

# **TOWN OF HARWICH**

**2018**

## **COMMUNITY PRESERVATION COMMITTEE FY20 CPA FUNDS – INFORMATIONAL PACKET FOR SUBMITTAL OF AN APPLICATION FOR COMMUNITY PRESERVATION ACT FUNDS**

**This packet includes two sections:**

**Section 1: Is Our Project Allowable?**

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 make application.

**Section 2: CPA Project Application – 2018**

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

2018 applications are for FY20 funds (July 1, 2019).

CPA Project Funding Request Applications are due  
**October 1, 2018 at 4:00 pm.**

# SECTION 1

## Is Our Project Allowable?

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 Allowable?**

The chart below demonstrates the allowable uses of CPA funds in each of the CPA project categories: open space, recreation, housing, and historic preservation. This chart is critical for determining whether a proposed project is eligible for CPA funding.

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

	<b>Open Space</b>	<b>Historic</b>	<b>Recreation</b>	<b>Housing</b>
<b>Acquire</b>	Yes	Yes	Yes	Yes
<b>Create</b>	Yes	No	Yes	Yes
<b>Preserve</b>	Yes	Yes	Yes	Yes
<b>Support</b>	No	No	No	Yes
<b>Rehabilitate and/or Restore</b>	Yes, if acquired or created with CPA funds	Yes	Yes (new 7/8/2012)	Yes, if acquired or created with CPA funds

*Chart adapted from "Recent Developments in Municipal Law", Massachusetts Department of Revenue, October 2012.*

## 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/recreation, historic preservation, and community housing. The remaining 70% of the funds are undesignated, and can be used for any allowable 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 allowability of specific projects in each community is determined locally by municipal counsel.

### Open Space

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)

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.

## **Historic Preservation**

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.

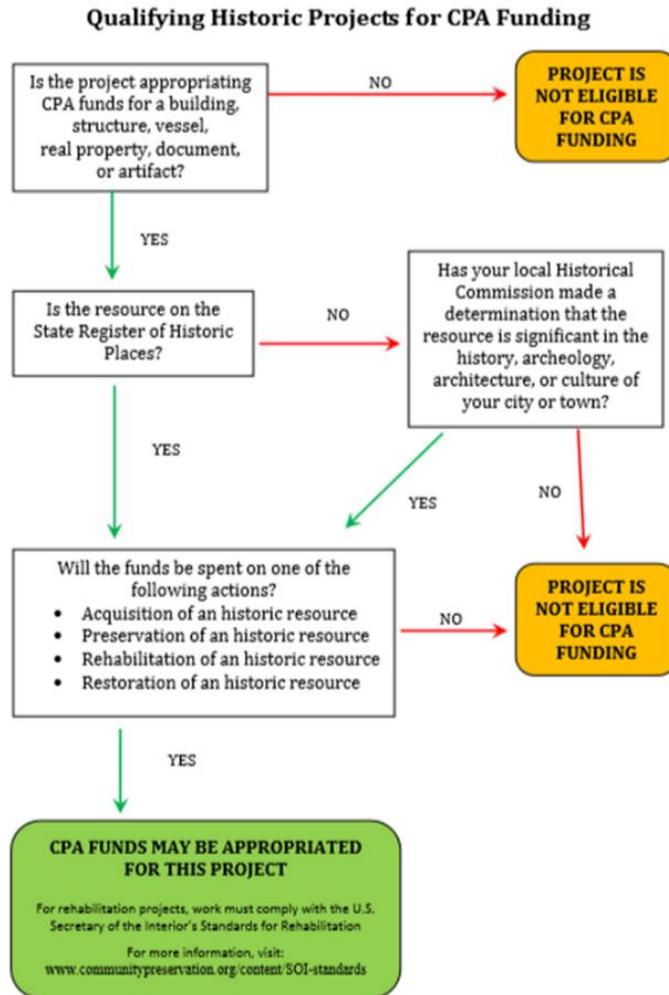
“Rehabilitation”, capital improvements, or the making of extraordinary repairs, to historic resources, open spaces, lands for recreational use and community housing for the purpose of making such historic resources, open spaces, lands for recreational use and community housing functional for their intended 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; 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.

Under CPA, an historic resource is defined as a building, structure, vessel, real property, document or artifact that is either:

- listed on the State Register of Historic Places; or
- determined by the local Historic Commission to be significant in the history, archeology, architecture, or culture of the city or town.

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.

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

Section 2 of CPA defines community housing as “Community housing”, 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.

Please note, though, that 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:

2018 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	Area wide Median Income for a Family of Four	Low Income Limits: <b>Household Size: 1</b>	Low Income Limits: <b>Household Size: 2</b>	Low Income Limits: <b>Household Size: 3</b>	Low Income Limits: <b>Household Size: 4</b>	Low Income Limits: <b>Household Size: 5</b>	Low Income Limits: <b>Household Size: 6</b>	Low Income Limits: <b>Household Size: 7</b>	Low Income Limits: <b>Household Size: 8</b>
Harwich	Barnstable MSA	86,200	48,272	55,168	62,064	68,960	74,477	79,994	85,510	91,027

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.

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

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.

The focus for CPA recreational projects is on **outdoor** passive or active recreation, such as (but not limited to) the use of land for:

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

CPA funds may not be spent on ordinary maintenance or annual operating expenses; only capital improvements are allowed. In addition, CPA funds may not be used for horse or dog racing facilities, or for a stadium, gymnasium, or similar structure. This prohibition has generally been interpreted to mean that CPA funds may be used only for outdoor, land-based recreational uses and facilities.

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.

Another change ushered in by the 2012 amendment was a prohibition on 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**

**2018 CPA PROJECT FUNDING REQUEST  
APPLICATION PACKET**

**INCLUDES:**

**PROJECT SELECTION CRITERIA  
GUIDELINES FOR APPLICATION  
PROJECT FUNDING REQUEST APPLICATION**

**DEADLINE DATE - OCTOBER 1, 2018 4:00 pm  
PLEASE READ CAREFULLY**

**Revised: July 15, 2018**

TOWN OF HARWICH - COMMUNITY PRESERVATION COMMITTEE  
2018 PROPOSAL APPLICATION FOR 2019 ANNUAL TOWN MEETING

**PROJECT SELECTION CRITERIA**

The Harwich Community Preservation Committee, hereafter referred to as the CPC, requires that all proposed projects be eligible for Community Preservation Act (CPA) funding according to the provisions of the Act as defined by the General Laws of Massachusetts 44B as amended.

**\*\*The CPC requires that all project applications be reviewed with appropriate Town Boards/Committees/Commissions/ before submittal and be initialed and dated by said Boards/Committees/Commissions on the application. If there are multiple requests in any of the funding areas, then the Boards/Committees/Commissions will be asked to prioritize their requests.**

The CPC now requires an annual written update of progress on all projects. In addition, updates may be made before the CPC at a regular monthly meeting. 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.

\*\*\*Under the Act, only the CPC may make CPA funding recommendations to the BOARD OF SELECTMEN for the annual Town Meeting. Please note that Town Meeting will have the ultimate say on all CPC-recommended CPA funding requests. The Community Preservation Act requires Town Meeting approval for all CPC- approved project funding recommendations and CPC Administrative Budget requests.

The following criteria may be used 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

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 contact a member of the CPC, so we may have the opportunity to review it for eligibility.

TOWN OF HARWICH - COMMUNITY PRESERVATION COMMITTEE

2018 PROPOSAL APPLICATION FOR THE 2019 ANNUAL TOWN MEETING

**GUIDELINES FOR APPLICATION**

1. Project applications must be received by 4 PM October 1, 2018 to be considered for Committee recommendations to the May 2019 Annual Town Meeting.
2. Each formal project funding request must be submitted on the Community Preservation Committee's - **Community Preservation Act (CPA) Project Funding Request Application** - (found in this packet); include all attachments. Twelve (12) copies are to be submitted by the due date to the Community Preservation Committee.
3. 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.
4. For Applicants that submit multiple project requests, projects must be shown in priority order.
5. Project Applicants are required to make a presentation to the Committee.
6. Please indicate which Town Committees, if any, this request has been discussed.
7. If the Application has missing information, it may delay consideration.
8. 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.
9. Entities or individuals that are not Town of Harwich departments, agencies or subdivisions shall have a contract executed with the Town of Harwich for the purposes of implementing an approved project.
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 from the date this project is officially funded (in this case July 2019) 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.
12. 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.

13. 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.
14. 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.
15. 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.
16. **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.**

**TOWN OF HARWICH - COMMUNITY PRESERVATION COMMITTEE**  
**2018 CPA PROJECT FUNDING REQUEST APPLICATION**  
**FISCAL YEAR 2019-2020**

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

Application # \_\_\_\_\_

*For Administrative Use Only*

**APPLICANT INFORMATION**

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

Town Committee, Board or Organization: \_\_\_\_\_

Legal Mailing Address: \_\_\_\_\_

Phone: \_\_\_\_\_ Email Address: \_\_\_\_\_

**Project Manager:** \_\_\_\_\_

Legal Mailing Address: \_\_\_\_\_

Phone: \_\_\_\_\_ Email Address: \_\_\_\_\_

**Second Contact Person:** \_\_\_\_\_

Legal Mailing Address: \_\_\_\_\_

Phone: \_\_\_\_\_ Email Address: \_\_\_\_\_

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**PROJECT INFORMATION**

PROJECT TITLE: \_\_\_\_\_

PROJECT AMOUNT REQUESTED: \_\_\_\_\_

PROJECT DESCRIPTION: \_\_\_\_\_

\_\_\_\_\_

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\_\_\_\_\_

ESTIMATED STATE DATE: \_\_\_\_\_

ESTIMATED COMPLETION DATE: \_\_\_\_\_

**Three years from the release of funds (July 2019) funds may be rescinded automatically;  
waivers may be sought.**

## CPA CATEGORY

**APPLICANTS PLEASE TAKE NOTE \*\*please check boxes for all that apply\*\***

- Open Space:** This application is for the “acquisition, preservation, rehabilitation and/or preservation of open space”.
- Historic:** This application is for the “acquisition, preservation, rehabilitation and/or restoration of historic resources”. And as such, the following entity has declared it a “Historic Resource”.
- Community Housing:** This application is for the “acquisition, creation, preservation and/or support of community housing”.
- Recreation:** This application is for the “acquisition, creation, preservation, rehabilitation and/or restoration of land for recreational use”.

**How does this project fit into Harwich’s Local Comprehensive Plan and/or other Plan?** \_\_\_\_\_

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**How does this project benefit the citizens of Harwich? If appropriate, has the application sought public opinion or input? If not, why?** \_\_\_\_\_

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**Please list other Commissions/Boards/Committees/Organizations that may have involvement, jurisdiction, partnering:**

<u>Commissions/Boards/Committees/Organizations</u>	Please have them initial here after their review

**Describe their response, or provided written comments/input:**

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**PROJECT BUDGET:** Attach a dated and detailed line item project budget estimate for your funding request. If the request involves a Town-owned asset, provide the project's projected operating expenses, including maintenance.

**COST ESTIMATE(S):** \$ \_\_\_\_\_  
Attach cost estimates or firm quotes (if available) for all projects.

**LAND and/or BUILDING ACQUISITION PROJECTS:** The following **must** also be submitted, as applicable:

- Surveys and/or plot plans for the property
- Appraisals and agreements, if available.
- Name of present owner and attach copy of deed conveying property unto present owner.
- Property address, Harwich Assessor's property identification (Map#, Parcel #).
- For proposed Open Space land purchases, be prepared to discuss public access with the Committee.

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**NEW REQUIREMENT- PLEASE READ** - Project Managers of all projects approved by the CPC and authorized at Town Meeting with any outstanding balances are required to report to the CPC in person and in writing, the substantive and financial status of each project at CPC regular meetings to be held in the months of September and March annually.

**ATTESTATION: I HEREBY ATTEST THAT THE INFORMATION CONTAINED IN THIS APPLICATION IS TRUE AND ACCURATE TO THE BEST OF MY KNOWLEDGE.**

\_\_\_\_\_  
**Signature - Chief Executive Officer or Board Chair**

\_\_\_\_\_  
**Title**

**Printed Name** \_\_\_\_\_

**Date** \_\_\_\_\_

**CPC CONTACT INFORMATION:** [cpc@townofharwich.us](mailto:cpc@townofharwich.us)

Chair - David Nixon - Recreation & Youth Commission Representative  
Vice-Chair - Katherine Green - Real Estate & Open Space Committee Representative  
James P. Atkinson - Planning Board Representative  
Mary Maslowski - Housing Committee Representative  
Cindi Maule - Selectmen Liaison  
Randall Pond - Housing Authority Representative

**Please submit your project paperwork,  
one (1) original and eleven (11) complete copies to:**

**Harwich Community Preservation Committee  
% Harwich Town Hall  
732 Main Street  
Harwich, MA 02645**

**APPLICATIONS MUST BE RECEIVED BY  
OCTOBER 1, 2018 NO LATER THAN 4:00 PM.**