

# **TOWN OF HARWICH**

**2023**

## **COMMUNITY PRESERVATION COMMITTEE INFORMATIONAL PACKET FOR SUBMITTAL OF AN APPLICATION FOR COMMUNITY PRESERVATION ACT FUNDS FOR CONSIDERATION AT 2024 ANNUAL TOWN MEETING**

**This packet includes two sections:**

### **Section 1: Is Our Project Eligible?**

This section provides information from the Community Preservation Coalition Website about what type of projects (Open Space; Community Housing; Historic Preservation; and Recreation) are eligible for funding. Please read through the packet carefully before you submit an application.

### **Section 2: CPA Project Application – 2023**

This section provides information on Project Selection Criteria; Terms & Conditions for Applications; and the Project Funding Request Application.

**CPA Project Funding Request Applications are due  
October 2, 2023 at 4:00 pm.**

## **SECTION 1**

### **Is Our Project Eligible?**

The following is taken from the Community Preservation Coalition Website. It has been edited to provide pertinent content. For more information please visit the Website at <http://www.communitypreservation.org>

### **Is Our Project Eligible?**

Table 1. summarizes the eligible uses of CPA funds in each of the CPA project categories: open space, historic preservation, recreation, and housing. This table is critical for determining whether a proposed project is eligible for CPA funding. Additional information about CPA funding categories is provided below.

Table 1. Projects are only eligible for CPA funding if they fit in a green box below.

	OPEN SPACE	HISTORIC PRESERVATION	RECREATION	HOUSING
ACQUIRE	YES	YES	YES	YES
CREATE	YES	NO	YES	YES
PRESERVE	YES	YES	YES	YES
SUPPORT	NO	NO	NO	YES
REHABILITATE AND/OR RESTORE	NO, UNLESS ACQUIRED OR CREATED WITH CPA FUNDS	YES	YES, (NEW 07/08/2012)	NO, UNLESS ACQUIRED OR CREATED WITH CPA FUNDS

Table adapted from “Recent Developments in Municipal Law”, Massachusetts Department of Revenue, October 2012.

Please keep in mind there are legal limitations on what CPA funds can be used for. A “Community Preservation Act - Questions and Answers” page can be found at <http://www.communitypreservation.org>

If you are in doubt about your project’s eligibility, please email your question to [cpc@townofharwich.us](mailto:cpc@townofharwich.us).

### **A DEEPER LOOK INTO CPA’S PROJECT CATEGORIES**

The CPA requires that communities spend, or set aside for future spending, a minimum of 10% of their annual CPA revenues for each of the three following categories: open space, historic

preservation, and community housing. The remaining 70% of the funds are undesignated, and can be used for any eligible project in any of the CPA categories. This gives each community tremendous flexibility to determine its own priorities. Read on for a general overview of each of these categories; a decision on the eligibility of specific projects in each community is determined locally by municipal council.

## **Open Space**

CPA funds may be spent on the acquisition, creation, and preservation of open space, and for the rehabilitation or restoration of any open space that has been acquired or created using CPA funds. It is important to note that a permanent deed restriction is required for all real property interests acquired under CPA. This restriction must be filed as a separate instrument, such as a Conservation Restriction (CR) or Agricultural Preservation Restriction (APR) and, until this step has been completed, the terms of the CPA acquisition have not been technically fulfilled.

Section 2 of the CPA legislation defines open space. It includes, but is not limited to, the following:

- Land to protect existing and future well fields
- Aquifers, recharge areas, and watershed land
- Agricultural land
- Grasslands, fields and 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
- Land for recreational use (see separate category information, below)

## **Historic Preservation**

CPA funds may be spent on the acquisition, preservation, rehabilitation, and restoration of historic resources. Communities using CPA funds on historic resources must adhere to the United States Secretary of the Interior's Standards for the Treatment of Historic Properties.

Section 2 of the CPA legislation defines historic resources, preservation, and rehabilitation as follows:

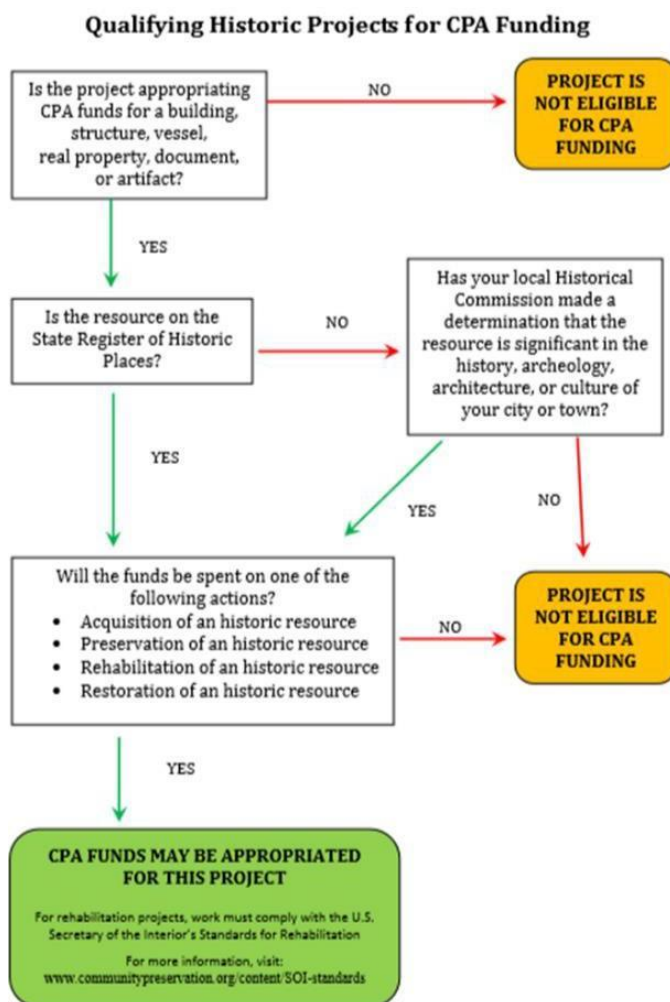
“Historic resources”, a building, structure, vessel, real property, document or artifact that is listed on the state register of historic places or has been determined by the local historic preservation commission to be significant in the history, archeology, architecture or culture of a city or town.

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

“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.F.R. Part 68.

The chart below details the steps to determining whether your historic project qualifies for CPA funding. You can also read the article from Community Preservation Coalition newsletter, *CPA Update*, entitled “Which historic projects qualify for CPA funding?”



## **Community Housing**

CPA funds may be spent on the acquisition, creation, preservation and support of community housing, and for the rehabilitation or restoration of community housing that has been acquired or created using CPA funds. The CPA requires that whenever possible, preference be given to the adaptive reuse of existing buildings or construction of new buildings on previously developed sites.

Section 2 of CPA defines community housing as low and moderate income housing for individuals and families, including low or moderate income senior housing. The United States Department of Housing and Urban Development (HUD) income guidelines are used to determine who is eligible to live in the affordable housing units developed by communities with their CPA funds. Housing developed with CPA funds may be offered to those persons and families whose annual income is less than 100 percent of the area wide median income, as determined by HUD.

Communities may choose to limit certain housing units created with CPA funds to those persons and families earning less than 80 percent of the area wide median income annually, as determined by HUD. This allows communities to include these units on their Subsidized Housing Inventory (SHI) with the state.

Current figures for Harwich are:

2022 CPA AFFORDABLE HOUSING LOW INCOME LIMITS									
Low Income is 80% of HUD's Area wide Median Income figure									
<i>Please Note: Due to the definition of Low Income Housing in the CPA Statute, these Low Income Limits are slightly different from HUD's Low Income figures.</i>									
Community/ Census Area Designation	Areawide Median Income for family of 4	Low Income Limits by Household Size							
		1	2	3	4	5	6	7	8
Harwich/Barnstable MSA	124,300	69,608	79,552	89,496	99,440	107,395	115,350	123,306	131,261

## **Land for Recreational Use (Outdoor Recreation)**

CPA funds may be used for the acquisition of land to be used for recreation, or for the creation of new recreational facilities on land a community already owns. A 2012 amendment to CPA broadened the law to also allow for the rehabilitation of existing, outdoor recreational facilities. The amendment made it clear that with respect to land for recreational use, "rehabilitation" could include the replacement of playground equipment and other capital improvements to the land or the facilities thereon to make them more functional for their intended recreational use.

Section 2 defines recreational use as follows: "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.

CPA funds may not be spent on ordinary maintenance or annual operating expenses; only capital improvements are allowed. This prohibition has generally been interpreted to mean that CPA funds may be used only for outdoor, land-based recreational uses and facilities. A 2012 amendment prohibits the use of CPA funds for the acquisition of artificial turf for athletic fields. Communities may still use their CPA funds for other aspects of a field project, but must appropriate non-CPA funds to acquire the artificial turf surface.

## **SECTION 2**

# **TOWN OF HARWICH COMMUNITY PRESERVATION COMMITTEE 2023 CPA PROJECT FUNDING REQUEST APPLICATION PACKET FOR CONSIDERATION AT 2024 TOWN MEETING**

### **PACKET INCLUDES:**

- 1. SUBMISSION REQUIREMENTS**
- 2. PROJECT SELECTION CRITERIA**
- 3. APPLICATION REVIEW PROCEDURES**
- 4. REPORTING REQUIREMENTS**
- 5. MANDATORY TERMS AND CONDITIONS**
- 6. CPC COMMITTEE MEMBERS AND CONTACT INFORMATION**

### **1. SUBMISSION REQUIREMENTS:**

All applications must be submitted through the online application process. The online submission must be completed no later than 4 PM on Monday, October 2, 2023. The online submission must include completion of all the items in the online submission process, and uploading of supplemental materials (if any) such as budgets, project proposal narratives and related materials, in up to three (3) Portable Document Format (pdf) files, not to exceed 5 MB each. Online submissions are automatically time-stamped when the submission occurs. The automatic time stamp must be no later than 4:00 P.M. October 2, 2023.

PDF files with supplemental materials that exceed 5MB in size must be submitted on a USB memory stick along with the hardcopy materials described below.

The online application can be found at:

<https://www.harwich-ma.gov/community-preservation-committee/webforms/2023-community-preservation-act-project-funding-request>.

When the online submission is completed, the applicant will receive an email acknowledging the submission. This will be followed by another email containing an attached pdf file with all the information collected in the online application questionnaire, and with a place for the applicant's signature at the end. This document, with the applicant's signature, along with a hardcopy of the uploaded supplemental materials (if any), must be delivered to Harwich Town Hall Select Board's Office no later than 4:00 P.M. on Tuesday, October 3, 2023. Postmarks and courier receipts are not acceptable. Applications must be sealed and marked "Harwich Community Preservation Act 2023 Application" and include one original and four (4) paper copies of the application form and all attachments.

The Harwich Community Preservation Committee (CPC) will review all applications for completeness in fulfilling the submission requirements outlined in this section and sections 5 and 6 below. Submissions deemed by the CPC to be incomplete will not be considered.

If any supplemental paperwork, supporting documents, or evidence of town committee reviews are not available to be included in the application package at the submission deadline, those should be listed as forthcoming with reason for delay on the online application. All such supplemental materials and any other information subsequently requested by the CPC must be submitted through the online submission form for supplemental materials no later than 4 PM on Friday, December 1, 2023, and 5 paper copies must be delivered to the Office of the Select Board.

PDF files with supplemental materials that exceed 5MB in size must be submitted on a USB memory stick along with the hardcopy materials listed above.

The online submission form for supplemental materials can be found at:  
<https://www.harwich-ma.gov/community-preservation-committee/webforms/2023-community-preservation-act-project-funding-request-0>

**Any questions related to application procedures or eligibility requirements should be emailed to [cpc@townofharwich.us](mailto:cpc@townofharwich.us) no later than September 25, 2023.**

**DEADLINE DATE - OCTOBER 2, 2023 4:00 pm PLEASE READ CAREFULLY**



## **2. PROJECT SELECTION CRITERIA**

The CPC, requires that all proposed projects comply with eligibility requirements for Community Preservation Act (CPA) funding as set forth in the CPA , Massachusetts General Laws Chapter 44B as may be amended.

The CPC uses the following criteria to evaluate projects:

- Consistency with Harwich’s Local Comprehensive Plan; Open Space and Recreation Plan; Historic Preservation Plan; Affordable Housing Plan; and other planning documents that have received wide community input and scrutiny. The Committee will take into account that some of these plans may not be up to date or may be under development.
- Feasibility
- Urgency
- Affordability
- Serving a currently under-served population
- Consistency with recent town meeting actions
- Preservation of town assets
- Use of existing Town-owned assets (land, buildings) where possible
- Acquisition and/or preservation of threatened resources
- Availability of multiple sources of funding for increased financial leverage
- Use of local contractors where possible
- Opportunities for students and volunteers to train in skills and techniques required by the project

## **3. APPLICATION REVIEW PROCEDURE**

The Harwich Community Preservation Committee (CPC) will review all applications for completeness in fulfilling the submission requirements outlined herein. Submissions deemed by the CPC to be incomplete will not be considered. This determination of completeness is at the sole discretion of the CPC and will be final.

Once an application has been deemed complete, the CPC will invite the applicant to attend a regularly scheduled public meeting of the CPC. This meeting will take place prior to December 31, 2023. Applicants will be provided time to present their proposal, ask questions of the CPC and respond to questions posed by CPC members. Following this meeting, the CPC may opt to send the applicant via email a list of follow-up questions and/or requests for information indicating the date by which the information must be provided in order to be considered.

If a proposed project requires review or sign-off by a Town Board, Committee or Commission, evidence of sign-off should be provided with the application. If due to committee scheduling this is not accomplished by the submission deadline, the application should include a list of committee sign-offs required and subsequent evidence of sign-off must be submitted to the CPC no later than December 1, 2023.

If a proposal is sponsored by a Town Board or Committee submitting multiple requests in any of the CPC funding areas, then the Board/Committees should indicate the priority of each application on the application form by indicating “Committee name – 1”, Committee name-2”, etc. .

In accordance with the CPA, the CPC is the only body authorized to make recommendations to Town Meeting for CPA funding proposals. Upon review of all application materials and supplemental materials the CPC will schedule a public meeting to deliberate and vote on whether to recommend funding or partial funding for each eligible proposal. The CPC is not obligated to make a positive motion to recommend funding a proposal and may opt to take no action. All positive funding recommendations will be forwarded by the CPC to the Select Board to be placed on the warrant for the annual Town Meeting. The Community Preservation Act requires Town Meeting approval for all CPC- approved project funding recommendations and CPC Administrative Budget requests.

#### **4. REPORTING REQUIREMENTS**

The CPC now requires a bi-annual written update of progress on all projects. Reports will be presented at the September and March regularly scheduled meetings. The CPA Project Funding Request Application must have a **projected start date**, and a **projected completion date**. The intent of setting these two projected dates is to facilitate the potential return of unused CPA funds so that they may be used for other CPA projects. As time unfolds, the applicant may request a waiver of one or both of these dates. A waiver may be granted via a majority vote of the CPC after it receives all requested information from the submitter.

#### **5. MANDATORY TERMS & CONDITIONS FOR APPLICATION**

By signing the CPA application form (Section 6), applicants are accepting the following terms and conditions:

1. Project applications must be completed through the online form by 4:00 PM October 2, 2023 and 5 hardcopies delivered to Harwich Town Hall by 4 PM October 3, 2023 to be considered for Committee recommendations for the 2024 Annual Town Meeting.
2. Each formal project funding request must be submitted through the Community Preservation Committee's online – **2023 Community Preservation Act Project Funding Request** - (found at <https://www.harwich-ma.gov/community-preservation-committee/webforms/2023-community-preservation-act-project-funding-request>) and include all required attachments. The online process must be completed by 4 PM October 2, 2023, and five (5) hardcopies are to be submitted by the due date, October 3, 2023 4 PM. Supplemental materials submitted with the application may be included in up to three (3) pdf files, not to exceed 5 MB each. PDF files exceeding 5 MB must be submitted on a USB memory stick with the hardcopy submission.
3. Any Supplemental paperwork not available for the October 2 submission deadline must be submitted no later than 4 PM on Friday, December 1, 2023 using the online submission form for supplemental materials at <https://www.harwich-ma.gov/community-preservation-committee/webforms/2023-community-preservation-act-project-funding-request-0> and 5 paper copies delivered to Harwich Town Hall. PDF files with supplemental materials that exceed 5MB in size must be submitted on a USB memory stick along with the hardcopy supplemental materials submission.
4. Obtain quotes for project costs whenever possible. If not, cost estimates may be used,

provided the basis of the estimate is fully explained. Potential land acquisitions, by law, require an independent appraisal before a Purchase & Sale agreement is signed.

5. For Applicants that submit multiple project requests, projects must be shown in priority order.
6. Project Applicants are required to make a presentation to the Committee.
7. Please indicate with which Town Committees, if any, this request has been discussed.
8. If the Application has missing information, it may delay consideration.
9. The Applicant shall identify in writing a **project manager** responsible for administration of the Project and a **second person**, authorized to act if the contact person is unavailable.
10. **FUNDS** shall be used solely for work included in the Project and within the scope of the Proposal. If the Town determines that funds have been spent on goods and/or services not included in the Project or within the scope of the Proposal, or otherwise not authorized under the Act, reimbursement may not be authorized.
11. The Applicant shall provide the Town, through the Community Preservation Committee, with **progress reports** bi-annually (at the September and March CPC meetings) from the date this project is officially funded (in this case July 2024) for so long as the Funds remain unexpended, and with **final notification** within (30) days after the completion of the Project. The Town reserves the right to require supplementary information from the Applicant. The Town shall have the right, upon reasonable request, to inspect the work of the Applicant.
11. The Town shall disburse the awarded amount during the Project, and disbursements shall be apportioned based on the work done and paid only upon presentment of detailed invoices from the Applicant or the Applicant's contractor, listing in detail the work performed and the cost thereof. The Town shall have the right to ask for supplementary information, including documentation from the contractor confirming the extent of the work performed. Prior to any payment, the Town shall have the right to inspect the work. No payment shall be made until the Town reasonably determines that the work has been done in a good and workmanlike manner and substantially in compliance with the Contract documents. The applicant shall use the awarded amount only for the purpose of the Project, as described in the Contract documents. The cost of completing the Project in excess of the awarded amount shall be paid by the Applicant. Notwithstanding anything herein to the contrary, if the actual cost of the Project is greater than the awarded amount (the difference between the two amounts referred to hereinafter as the Excess), the Town shall have no obligation to pay the Excess.
12. If the Applicant fails to fulfill all obligations under the terms of the agreed application and the agreed application is terminated, any Funds not expended shall be returned forthwith to the Town without further expenditure thereof. Moreover, if the purpose of agreed application is not accomplished, the Project is abandoned, destroyed or acquired by a private, for-profit entity, or if the Applicant fails to fulfill its obligations under the terms of the agreement as a result of negligent or intentional acts or omissions of the Applicant or its agents, employees, contractors or invitees, the Applicant shall be liable to repay the Town the entire amount of the Funds provided under this agreement, and the Town may take such steps as are necessary, including legal action, to recover such funds. Any Funds so returned or recovered shall be placed in the appropriate account of the Town's Community Preservation Fund. In the event that the Town takes legal action, the Applicant shall pay any and all costs, including reasonable attorney's fees, expended for the enforcement of this agreement.

13. The Applicant shall comply with all federal, state, and local laws, rules, regulations and orders applicable to the Project, and shall be responsible for obtaining all necessary **licenses, permits, and approvals** in connection with this Project. No **local permit or license is waived** by the award of this project.
14. Upon completion of the Project, the Applicant shall identify that the Project was funded by the Town of Harwich through the Community Preservation Act in its written materials about the Project, including press releases, brochures, and similar materials.
15. **This Application shall be signed by the Chief Executive Officer or Chief Administrative Officer or Board Chair who has overall administrative authority and responsibility for this project.**

**6. COMMUNITY PRESERVATION COMMITTEE**

Chair - David Nixon - Harwich Recreation & Youth Commission Representative

Vice Chair - Kathy Green - Harwich Real Estate & Open Space Comm. Representative

Mary Maslowski - Harwich Planning Board Representative

John Ketchum - Harwich Conservation Commission Representative

Bob Doane - Harwich Historic District/Historical Commission Representative

Marcelle Vigneau –Harwich Housing Authority

Kelly Barber – Select Board’s Appointment

ALL REQUESTS FOR INFORMATION SHOULD BE EMAILED TO: [cpc@townofharwich.us](mailto:cpc@townofharwich.us)