

# **TOWN OF HARWICH**

**2022**

## **COMMUNITY PRESERVATION COMMITTEE FY24 CPA FUNDS – INFORMATIONAL PACKET FOR SUBMITTAL OF AN APPLICATION FOR COMMUNITY PRESERVATION ACT FUNDS**

**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 – 2022**

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

2022 applications are for FY24 funds.

CPA Project Funding Request Applications are due  
**October 3, 2022 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/recreation, 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:

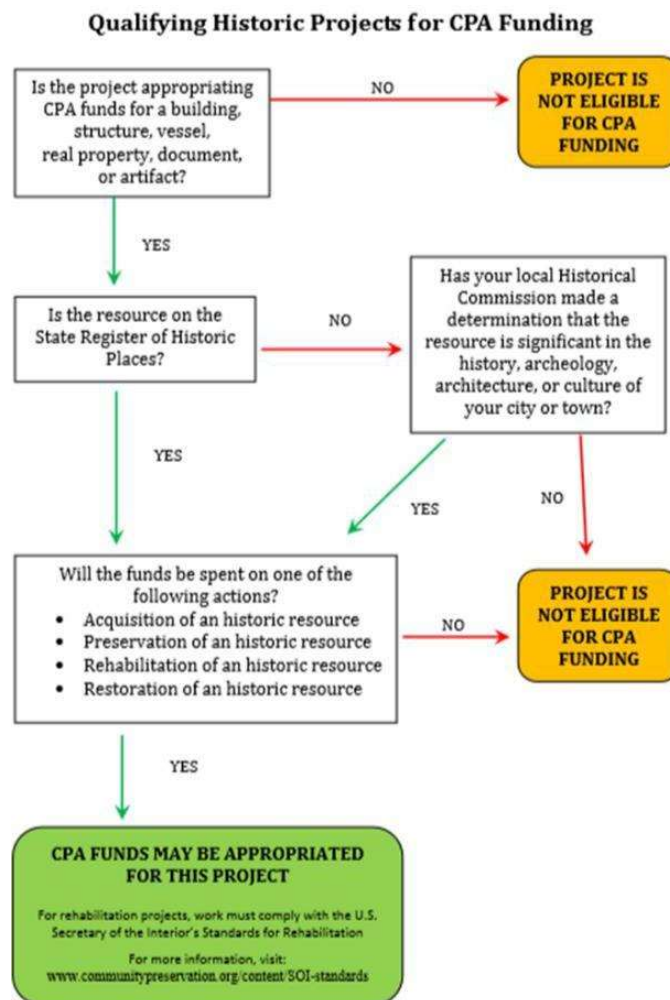
“Historic resources”, a building, structure, vessel, real property, document or artifact that is listed on the state register of historic places or has been determined by the local historic preservation commission to be significant in the history, archeology, architecture or culture of a city or town.

“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	Area Wide Median Income	Low Income Limits by Household Size							
		1	2	3	4	5	6	7	8
Harwich/Barnstable MSA	115,600	60,900	69,600	78,300	86,950	93,950	100,900	107,850	114,800

## **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 2022 CPA PROJECT FUNDING REQUEST APPLICATION PACKET FOR CONSIDERATION AT 2023 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**
- 7. PROJECT FUNDING REQUEST APPLICATION**

## **1. SUBMISSION REQUIREMENTS:**

All applications must be delivered to Harwich Town Hall Select Board's Office no later than 4 PM on Monday, October 3, 2022. Postmarks and courier receipts are not acceptable. Applications must be sealed and marked "Harwich Community Preservation Act 2022 Application" and include one original and eleven (11) paper copies of the application form and all attachments; and a thumb drive (USB memory stick) containing a digital copy of the application form and all attachments in a single PDF file format.

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 for FY24 funding.

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 application form. All such supplemental materials and any other information subsequently requested by the CPC must be submitted no later than 4 PM on Thursday, December 1, 2022 in 12 paper copies and digital PDF format similar to the application.

**Any questions related to application procedures or eligibility requirements should be emailed to [cpc@townofharwich.us](mailto:cpc@townofharwich.us) no later than September 26, 2022.**

**DEADLINE DATE - OCTOBER 3, 2022 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 for FY24 funding. This determination of completeness is at the sole discretion of the CPC and will be final.

Once an application has been deemed complete and eligible for FY24 funding, 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, 2022. 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, 2022.

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 delivered to Harwich Town Hall by 4 PM October 3, 2022 to be considered for Committee recommendations for the 2023 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 required attachments. Twelve (12) copies are to be submitted by the due date, October 3, 2022, 4 PM. Please also submit a thumb drive (USB memory stick) containing a digital copy of the Application in a PDF file format. Any Supplemental paperwork must be submitted no later than 4 PM on Thursday, December 1, 2022 in 12 paper copies and a digital PDF file format.
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 with 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. **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.

10. 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 2023) 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

Joseph P. McParland III - Harwich Housing Committee Representative

John Ketchum - Harwich Conservation Commission Representative

Bob Doane - Harwich Historic District/Historical Commission Representative

Elizabeth Harder - Harwich Housing Authority Representative

Carole Ridley –Select Board’s Appointment Liaison

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

## **7. APPLICATION**

**Your project paperwork needs to include your completed  
2022 CPA Project Funding Request Application, Pages 1 – 3**

**Please complete all fields.**

**Please submit paperwork - one (1) original and eleven (11) - paper copies  
and a thumb drive (USB memory stick) containing a digital copy of the  
Application in a digital PDF file format to:**

**Harwich Community Preservation Committee  
% Harwich Town Hall  
Select Board's Office  
732 Main Street  
Harwich, MA 02645**

**The Application must be submitted by Monday, October 3, 2022, no later than 4  
PM**

**\*\*Applications should not be handwritten. Please do not include Section 1 nor  
the Project Selection Criteria, nor the Terms & Conditions paperwork with your  
returned application. Signature at the end of the application implies consent to  
the Terms & Conditions attached to this document. Also - no special binders,  
covers, etc.**

**\*\* Any supplemental paperwork, supporting documents, or evidence of town  
committee reviews not available to be included in the application package at the  
submission deadline should be listed as forthcoming with reason for delay on the  
application form and must be submitted no later than 4 PM on Thursday,  
December 1, 2022**

**\*\*The Harwich Community Preservation Committee (CPC) will review all  
applications for completeness in fulfilling the submission requirements.  
Submissions deemed by the CPC to be incomplete will not be considered for  
FY24 funding. This determination of completeness is at the sole discretion of the  
CPC and will be final.**

Application #\_  
*For Administrative Use*

**TOWN OF HARWICH - COMMUNITY PRESERVATION COMMITTEE**  
**2022 CPA PROJECT FUNDING REQUEST APPLICATION**  
**FISCAL YEAR 2023-2024**

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

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

**PROJECT INFORMATION**

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

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

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

ESTIMATED START DATE: \_\_\_\_\_

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

**Three years from the release of funds (July 2023) 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”. Please provide the date on which the HDHC reviewed and endorsed this application.
- ☐ **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?**

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

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

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

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

**Please list any documentation to be forthcoming and reason for delay.**

**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 not available then submit by December 1, 2022)
- ☐ 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.

\*\*\*\*\*

By signing below, the Applicant represents and warrants that all the information included is true and correct to the best of the signer's knowledge and belief. Further, the Applicant acknowledges in the event that the Community Preservation Committee agrees to grant funds to Applicant (and subject to Town Meeting approval), this application together with any Terms and Conditions shall constitute a binding agreement, between the Applicant and the Community Preservation Committee. Further, Applicant acknowledges and agrees to execute any additional grant agreements should the Community Preservation Committee so request.

**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** \_\_\_\_\_

**APPLICATIONS MUST BE RECEIVED BY OCTOBER 3, 2022 NO LATER THAN 4 PM**

Revised: May 16, 2022