



TOWN OF NEEDHAM

COMMUNITY PRESERVATION APPLICATION and PROCESS

COMMUNITY PRESERVATION COMMITTEE

Adopted October 14, 2005
Revised October 10, 2007
Amended November 06, 2020

APPLICATION PROCESS

APPLICATION INSTRUCTIONS AND REQUIRED ATTACHMENTS

STEP ONE

Submit Initial Eligibility application via email to Carys Lustig and Kristen Wright: clustig@needhamma.gov & kwright@needhamma.gov (including all attachments) by December 4.

The Community Preservation Committee will review submitted applications to determine, by January 1, whether the proposed projects:

1. Are eligible for Community Preservation funding; and
2. Are consistent with the goals for CPA funding as set forth in the current Community Preservation Plan; and
3. Whether the applicant has site control, or the written consent by the property owner (or relevant Town agency or board) to submit an application.

Initial Eligibility Project Applications should be submitted by December 6 to be eligible for ordinary consideration at the upcoming Annual Town Meeting. At its discretion, The Committee may accept applications after the deadline. In extraordinary circumstances, The Committee may choose to accept applications in anticipation of a Special Town Meeting provided that The Committee determines it has adequate time to review the same and adequate information about the urgency is provided with the application. Applicants are encouraged to apply as soon as possible and to not wait for the deadline.

Applicants should review the CPA legislation, the Needham CPA Bylaw, and the current *Community Preservation Plan* prior to submitting CPA funding applications. Copies are available on the web site at www.needhamma.gov/CPC or at the Park and Recreation Office on the 1st floor of the Needham Public Services Administration Building.

STEP TWO

As part of Step 2 in the review process, if a project is determined to be eligible for CPC funds, the applicant will be requested to provide additional information by February 1. A member of The Committee will be appointed as liaison to the project.

The additional information requested *may* include:

- Project Summary: A complete and detailed description of the project and, when applicable, of the property involved and its proposed use.
 - Describe how the project will benefit the Town and the citizens of Needham;
 - Describe how the project is consistent with the Community Preservation Plan including, without limitation, the *Factors for Consideration*;

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- Include a work plan showing the anticipated steps or phases for completion of the project and;
- Include the timing and estimated cost of each phase.
- **Site Control:** A copy of the deed, purchase and sale agreement, option agreement, or other document to establish that the applicant has site control; or the property owner's written consent to the application and to the proposed project. If site control is not established, please explain in detail.
- **Project Scope:** An itemized project scope, with details describing each item and its estimated cost.
- **Cost Estimate:** A thorough cost estimate (or detailed cost estimate with full explanation by line item and back-up material). The Committee may require a professionally prepared cost estimate and/or appraisal.
- **Feasibility:** List and explain all further action or steps that will be required for completion of the project, such as environmental assessments, zoning or other permits and approvals, agreement on terms of any required conservation, affordability, or historic preservation restrictions, subordination agreements, and any known or potential barriers or impediments to project implementation.
- **Maps:**
 - USGS topographical map showing regional location of project.
 - Assessors map showing location of the project.
- **Photographs** of the site, building, structure, or other subject for which the application is made.

The Committee *may* request from applicants additional or more detailed information, and further clarifications to the submitted proposals such as but not limited to:

- Recorded plans of the land.
- Natural resource limitations (wetlands, flood plain, etc.).
- Zoning (district, dimensional and use regulations as applies to the land).
- Inspection reports.
- 21E Reports and other environmental assessment reports.
- Architectural plans and specifications for new construction and rehabilitation.
- Site plans and specifications.
- Maps, renderings, etc.
- Historic inventory sheet.
- Existing conditions report.
- Names and addresses of project architects, contractors and consultants.
- Maintenance requirements and estimated costs.
- Timeline from approval to construction.
- Possible grant funds.
- Other information deemed useful for The Committee in considering the project.

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Notes:

- The Committee reserves the right to attach conditions, and to require deed restrictions and additional agreements, before its favorable funding recommendation to Town Meeting.
- The Committee reserves the right to deny or delay projects as it deems appropriate based on the Community Preservation Act Plan.
- The Applicant has the right to withdraw the application, at any time, without prejudice.

STEP THREE

Consultation: By the Needham By-Law, The Committee is required to consult with the Board of Selectmen and the Finance Committee prior to making its recommendations.

Public Hearing: By state statute, The Committee is required to hold an annual public hearing. The Committee will hold this meeting, prior to making its recommendations. The applicant will present the project at the public hearing, and assist with answering questions. It is preferred that information about the project be put in writing for the public hearing.

Committee Recommendations: The Committee will make its final recommendations for funding in the form of one or more warrant articles to be voted on at the upcoming Town Meeting.

The Committee may recommend a project,

- as proposed by the applicant, or
- may modify the project, or
- may recommend partial funding or funding for only a portion or phase of the proposed project.

The Committee's recommendations to Town Meeting may include detailed project scopes, conditions, and other specifications, as The Committee deems appropriate to ensure CPA compliance and project performance.

STEP FOUR

The Committee will present its recommendations to the Town Meeting for discussion and vote. Town Meeting has the final authority to award the CPC's recommended funds from Needham's Community Preservation Act Fund. A simple majority vote is required to approve funding. A two-thirds vote is required for borrowing.

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STEP FIVE

Funding for approved projects will be available following an affirmative vote of Town Meeting, during the applicable fiscal year.

Projects financed with CPA funds must comply with all applicable State and municipal requirements, including the State procurement law, which requires special procedures for the selection of products, vendors, services, and consultants.

All CPA funds are administered and disbursed by the Town of Needham, and project management, oversight, execution, and financial control will be under the control of the Town Manager or her designee.

The Committee requires project status updates from Fund recipients periodically, but no less than annually and upon project completion. Written updates will be coordinated by the Staff Liaison. The purpose of such an update is to aid The Committee in refining the Plan, in identifying issues that may assist future applicants, and in reporting progress to the Town.

QUESTIONS

Questions about procurement, other financial requirements, or generally about the Act may be submitted via email to:

Staff Liaison Carys Lustig at clustig@needhamma.gov

or

Recording Secretary Kristen Wright at kwright@needhamm.gov

GLOSSARY

Affordable Housing/Community Housing

“Community Housing,” low and moderate income for individuals and families, including low and moderate income senior housing.

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

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

“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.

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 Preservation Act (CPA)

The Community Preservation Act (CPA) (MGL C. 44B) allows communities to create a local Community Preservation Fund for open space protection, historic preservation, affordable housing and outdoor recreation. CPA allows towns to levy a community-wide property tax surcharge of up to 3 percent for the purpose of creating a local Community Preservation Fund and qualifying for state “matching” funds. The Fund must be used to acquire and protect open space, preserve historic buildings and landscapes, create and maintain affordable housing and creation or restoration of land for outdoor recreational use. The state will provide “matching” funds to communities approving CPA, based on a formula. Needham accepted the CPA at 2 percent.

Community Preservation Committee (CPC or The Committee)

A nine person committee consisting of one each appointed by the Needham Historical Commission, the Needham Housing Authority, the Needham Conservation Commission, the Needham Park and Recreation Commission and the Needham Planning Board and two by the Needham Board of Selectmen and two by the Needham Town Moderator. The Committee consults with the Board of Selectmen and the Finance Committee as well as any other committee or board with an interest in CPA funding.

Community Preservation Fund (CPF)

Separate town account for the deposit of all surcharges collected and state “matching” funds

Sub Accounts of CPF (sometimes referred to as “buckets”)

- Open Space Reserve Fund (required minimum of 10% of funds)
- Historical Preservation Reserve fund (required minimum of 10% of funds)
- Affordable Housing Reserve Fund (required minimum of 10% of funds)
- Annual Reserve Fund (remaining 70% of fund other than administrative and operating fund.)
- Administrative Account Fund (up to 5%)

The Committee is permitted to appropriate up to 5% of the funds for the administration and operational expenses of The Committee. These funds can be used to hire support staff, purchase office supplies and cover the cost of professional services that may be needed. Any administrative moneys that are not used that year are returned to the CPA annual reserve fund.

Note: Recreational projects are specifically included in the CPA as eligible for funding.

Beyond these required disbursements, Town Meeting, acting upon the recommendations of the CPC, will appropriate the remaining 70 percent of annual CPA revenues. For example, Town Meeting could allocate the

remaining 70 percent of the annual revenue to one purpose, spread it evenly among all three, or set the funds aside for future spending. Each year, the municipality can modify the spending mix for the remaining 70 percent of the fund.

Community Preservation Surcharge

The locally raised share of CPA revenue comes from a surcharge (additional amount of tax) on real estate tax bills. The surcharge percentage, which may not exceed 3 percent, is set by referendum vote. The surcharge amount is separately stated on each tax bill. In Needham, the surcharge is 2 percent, subject to certain statutory exemptions (see “CPA Surcharge Exemptions”).

Community Preservation Surcharge Exemptions

Taxpayers currently exempt from real property taxes under Chapter 59 of Massachusetts General Laws are exempt from the CPA surcharge. In addition, Town Meeting approved additional exemptions to the CPA surcharge.

- Property owned and occupied by a person who would qualify for low income housing or low or moderate-income senior housing in Needham.
- The first \$100,000 of taxable value of residential real estate.

Needham may make changes to these exemptions at any time with approval of the Town Meeting and subsequent voter approval.

Historic Resources

Historic resources, a building, structure, vessel or 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.

Needham Community Preservation By-Law

Available under separate cover – contact Park and Recreation Department or go to www.needhamma.gov/CPC

Open Space

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 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 and land for recreational use.

Recreational Use

"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, the acquisition of artificial turf for athletic fields, 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.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.