

**TOWN OF BILLERICA  
COMMUNITY PRESERVATION COMMITTEE**



**COMMUNITY PRESERVATION PLAN**

FY 2025

July 08, 2024

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## A Brief Introduction to the Community Preservation Act

*From the Community Preservation Coalition, a nonprofit which helps municipalities understand, adopt and implement the Community Preservation Act (CPA), and advocates for CPA at the state level:*

“

The Community Preservation Act (CPA) is a smart growth tool that helps communities preserve open space and historic sites, create affordable housing, and develop outdoor recreational facilities. CPA also helps strengthen the state and local economies by expanding housing opportunities and construction jobs for the Commonwealth's workforce, and by supporting the tourism industry through preservation of the Commonwealth's historic and natural resources.

Over a decade of work went into the creation of the CPA; it was ultimately signed into law by Governor Paul Cellucci and Lieutenant Governor Jane Swift on September 14, 2000.

CPA allows communities to create a local Community Preservation Fund for open space protection, historic preservation, affordable housing and outdoor recreation. Community preservation monies are raised locally through the imposition of a surcharge of not more than 3% of the tax levy against real property, and municipalities must adopt CPA by ballot referendum.

The CPA statute also creates a statewide Community Preservation Trust Fund, administered by the Department of Revenue (DOR), which provides distributions each year to communities that have adopted CPA. These annual disbursements serve as an incentive for communities to pass CPA.

Each CPA community creates a local Community Preservation Committee (CPC) upon adoption of the Act, and this five-to-nine-member board makes recommendations on CPA projects to the community's legislative body.

**Property taxes traditionally fund the day-to-day operating needs of safety, health, schools, roads, maintenance, and more. But until CPA was enacted, there was no steady funding source for preserving and improving a community's character and quality of life.**

The Community Preservation Act gives a community the funds needed to control its future.

”

- <http://www.communitypreservation.org>

## **Ballot Text for Community Preservation Act November 2016**

### **Ballot Question**

#### QUESTION 5

Shall the Town of Billerica accept sections 3 to 7, inclusive of Chapter 44B of the General Laws, as proposed by a petition signed by at least 5 percent of the registered voters of this town, a summary of which appears below?

#### SUMMARY

Sections 3 to 7 of Chapter 44B of the General Laws of Massachusetts, also known as the Community Preservation Act ("Act"), establishes a dedicated funding source for the acquisition, creation and preservation of open space; acquisition, preservation, rehabilitation and restoration of historic resources; acquisition, creation, preservation, rehabilitation and restoration of land for recreational use; acquisition, creation, preservation and support of community housing; and rehabilitation or restoration of open space and community housing acquired or created as provided under said Act.

In Billerica, the funding source for these community preservation purposes will be a surcharge of 1% on the annual tax levy on real property beginning in fiscal year 2018, and by annual distributions made by the state from a trust fund created by the Act. Only communities that adopt the Community Preservation Act receive a distribution from this state trust fund.

If approved, the following will be exempt from the surcharge: property owned and occupied as a domicile by a person who would qualify for low income housing or low or moderate income senior housing in the Town of Billerica, as defined in Section 2 of said Act; \$100,000 of the value of each taxable parcel of residential property; \$100,000 of the value of each taxable parcel of class three, commercial property, and class four industrial property as defined in G.L. 59, §2A. A taxpayer receiving a regular property tax abatement or exemption will also receive a pro rata reduction in surcharge.

Upon acceptance by the voters, a Community Preservation Act Committee will be established by by-law, composed of local citizens, to study community preservation resources, possibilities and needs, and to make annual recommendations to Town Meeting on the use of the funds. All expenditures must be approved by Town Meeting. At least 10% of the funds for each fiscal year will be spent or reserved for later spending on each of the Act's three community preservation purposes: (1) open space and recreation, (2) historic resources and (3) affordable housing.

## **Billerica Community Preservation Act Background**

On November 8, 2016 Billerica's residents voted to implement the Community Preservation Act (CPA) in Billerica. 2016 Fall Town Meeting passed a local Bylaw to form a Community Preservation Committee (CPC).

The enactment of the CPA led to the establishment of the CPC, consisting of nine members: a member of the Conservation Commission, member of the Historical Commission, member of the Planning Board, member of the Recreation Commission, member of the Housing Authority Board, one citizen of Billerica appointed by the Town Manager, and one at-large member appointed by the Board of Selectmen. Town Meeting later expanded the committee to include the Chief Assessor and a member of the Finance Committee.

With the adoption of CPA, Billerica collects a 1% surcharge on property tax bills, although there are opportunities for exemptions through the Assessor's Office. In addition, there is an annual disbursement from the Statewide Community Preservation Trust Fund. The Trust Fund's revenues are derived from fees collected at the Registry of Deeds, and from State budget surplus funds.

The CPA enables cities and towns in Massachusetts to create a locally dedicated fund for open space and recreation, historic preservation, and community housing. Input from residents and community boards and committees will determine what types of CPA projects will most benefit the community each year. All CPA projects as recommended by CPC must be approved by Billerica's Town Meeting by a majority vote. Public input at the Community Preservation Committee (CPC's) meetings is encouraged. The state legislation and the local bylaws are included at the back of this document for further reference.

Each fiscal year, CPA communities must spend, or set aside for future spending, the following share of their annual CPA revenues on three core areas:

- 10 percent for open space and recreation
- 10 percent for community housing
- 10 percent for historic resources

A community can use up to 5% for CPC administrative expenses; at the end of the fiscal year unused funds roll over into the CPA Fund balance. The remaining 65-70 percent of the revenues may be spent or reserved for future projects in any of these areas.

To administer the fund and support projects, such as the restoration and preservation of historic libraries, schools, and other resources and artifacts; the creation and restoration of ball fields, playgrounds, and recreational trails; the purchase of open space; or using CPA funds to address housing needs, the Town of Billerica created a local Community Preservation Committee (CPC). The current membership will be updated on the Town's website as necessary.

The members of the CPC must adopt a Community Preservation Plan, and update it on an annual basis, that outlines goals and priorities. Through public outreach and input from boards and commissions, this plan will guide project eligibility, application, review, and disbursement of funds.

## Needs Assessment

The Community Preservation Committee is tasked with performing a needs assessment to help their decisions. The Town of Billerica had devoted the time and effort through staff and residents' time to develop documents like the Billerica Master Plan, Open Space and Recreation Plan, and Town of Billerica Housing Production Plan, 2015 – 2019, and the Committee used those documents as a basis for the needs assessment.

### A. Billerica's *Master Plan* (2018)



#### **Shaping Billerica's Future: Vision for Tomorrow**

In the next 10 to 15 years the Town of Billerica will be known by its residents, workers, visitors, and investors as a healthy and well-connected Smart Growth community that embraces its rich places and unique land use patterns while becoming more balanced in terms of its commercial, residential, industrial, and institutional land uses. A community that is inter-linked, with an accessible and ever-expanding open space and recreation network.

Our land use sectors will better transition between our residential neighborhoods and natural resource areas with environmental sensitivity and our community character and quality of life will be enhanced through an integrated land use pattern.

Billerica will have advanced projects focused on providing a more complete transportation system that will better serve the Town's entire population.

Billerica will be renowned for its abundant natural resources and open spaces with their environmental integrities preserved and enhanced. Our connection to the Concord and Shawsheen Rivers, forests, and open lands will be widely known, accessible, and appreciated by residents and visitors alike; our critical wildlife habitats within our landscapes and ponds will be restored for ecological balances at a local and regional level; and our wetlands will be protected as valuable green infrastructures to enhance our climate resilience. Together, these resources are woven and connected within the community fabric and help define the unique characters of Billerica.

Billerica will be known for its work to preserve and enhance its historic resources. The town will be a recognized leader in providing physical and educational links between the town's historic resources and the Concord and Shawsheen Rivers, which help define Billerica's heritage and have resulted in unique architecture and special places like Faulkner Mills. The historic character of the town's diverse neighborhoods is preserved through the responsible design of both alterations to older buildings and new construction, enhancing each neighborhood's quality of life. The town's residents interact with these resources on a regular basis, making Billerica's heritage an active economic and cultural benefit.

Billerica will be known for being proactive in maintaining and developing its infrastructure and public services, with continued support and improvements of the school system, fire station, parks and recreation, library, and water and sewer.



## B. **Billerica's** *Open Space and Recreation Plan (2024)*



The Open Space and Recreation Plan is intended to serve as a guide for Billerica's citizens and local officials, as they work together over the next five years to protect the town's natural, cultural, and historic resources, preserve remaining open space, and provide recreational opportunities for the town's residents. Such a coordinated and well-planned effort will allow these special places and opportunities to be enjoyed by future generations. The Plan attempts to be specific enough to guide future decision-making while providing the flexibility needed to respond to changing opportunities, programs, and constraints.

The Open Space and Recreation Plan focuses upon the following seven goals:

- Goal 1:** Cultivate a vibrant and inclusive recreational system.
- Goal 2:** Provide safe and enjoyable walking and bicycle access throughout town.
- Goal 3:** Steward existing recreation resources and ensure all Billerica residents are aware of and able to enjoy them.
- Goal 4:** Safeguard natural resources.
- Goal 5:** Facilitate nature connection for all Billerica residents.
- Goal 6:** Enhance climate resilience by conserving forests and riparian areas.
- Goal 7:** Build community by celebrating and protecting Billerica's cultural landscape.



**CPA projects must align with the Town's *Master Plan*, and those open space and recreation applications should address the goals of the Open Space and Recreation Plan as well. Projects that address as many of the following criteria as possible will receive preference:**

### Open Space

- Permanently protect important wildlife habitat.
- Preserve habitat for threatened or endangered species of plants or animals.
- Provide opportunities for passive recreation and environmental education.
- Protect or enhance wildlife corridors, promote connectivity of habitat, or prevent fragmentation of habitats.
- Provide connections or access to existing trails, water bodies, or recreational locations.
- Preserve important surface water bodies, including wetlands, vernal pools or riparian zones.
- Receive support from municipal departments.

### Recreation

- Improve the health and well-being of as many residents in as many age groups as possible.
- Promote unique opportunities to residents, visitors, and businesses to spend time in Billerica and thereby support the local economy.
- Connect to other cultural and recreational resources.
- Leverage existing recreational locations for multiple uses.
- Maximize the land already owned by the Town of Billerica.
- Receive support from municipal departments.

## C. Historic Preservation

“ The purpose of this By-Law is to promote the educational, cultural, economic and general welfare of the public through the preservation and protection of the distinctive characteristics of buildings and places significant in the history and architectural heritage of the Town of Billerica, through the maintenance and improvement of settings for such buildings and places, through the encouragement of design compatible therewith, and through the prevention of development which would impair or be unduly detrimental to the locally or nationally significant structures of the districts. - *Historic District Commission By-Law (June 7, 1990)* ”

“ Historic resources serve many roles, including creating a tangible link to a town’s heritage, and providing distinctive characteristics to a town’s many neighborhoods. They inspire pride in a town’s history, provide solid building stock, and serve as a catalyst for economic development...The abundance of natural resources in the town, and their interrelationship with historic resources, provides an opportunity for symbiotic partnerships in which entities combine their efforts, which will enhance the enjoyment of both sets of resources. Vacant, high-profile buildings such as the Howe School afford the opportunity to turn an unused property into a true public gem, continuing to serve Billerica’s residents through its evolving use. Projects on this scale require detailed planning for both construction and ongoing operations, a challenge made less onerous by programs such as the Community Preservation Act and the Massachusetts Preservation Projects Fund. - *Billerica Master Plan (2018)* ”

Billerica’s ***Master Plan*** identifies two main goals tied to historic preservation:

**Goal 1:** Enhance Billerica’s civic education programs and instill pride in the town’s rich heritage.

**Goal 2:** Develop programming and key projects to promote opportunities for everyday interactions with the town’s history and resources.

### **Historic Preservation Survey Plan (2024)**

The Town is set to complete a Historic Preservation Survey Plan later in 2024. The plan is funded with a grant from the Massachusetts Historical Commission (MHC) with a 50% match from CPC Administrative Funds. When complete, this plan will provide a plan for updating and further documenting Billerica’s historic resources as an important part of the preservation process.

**CPA projects must align with the Town’s *Master Plan and Historic Preservation Survey Plan*, and projects that address as many of the following criteria as possible will receive preference:**

#### Historic Preservation

- Protect, preserve, enhance, restore and/or rehabilitate town-owned properties, features or resources of historical significance.
- Protect, preserve, enhance, restore and/or rehabilitate historic, cultural, architectural or archaeological resources of significance, especially those that are threatened.
- Protect, preserve, enhance, restore and/or rehabilitate the historical function of a property or site.
- Project demonstrates a public benefit that is significant in the history, archeology, architecture or culture of the town.
- Project demonstrates the ability to provide permanent protection for maintaining the historic resource.
- Maximize land already owned by the Town of Billerica
- Receive support from municipal departments.

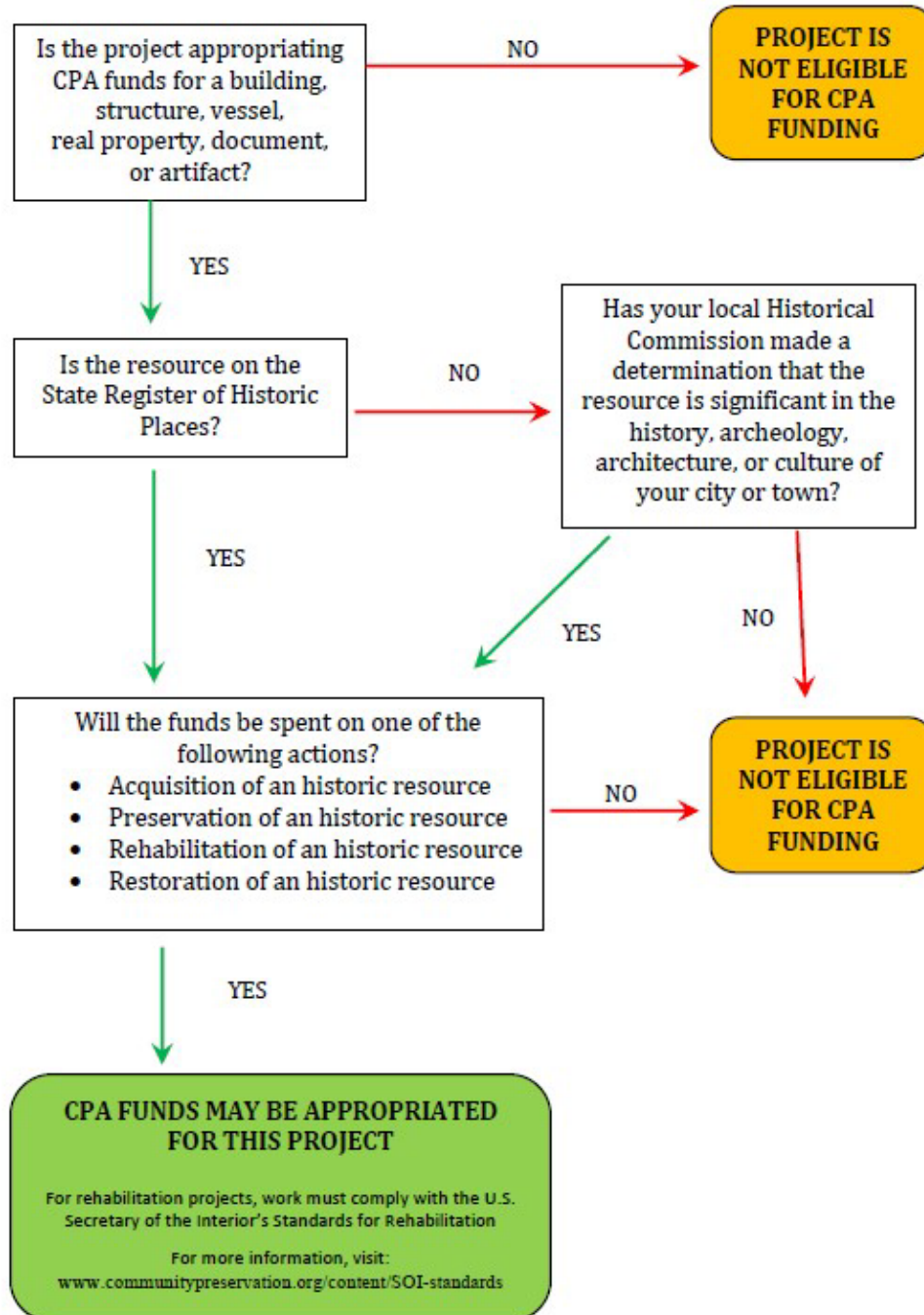


### **The Secretary of the Interior's Standards for Rehabilitation**

The Standards (Department of Interior regulations, 36 CFR 67) pertain to historic buildings of all materials, construction types, sizes, and occupancy and encompass the exterior and the interior, related landscape features and the building's site and environment as well as attached, adjacent, or related new construction. The Standards are to be applied to specific rehabilitation projects in a reasonable manner, taking into consideration economic and technical feasibility.

1. A property shall be used for its historic purpose or be placed in a new use that requires minimal change to the defining characteristics of the building and its site and environment.
2. The historic character of a property shall be retained and preserved. The removal of historic materials or alteration of features and spaces that characterize a property shall be avoided.
3. Each property shall be recognized as a physical record of its time, place, and use. Changes that create a false sense of historical development, such as adding conjectural features or architectural elements from other buildings, shall not be undertaken.
4. Most properties change over time; those changes that have acquired historic significance in their own right shall be retained and preserved.
5. Distinctive features, finishes, and construction techniques or examples of craftsmanship that characterize a property shall be preserved.
6. Deteriorated historic features shall be repaired rather than replaced. Where the severity of deterioration requires replacement of a distinctive feature, the new feature shall match the old in design, color, texture, and other visual qualities and, where possible, materials. Replacement of missing features shall be substantiated by documentary, physical, or pictorial evidence.
7. Chemical or physical treatments, such as sandblasting, that cause damage to historic materials shall not be used. The surface cleaning of structures, if appropriate, shall be undertaken using the gentlest means possible.
8. Significant archeological resources affected by a project shall be protected and preserved. If such resources must be disturbed, mitigation measures shall be undertaken.
9. New additions, exterior alterations, or related new construction shall not destroy historic materials that characterize the property. The new work shall be differentiated from the old and shall be compatible with the massing, size, scale, and architectural features to protect the historic integrity of the property and its environment.
10. New additions and adjacent or related new construction shall be undertaken in such a manner that if removed in the future, the essential form and integrity of the historic property and its environment would be unimpaired.

## Qualifying Historic Projects for CPA Funding



### *D. Town of Billerica Housing Production Plan, 2021-2025*

Based on findings from the comprehensive needs assessment and previous affordable housing efforts, the Billerica Affordable Housing Trust developed the following goals:

- “
1. Provide a variety of housing opportunities that serve all socio-economic groups within the community, especially those below 80% of the area median income.
  2. Protect the quality of life and maintain the residential and historic character of the town through housing development.
  3. Create diverse rental units, in terms of types of units (duplexes vs. multi-family) and number of bedrooms (three or more) for residents.
  4. Support the creation of workforce housing units and broaden the range of potential homebuyers and tenants.
  5. Develop rental and ownership options for senior citizens, disabled residents and veterans that allow them to live independently.
  6. Receive credit on the Subsidized Housing Inventory (SHI) for the affordable housing units developed under the inclusionary provisions within the Town's Zoning Bylaw.
  7. Update the zoning bylaws, development review processes and permitting policies so they are clear and consistent.
  8. Ensure consistency in the interpretation and administration of affordable housing requirements by the Affordable Housing Trust, Affordable Housing Committee, Housing Authority, Select Board, Planning Board and Zoning Board of Appeals.
  9. Ensure that affordable housing development in Billerica adheres to the Commonwealth's Sustainable Development Principles.
  10. Utilize the DHCD-approved Housing Production Plan as a management tool to develop new housing opportunities in meeting the Town's annual housing production goals. Update the Housing Goals on a regular basis.
- ”

Billerica's *Master Plan* also addresses land use goals that are informative for not only open space but for housing as well:

- “
- Goal 1:** Promote better and higher use of the Town's commercial centers, industrial clusters, and underutilized brownfield areas, and seek places for mixed use.
- Goal 2:** Preserve and strategically utilize the Town's natural resources and open spaces to improve quality of life and healthy living in Town.
- Goal 3:** Encourage diversified housing developments that are also contributive to Billerica's state- mandated affordable housing stock and proactive to address specific housing needs in Town, particularly that of the seniors.
- Goal 4:** Improve the design and connectivity of our public realms, including gateway areas, streets and sidewalks, parks and open spaces, and civic places, to reinforce our community character while fostering a healthy and active lifestyle.
- ”

**CPA projects must align with the Town's *Master Plan*, and those community housing applications should address the goals of the Housing Production Plan as well. Projects that address as many of the following criteria as possible will receive preference:**

#### Housing

- Contribute to the goal of achieving and maintaining 10% affordable housing.
- Promote a socioeconomic environment that encourages a diversity of income, ethnicity, religion and age.
- Provide housing that is harmonious in design and scale with the surrounding community.
- Ensure long-term affordability.
- Promote use of existing buildings or construction on previously developed or Town-owned sites.
- Convert market rate to affordable units.

#### **Community Preservation Committee Process**

The Community Preservation Committee (CPC) is an appointed committee with members representing the Finance Committee, Conservation Committee, Historical Commission, Planning Board, Recreation Commission, Housing Authority Board, Town Meeting, and the Select Board. Each appointed member serves a term of three years. Additionally, the Chief Assessor is a statutorily required member of the Committee.

The CPC meets on the second Thursday of each month at 6pm via Zoom. but that time can be amended by consensus of the committee at any point. The flow of Committee business begins in June and ends the following May at Spring Town Meeting.

The CPC is responsible for reviewing all applications and making recommendations to Town Meeting as to which applications should be considered for funding. Applications and information can be found on the CPC website at: [www.town.billerica.ma.us/CPC](http://www.town.billerica.ma.us/CPC) or by contacting CPC staff in the Planning and Community Development Department in Town Hall at 365 Boston Road, Billerica.

### Guiding Principles

To facilitate the process of meeting its goals, the CPC has adopted the following Guiding Principles:

1. Protect Billerica's character through strategic use of Community Preservation funds be compatible with the goals identified in Billerica's Master, Open Space and Recreation, and Housing Production plans.
2. The strategic planning will also use the professional expertise of all applicable town-sanctioned boards and entities, as well as from town residents and local businesses.
3. Plan for development and redevelopment should be in areas where adequate infrastructure is already available or can be upgraded without causing damage to natural resources.
4. Implement the duties of the Billerica Community Preservation Committee as set forth in Article 42 of the Town of Billerica's By-laws: *"The CPC shall make recommendations to Town Meeting for the acquisition 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."*

<b>DATE</b>
<p align="center"><b>JUNE</b></p> <p>The Committee shall hold a Public Hearing to solicit input from residents, boards and committees, and Town Hall departments regarding the preservation needs of the Town and draft an updated CPC Plan.</p>
<p align="center"><b>JULY</b></p> <p>Committee Reorganization; Staff and the Committee update the CPC plan to reflect the public input.</p>
<p align="center"><b>AUGUST</b></p> <p>The Committee reviews Project Eligibility Forms on a rolling basis to determine which projects will be considered for funding. All Project Eligibility Forms must be received by November 30<sup>th</sup> to be considered for funding in this round of recommendations. Projects determined to be eligible are invited to submit a full application to advance their consideration for funding.</p>
<p align="center"><b>SEPTEMBER</b></p> <p>The Committee reviews Project Eligibility Forms on a rolling basis to determine which projects will be considered for funding. All Project Eligibility Forms must be received by November 30<sup>th</sup> to be considered for funding in this round of recommendations. Projects determined to be eligible are invited to submit a full application to advance their consideration for funding.</p>
<p align="center"><b>OCTOBER</b></p> <p>The Committee reviews Project Eligibility Forms on a rolling basis to determine which projects will be considered for funding. All Project Eligibility Forms must be received by November 30<sup>th</sup> to be considered for funding in this round of recommendations. Projects determined to be eligible are invited to submit a full application to advance their consideration for funding.</p>
<p align="center"><b>NOVEMBER</b></p> <p>The Committee reviews Project Eligibility Forms on a rolling basis to determine which projects will be considered for funding. All Project Eligibility Forms must be received by November 30<sup>th</sup> to be considered for funding in this round of recommendations. Projects determined to be eligible are invited to submit a full application to advance their consideration for funding.</p>
<p align="center"><b>DECEMBER</b></p> <p>Deadline for applications. All applications must be received by the Planning Department (Town Hall, Room 211) and filed with the Clerk's Office by end of business on December 31<sup>st</sup>. Applications submitted after the deadline will not be considered for the current round of funding.</p>
<p align="center"><b>JANUARY</b></p> <p>Applicants present their project and specific funding requests to the Committee and answer any questions or concerns the Committee may have to aid in their deliberation and decision making. Additionally, the Town Accountant will present to the Committee the CPC budget and total funds available.</p>
<p align="center"><b>FEBRUARY</b></p> <p>The CPC will hold a public forum to allow for public commentary on the project proposals. After the public commentary period, the committee will vote on which projects to recommend for funding for Spring Town Meeting.</p>
<p align="center"><b>MARCH</b></p> <p>The Committee will vote on the preliminary Warrant Article recommending project funding for Spring Town Meeting's consideration.</p>
<p align="center"><b>APRIL</b></p> <p>The Committee will finalize the Warrant Article as necessary and review the Committee's presentation to Spring Town Meeting.</p>
<p align="center"><b>MAY</b></p> <p>Spring Town Meeting approves, adjusts, or denies project recommendations.</p>



**Chart 1**  
**COMMUNITY PRESERVATION FUND ALLOWABLE SPENDING PURPOSES (G.L. c. 44B, § 5)**

DEFINITIONS (G.L. c. 44B, § 2)	OPEN SPACE	HISTORIC RESOURCES	RECREATIONAL LAND	COMMUNITY HOUSING
	Land to protect existing and future wet 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	Building, structure, vessel, real property, document or artifact listed on the state register of historic places or determined by the local historic preservation commission to be significant in the history, archeology, architecture or culture of the city or town	Land for 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. Does <u>not</u> include horse or dog racing or the use of land for a stadium, gymnasium or similar structure.	Housing for low and moderate income individuals and families, including low or moderate income seniors  Moderate income is less than 100%, and low income is less than 80%, of US HUD Area Wide Median Income
<b>ACQUISITION</b> Obtain property interest by gift, purchase, devise, grant, rental, purchase, lease or otherwise. Only includes eminent domain taking as provided by G.L. c. 44B	Yes	Yes	Yes	Yes
<b>CREATION</b> To bring into being or cause to exist. <i>Seideman v. City of Newton</i> , 452 Mass. 472 (2008)	Yes		Yes	Yes
<b>PRESERVATION</b> Protect personal or real property from injury, harm or destruction	Yes	Yes	Yes	Yes
<b>SUPPORT</b> 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 entity that owns, operates or manages such housing, for the purpose of making housing affordable				Yes, includes funding for community's affordable housing trust
<b>REHABILITATION AND RESTORATION</b> Make capital improvements, or extraordinary repairs to make assets functional for intended use, including improvements to comply with federal, state or local building or access codes or federal standards for rehabilitation of historic properties	Yes if acquired or created with CP funds	Yes	Yes	Yes if acquired or created with CP funds

Source: Department of Revenue (DOR) 10-5-2012 conference, "Recent Developments in Municipal Law," Workshop B - Local Finances

## **Application Process**

The application process for CPC funding is broken down into four phases.

- Phase One:** Project Eligibility Determination
- Phase Two:** Application Submission and Committee Review
- Phase Three:** Project Recommendations to Town Meeting
- Phase Four:** Town Meeting Vote

### **PHASE ONE – Project Eligibility Determination**

- a. The CPC reviews project eligibility on a rolling basis between August and November. All prospective applicants must submit the one-page Project Eligibility Determination Form to the Planning Department.
- b. Applications are reviewed by CPC and Planning staff to determine eligibility.
- c. Applicants will be invited to a CPC meeting to explain the purpose and extent of their project and to respond to any questions or comments the Committee members may have. The committee will then vote to confirm the project's eligibility.
- d. Projects deemed eligible will have to complete a full application to be considered for funding (See Phase Two). Projects deemed ineligible are welcome to submit a new Eligibility Determination Form to be included in the next round of funding.

### **PHASE TWO – Application Submission and Committee Review**

- a. Applicants must submit a full application (One (1) hardcopy as well as a digital copy - see Application Requirements and Attachments below for more details) to the Planning Department and filed with the Town Clerk by December 31<sup>st</sup> to be considered for CPC funding.
- b. Applications should include letters of support from relevant town departments, commissions, or boards. Where possible, the applicant should provide a quote for the proposed work or, if a quote is not available, estimate costs to the best of their ability.
- c. The CPC reviews project applications between January and February to determine funding priorities. Applicants shall attend CPC meetings to present their application and respond to any Committee questions or concerns. Where appropriate, a site visit can be scheduled.

### **PHASE THREE – Project Recommendations to Spring Town Meeting**

- a. The CPC will vote on project funding recommendation to include in a warrant article for Spring Town Meeting between February and March.
- b. A public forum may be held prior to the Committee voting to allow for public input in the project recommendation process.
- c. Notification shall be sent to applicants of the funding recommendation decisions.
- d. The CPC may recommend a project as proposed by the applicant, may modify the project, or may recommend partial funding or funding for only a portion or phase of the proposed project. The CPC's recommendation to Town Meeting may include detailed project scopes, conditions, and other specifications as the CPC, in its sole discretion, deems appropriate

### **PHASE FOUR – Spring Town Meeting**

- a. The annual Spring Town Meeting starts on the first Tuesday of May every year and may
- b. The CPC chair presents the Committee's funding recommendations to Spring Town Meeting for final approval.
- c. The Applicants are not required to attend but observe in person or watch on BATV/livestream if they so choose.

## Special Application Process

### Purpose

For any use eligible for CPA funding, under special circumstances as determined by the CPC, the CPC will consider a special application outside of the Standard Application Process on Page 10 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, but they could include time-sensitive stabilization or restoration of an historic asset damaged by flood or fire, or other emergency situations. The principle warranting special consideration outside of the Standard Application Process is that a unique opportunity is presented that, if missed, is likely to remove or make unavailable to the Town and its citizens a valuable resource within the Town.

In all such cases, the CPC will adhere to the procedures applicable under the Standard Application Process, except for the submission and hearing deadlines outlined in that process, and in all such cases, the CPC will hold a public forum to review such an application. If the timing of the application is such that the CPC cannot meet the deadline for the Spring Town Meeting, the CPC may consider bringing the application forward at Fall Town Meeting by a Committee vote or the applicant or the Selectmen can commit to calling a Special Town Meeting. The only purpose would 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 itself not recommend holding a Special Town Meeting or making 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.

The CPC will consider a proposal under the Special Application Process only if the project meets the Qualifying Historic Projects for CPA Funding, the Specific Criteria referred to in the Needs Assessments, and as many as possible of the following additional criteria:

- The proponents were previously unaware of the unique circumstances or opportunity to undertake the project at the given time; or the proponents did not have authority to identify such opportunity prior to the Standard Application Deadline (for example, the 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 responsibility for projects of a similar nature.
- Failure to 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 unique or 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 Billerica's *Master Plan*, *Open Space and Recreation Plan*, *Housing Production Plan*, or in other planning documents currently accepted and utilized by the Town.



## Selection Criteria Checklist

The Community Preservation Committee understands that an application does not need to be all-inclusive and meet each category preference listed below. Each project will be unique, and the narrative should stress the benefits to the community; however, those projects which are able to check more boxes may be rated higher as the Committee analyses submissions.

### General Preferences

- ☐ Project is eligible for Community Preservation Act (CPA) funding according to the requirements described in the CPA legislation. Specifically:
- ☐ The acquisition, creation, and preservation of open space.
- ☐ The acquisition, preservation, rehabilitation, and restoration of historic resources.
- ☐ The acquisition, creation, and preservation of land for recreational use.
- ☐ The creation, preservation, and support of community housing
- ☐ Project application is consistent with the current *Master Plan* and other planning documents adopted by the Town.
- ☐ The project preserves the essential character of the Town as described in the *Master Plan*.
- ☐ Project demonstrates practicality and feasibility and demonstrates that it can be implemented expeditiously and within budget.
- ☐ Project produces an advantageous cost/benefit value.
- ☐ Project attempts to leverage additional public and/or private funds.
- ☐ Project preserves or utilizes currently owned Town assets.
- ☐ Project receives endorsement by other municipal boards or departments.
- ☐ Projects demonstrate a commitment by identifying matching funds of +/- 50% of project cost where possible.

### Open Space and Recreation Project Preferences:

- ☐ Aims to permanently protect important wildlife habitat.
- ☐ Aims to preserve habitat for threatened or endangered species of plants or animals.
- ☐ Provides opportunities for passive recreation and environmental education.
- ☐ Protects or enhances wildlife corridors, promote connectivity of habitat or prevent fragmentation of habitats.
- ☐ Provides connections or access to existing trails, water bodies, or recreational locations.
- ☐ Preserves important surface water bodies, including wetlands, vernal pools, or riparian zones.
- ☐ Improves the health and well-being of as many residents in as many age groups as possible.
- ☐ Promotes unique opportunities to residents, visitors, and businesses to spend time in Billerica and thereby support the local economy.
- ☐ Connects to other cultural and recreational resources.
- ☐ Leverages existing recreational locations for multiple uses.
- ☐ Maximizes the land already owned by the Town of Billerica.

### Historic Preservation Project Preferences:

- ☐ Protects, preserves, enhances, restores and/or rehabilitates Town-owned properties, features, or resources of historical significance.
- ☐ Protects, preserves, enhances, restores and/or rehabilitates historic, cultural, architectural, or archaeological resources of significance, especially those that are threatened.
- ☐ Protects, preserves, enhances, restores and/or rehabilitates the historical function of a property or site.
- ☐ Demonstrates a public benefit.
- ☐ Demonstrates the ability to provide permanent protection for maintaining the historic resource.

**Housing Project Preferences:**

- ☐ Contributes to the goal of achieving and maintaining 10% affordable housing.
- ☐ Promotes a socioeconomic environment that encourages a diversity of income, ethnicity, religion, and age.
- ☐ Provides housing that is harmonious in design and scale with the surrounding community.
- ☐ Ensures long-term affordability.
- ☐ Promotes use of existing buildings or construction on previously developed or Town-owned sites.
- ☐ Converts market rate to affordable units.

## Application Requirements and Attachments

Submit 1 copy of the application and any attachments in hard copy to the Planning and Community Development Department in Town Hall, Room 211 and electronic format and to [planning@town.billerica.ma.us](mailto:planning@town.billerica.ma.us). The application should be as concise as possible, and copies should be double-sided whenever possible.

1. Approved Eligibility Form
2. Cover Sheet
3. Brief Project Summary – Introduce the project with a summary which notes the category, goals, project scope, and budget at the start of each application packet. This summary should be a maximum of one paragraph in length and be suitable for distribution to other Boards and Commissions as a reasonable depiction of the overall project.
4. Map – Indicate the location of the project using a Town GIS map. Include additional maps as helpful including aerial, zoning, vegetation, and abutting buildings.
5. Narrative – Expand on the information presented in the project summary and provide a complete description of the project and its proposed use relative to the CPA. Describe what agency or organization will be responsible, what kind of community support has been given to the project, and why Town Meeting should support it. Include an implementation plan describing the steps or phases for completion and the processes needed for approval. Summarize the goals of the project and how they will be measured.
6. Budget – Outline the total budget for the project and how CPA funds will be spent. Describe all funding sources. Where applicable, describe how much of the proposed CPA funding should be ascribed to each of the four CPA purposes. Make sure to consider any administrative expenses required to complete the project (appraisals, environmental assessments, bidding requirements, copying, legal notices, etc.) and explain how they have been accounted for in this budget. This is particularly necessary for construction and land acquisition projects and can include up to 10% of the budget. Please Note: Non-Profit Organizations should also include a current financial statement.
7. Feasibility – Summarize and attach any feasibility reports that may have been prepared. Explain all further actions that will be required for completion of the project such as zoning, environmental assessment, permits, restrictions, agreements, or other potential impediments to implementation.
8. Statement of Sustainability – If the project incorporates sustainable design features, explain how they will reduce impacts on the environment including, but not limited to, reducing energy consumption, enhancing energy and water conservation, and the use of recyclable materials.
9. Timeline – Describe the major milestones and when the project will be completed. Include an estimate of when the CPA funds requested will be needed.
10. Architectural plans, site plans, photographs, if appropriate.
11. Letters of Support from Town Departments, Commissions, Boards, and/or residents.



# Community Preservation Fund Application



Planning@town.billerica.ma.us  
TOWN OF BILLERICA  
COMMUNITY PRESERVATION COMMITTEE  
365 BOSTON ROAD, BILLERICA MA 01821,  
Room 211

Date Received:

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

Co-Applicant (if applicable): \_\_\_\_\_

Project Name: \_\_\_\_\_

Project Location/Address: \_\_\_\_\_

Purpose: (Select all that apply)

\_\_\_\_\_ Open Space

\_\_\_\_\_ Community Housing

\_\_\_\_\_ Historic Preservation

\_\_\_\_\_ Recreation

Total Project Budget: \$ \_\_\_\_\_ Amount of CPA Funds Requested: \$ \_\_\_\_\_

Amount from Other Funding Sources: \$ \_\_\_\_\_

Project Previously Voted as Eligible by the CPC? \_\_\_\_\_

Please check which of the following is included with this Application:

\_\_\_\_\_ One Paragraph Project Summary \*

\_\_\_\_\_ Map (if applicable)

\_\_\_\_\_ Narrative \*

\_\_\_\_\_ Letter of Support from a Municipal Department, Commission, or Board\*

Selection Criteria and Needs Assessment

\_\_\_\_\_ Detailed Project Budget \*

\_\_\_\_\_ Feasibility Assessment

\_\_\_\_\_ Statement of Sustainability (if applicable)

\_\_\_\_\_ Other Letters of Support (if any)

\_\_\_\_\_ Timeline \*

\_\_\_\_\_ Architectural plans, site plans, photographs (if appropriate)

Copy of Audit or most recent Financial

Information (Non Profit Organizations Only)\*

*\* Required Documentation*

The Contact Person for this Project is: \_\_\_\_\_

All Correspondence should be mailed to: \_\_\_\_\_

The Contact Person can be reached by phone at: \_\_\_\_\_

Signature of Applicant: \_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

or by email at: \_\_\_\_\_

\_\_\_\_\_

## **APPENDICES**

### **COMMUNITY PRESERVATION ACT**

#### **General Laws Chapter 44B**

<https://malegislature.gov/Laws/GeneralLaws/PartI/TitleVII/Chapter44B>

### **TOWN GENERAL BY-LAWS**

<https://www.town.billerica.ma.us/DocumentCenter/View/12085/Town-General-ByLaws---CPA>

### **TEMPLATE AGREEMENT**

<https://www.town.billerica.ma.us/DocumentCenter/View/7892/Grant-Agreement-Template?bidId=>

### **HISTORIC PRESERVATION RESTRICTION AGREEMENT**

<https://www.town.billerica.ma.us/DocumentCenter/View/7893/Historic-Preservation-Restriction-Agreement?bidId=>