, architecture or culture of a city or town.

**"Legislative body"**, the agency of municipal government which is empowered to enact ordinances or by-laws, adopt an annual budget and other spending authorizations, loan orders, bond authorizations and other financial matters and whether styled as a city council, board of aldermen, town council, town meeting or by any other title.

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

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

**"Maintenance"**, 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 areawide median income. The areawide median income shall be the areawide median income as determined by the United States Department of Housing and Urban Development.

**"Open space"**, shall include, but not be limited to, land to protect existing and future well fields, aquifers and recharge areas, watershed land, agricultural land, grasslands, fields, forest land, fresh and saltwater marshes and other wetlands, ocean, river, stream, lake and pond frontage, beaches, dunes and other coastal lands, lands to protect scenic vistas, land for wildlife or nature preserve and land for recreational use.

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

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

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

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

**"Rehabilitation"**, capital improvements, or the making of extraordinary repairs, to historic resources, open spaces, lands for recreational use and community housing for the purpose of making such historic resources, open spaces, lands for recreational use and community housing functional for their intended uses including, but not limited to, improvements to comply with the Americans with Disabilities Act and other federal, state or local building 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.P.R. Part 68; and provided further, that with respect to land for recreational use, "rehabilitation" shall include the replacement of playground equipment and other capital improvements to the land or the facilities thereon which make the land or the related facilities more functional for the intended recreational use.

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

## APPENDIX C

### NORTHBRIDGE COMMUNITY PRESERVATION COMMITTEE BYLAW (§4-322)

#### §4-322 COMMUNITY PRESERVATION COMMITTEE BYLAW

##### A. Establishment

There is hereby established a Community Preservation Committee, consisting of nine (9) voting members pursuant to MGL Chapter 44B. The composition of the committee, the appointment authority, and the term of office for the committee members shall be as follows:

- a. One member of the Planning Board as designated by the Board;
- b. One member of the Conservation Commission as designated by the Commission;
- c. One member of the Historical Commission as designated by the Commission;
- d. One member of the Playground & Recreation Commission as designated by the Commission;
- e. One member of the Housing Authority Board as designated by its Board of Directors;
- f. One member of the School Committee as designated by the Committee;
- g. Three at-large members appointed by the Board of Selectmen.

Members of the Community Preservation Committee shall serve for a term of three years or until the person no longer serves on the board or commission being represented. Any vacancy on the Community Preservation Committee shall be filled by the commission, authority or board that designated the member who creates the vacancy by designating another member in accordance with the above for the unexpired term.

Should any of the Commissions, Boards, Councils or Committees who have appointment authority under this Chapter be no longer in existence for whatever reason, the appointment authority for that Commission, Board, Council, or Committee shall become the responsibility of the Board of Selectmen.

##### B. Duties

1. The Community Preservation Committee shall study the needs, possibilities, and resources of the town regarding community preservation. The Committee shall consult with existing municipal boards, including the Board of Selectmen, the Conservation Commission, the Historical Commission, the Planning Board, the Playgrounds and Recreation Commission and the Housing Authority, or persons acting in those capacities or performing like duties, in conducting such studies. As part of its study, the Committee shall hold one or more public informational hearings on the needs, possibilities, and resources of the town regarding community preservation possibilities and resources, notice of which shall be posted publicly and published for each of two weeks preceding a hearing in a newspaper of general circulation in the town. The Committee may, after proper appropriation, incur expenses as permitted by state law using funds from the Community Preservation Fund to pay such expenses.
2. The Community Preservation Committee shall make recommendations to Town Meeting for the acquisition, creation and preservation of open space; for the acquisition, preservation, rehabilitation and restoration of historic resources; for the acquisition, creation, preservation, rehabilitation and restoration of land for recreational use; for the acquisition, creation, preservation and support of community housing; and for the rehabilitation or restoration of open space and community housing that is acquired or created with Community Preservation Funds. With respect to community housing, the Community Preservation Committee shall recommend, wherever possible, the reuse of existing buildings or construction of new buildings on previously developed sites.
3. The Community Preservation Committee may include in its recommendation to the Town Meeting a recommendation to set aside for later spending funds for specific purposes that are consistent with community preservation but for which sufficient revenues are not then available in the Community Preservation Fund to accomplish that specific purpose or recommended action to set aside for later spending funds for general purposes that are consistent with community preservation.

**C. Requirement for a quorum and cost estimates**

The Community Preservation Committee shall not meet or conduct business without the presence of a quorum and shall keep a written record of its proceedings. A majority of the members of the Community Preservation Committee shall constitute a quorum. The Community Preservation Committee shall approve its actions by majority vote of the quorum. Recommendations to the Town Meeting shall include their anticipated costs.

**D. Amendments**

The Community Preservation Committee shall, from time to time, review the administration of this By-law, making recommendations, as needed, for changes in the Section and in administrative practice to improve the operations of the Community Preservation Committee. This Section may be amended from time to time by a majority vote of the Town Meeting, provided that the amendments would not be in conflict with Chapter 44B of the Massachusetts General Laws.

**E. Severability**

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

**F. Effective Date**

Following Town Meeting approval, this Section shall take effect immediately upon approval by the Attorney General of the Commonwealth. Each appointing authority shall have thirty days after approval by the Attorney General to make their initial appointments.

## APPENDIX D

### QUESTIONS TO ASK/ANSWER BEFORE THE CPA APPLICATION PROCESS

The following 20 Questions are offered to provide general thought and deliberation as one considers a project for CPA funding:

1. What is the project? What will it include? What will not be included? What is the scope?
2. Is this a planning project or an implementation project?
3. Does the project enhance the mission of the organization or individual?
4. Who is the beneficiary for this project? Will the beneficiary value the project? Will the beneficiary support it financially? What information or data do you have about the beneficiary that demonstrates interest in the project?
5. What are the funding sources that will support the project? What are the requirements and timelines for other sources?
6. What is the timeline? How will this project impact other plans and programs? Does an individual, an entity or its representatives have experience in planning and implementing similar projects?
7. How will completing the project impact the beneficiary, public or community? Will it make a difference?
8. Does the project meet the eligibility requirements for a Community Preservation Act funding?
9. Does the project require urgent attention?
10. Does the project serve a currently underserved population?
11. Does the project involve currently owned municipal assets?
12. Does the project have a positive impact to the community?
13. Does the project preserve a threatened resource?
14. Does the project have a means of support for maintenance and upkeep?
15. Does the project have more than one other funding source?
16. Does the project have sufficient supporting documentation?
17. Does the project have support from local Town Boards or Committees?
18. Does the project have the support of the majority of immediate abutters?
19. Does the project provide for or address a community need?
20. Does the project require special permitting or other approvals from local/state?

## APPENDIX E

### PROJECT PRE-APPLICATION FOR COMMUNITY PRESERVATION FUNDING

[Click here to view pre-application form \(PDF\)](#)

## APPENDIX F

### PROJECT APPLICATION FOR COMMUNITY PRESERVATION FUNDING

[Click here to view application form \(PDF\)](#)

## APPENDIX G

### SPECIAL APPLICATION PROCESS

#### PURPOSE

For any use eligible for CPA funding, under special circumstances as determined by the Community Preservation Committee, the CPC may consider a Special Application outside of the standard application process, if it meets the criteria listed below. By way of example, the most common of these circumstances might be the imminent placing of real property on the market or include time sensitive stabilization of restoration of an historic asset damaged by a flood, fire, or other emergency situation.

The principle warranting special consideration outside the standard application process is that a unique opportunity is present that, if missed, is likely to remove or make unavailable to the Town and its residents a valuable resource within the Town.

#### PROCESS

In all such case, the CPC will adhere to the procedures applicable under the standard application process, except for the submission and timelines outlined and in all cases, the CPC will hold a public hearing to review such application.

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

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

#### CRITERIA

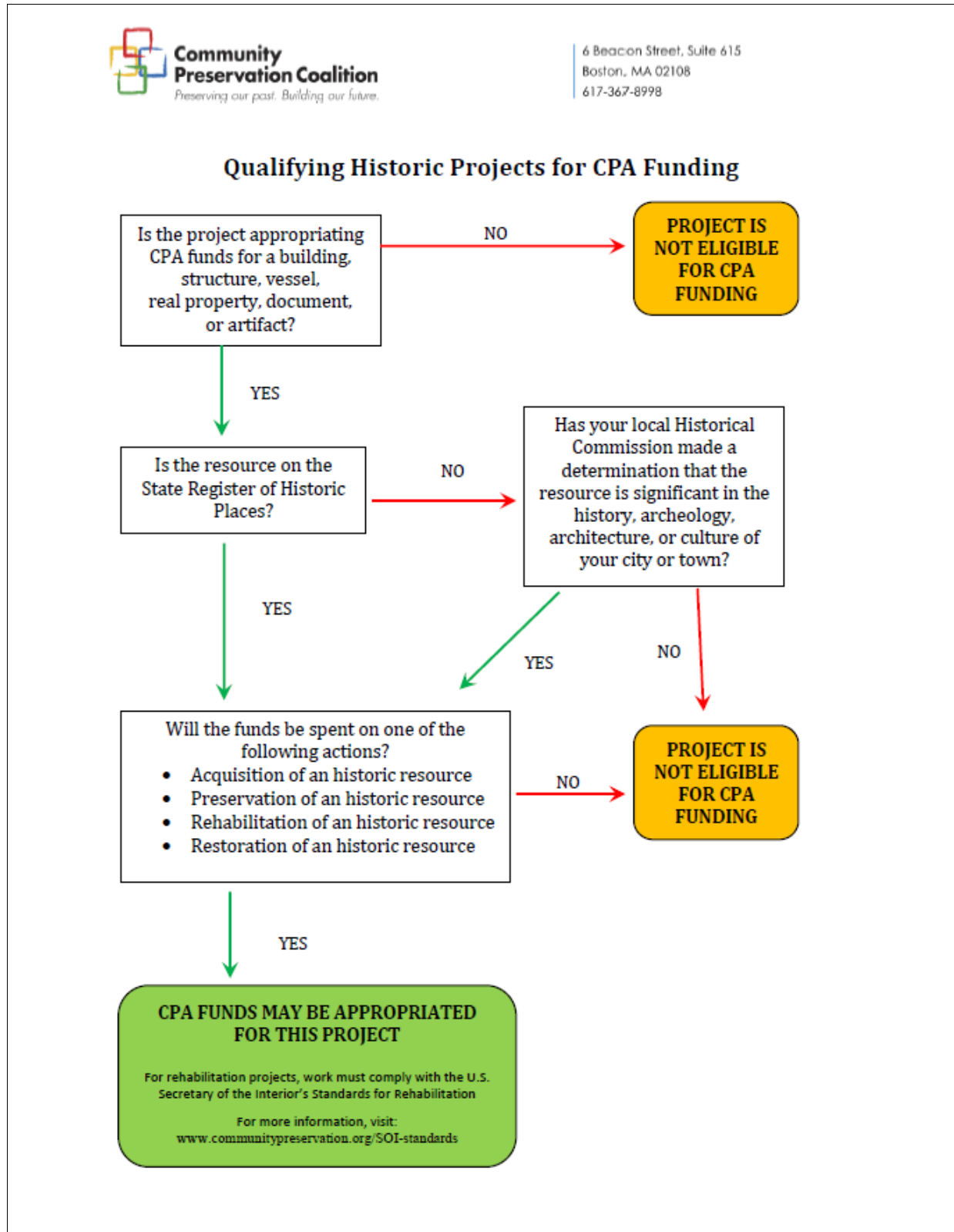
The CPC will consider a proposal under Special Application Process only if the project meets the General Evaluation Criteria, the Consideration Guidelines, and the following:

- 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 timelines (potential sale was still confidential);
- The proponents have either (a) a letter of intent signed by the current owner of the real property expressing an interest in selling to the applicant or (b) legal control (an option, signed purchase and sale agreement or legal title) of the real property;
- The project is supported by one or more Town Boards with the responsibility for projects of a similar matter.
- Failure to seek/secure CPA funding will create a high likelihood that the project will not be able to be carried out for the benefit of the Town, because the opportunity is of very short duration.
- Appropriation of CPA funding will contribute materially to the likelihood of success for the project.
- The project holds a high priority in the comprehensive long-range plan and/or the Open Space & Recreation Plan, Historic Resources Plan, or in other planning documents currently available, accepted and utilized by the Town.

*The CPC may give consideration to the urgency of a project, especially to those projects whose successful implementation is constrained by scheduling factors not in the control of the applicant. In special situations, such as the imminent placing of land on the market or an indication of an intention to do so, the CPC may consider an application outside of the normal schedule of project solicitations. The CPC may consider late applications only after a 2/3 vote of the Committee to accept the later application.*

## APPENDIX H

## QUALIFYING HISTORIC RESOURCE PROJECTS FOR CPA FUNDING (Flowchart)





## APPENDIX I

### HISTORIC STRUCTURE REPORTS

A historic structure report provides documentary, graphic, and physical information about a property's history and existing condition. Broadly recognized as an effective part of preservation planning, a historic structure report also addresses management or owner goals for the use or re-use of the property. It provides a thoughtfully considered argument for selecting the most appropriate approach to treatment, prior to the commencement of work, and outlines a scope of recommended work. The report serves as an important guide for all changes made to a historic property during a project-repair, rehabilitation, or restoration-and can also provide information for maintenance procedures. Finally, it records the findings of research and investigation, as well as the processes of physical work, for future researchers. [NPS Preservation Brief 43 -the Preparation and Use of Historic Structure Reports]

In addition, the report should provide guidance with respect to any proposed new work. For additional information, refer to the National Park Service's Preservation Brief #43 at <https://www.nps.gov/tps/how-to-preserve/briefs/43-historic-structure-reports.htm> which provides detailed information on the purpose and development of Historic Structure Reports.

## APPENDIX J

### SECRETARY OF THE INTERIOR'S STANDARDS FOR THE TREATMENT OF HISTORIC PROPERTIES

[Click here to view online \(PDF\)](#)

## APPENDIX K

### OFFICE OF INSPECTOR GENERAL LETTER DATED JULY 2018 & PROCUREMENT CHARTS

[Click here to view online \(PDF\)](#)

## APPENDIX L

### REQUEST FOR DISBURSEMENT OF AWARDED CPC FUNDS

[Click here to view form \(PDF\)](#)