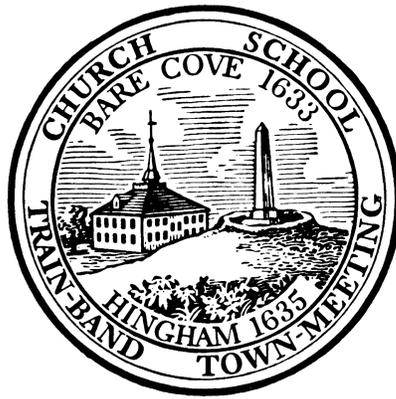


Town of Hingham CPC Process Manual



Updated: June 29, 2023

Process Manual – Updated June 29, 2023

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Part 1: About Community Preservation

The Community Preservation Act empowers communities to preserve the past as they plan for the future. It is a tool that gives cities and towns resources to identify their community assets and make local planning decisions to preserve and enhance them.

-- E. Panella et al. in The Community Preservation Act: Funding Impacts and Community Values

1.1 Overview of the Community Preservation Act (CPA)

Massachusetts' Community Preservation Act, M.G.L. c. 44B ("CPA") allows Massachusetts cities and towns to raise funds and make grants towards expanding and preserving unique community assets that provide "smart growth" within the community. Funds may be used to preserve open space and historical sites, to develop outdoor recreational facilities, and to create safe and affordable community housing.

See the "Resources" section at the end of this document for a link to the full text of the CPA.

1.1.1 History of the CPA

As a reaction to rising development and housing costs, and a decline in federal aid, Massachusetts lawmakers started developing plans to support communities in preserving local character during the 1980s and 90s. After many drafts and much debate, the Community Preservation Act was signed into law on September 14th, 2000. It is unique in the United States for the flexibility with which it allows communities to allocate funds to projects that are proposed and approved by community members themselves.

1.1.2 Organization and Responsibilities of CPC Boards

The CPA allows towns and cities in Massachusetts to adopt specific bylaws to create a Community Preservation Fund ("CPF"), overseen by a Community Preservation Committee ("CPC"). The CPF is funded by an extra tax on property, and these funds may be put towards projects that provide cultural and societal value to a town. The CPC is responsible for advertising funding opportunities to the community, accepting and researching Applications, and making recommendations to the Town's legislature about awarding these funds.

Per the CPA, CPCs are to be made up of between 7 and 9 members, some of whom must be representatives of certain other boards and committees in town. For more information about the makeup of Hingham's CPC, please see Section 1.2 of this document.

CPCs have three primary responsibilities. They are as follows:

1. Develop a Community Preservation Plan

A CPC must study the needs, interests, and existing resources of their community. This should be done by:

- Having representation from various key constituencies in Town, including the Conservation Commission, the Historical Commission, the Planning Board, the Housing Authority, and the Recreation Commission.
- Meeting and consulting with other municipal boards and committees to find out their needs.
- Holding at least one public hearing each year, to get input from the general public about perceived community needs. This meeting must be posted publicly, and advertised in a local newspaper of general circulation, for two weeks preceding the public hearing.

A CPC should develop a local CPA Plan to guide its decision-making on CPA project proposals. The CPC should update this plan annually, and seek public comment about the plan. This Plan also outlines the process by which the CPC will solicit, review, and recommend proposals for CPA funding, including the application package. This Process Manual serves as a CPA plan for Hingham.

2. Accept, Review and Recommend CPA Projects

A CPC must accept project proposals from the community in the form of a formal Application package, and must then conduct a thorough review of each proposal. The aim of this review process is to select the most compelling projects which may reasonably be funded through the available budget.

Because the CPC is supposed to represent the specific needs and wants of the community as a whole, the CPC should try to reach underserved members of the community, and advertise themselves as a resource.

Once the CPC has voted on a slate of projects to recommend, as well as specific dollar amounts, it forwards these recommendations to the community's legislative body for action. In Massachusetts towns, this legislative body is Town Meeting.

3. Keep Records of CPC Awards

A CPC must keep records of all CPC meetings, proposals, and recommendations. It must also submit a CPA budget to the legislative body (Town Meeting) annually.

CPC meetings fall under Massachusetts' Open Meeting laws, and are open to the public (with certain very limited exceptions). The times and locations of these meetings must be advertised in advance, and an agenda publicly posted. A CPC must take written comments or questions.

The CPC must also report to the Massachusetts Department of Revenue the amount of money the CPC had available, and how much was dispersed.

1.1.3 Projects Eligible for CPA Funding

To be eligible for funding, projects must serve a public good, and fall into at least one of the following three categories:

1. Acquiring, creating, and preserving open space and/or recreational venues;
2. Acquiring and preserving historic resources
3. Creating, preserving, and supporting community housing.

Note that although the CPA lists 3 categories, the CPC often refers to 4 categories. When 4 categories are referenced, “open space” and “recreational venues” are being treated as two separate categories.

Within each of these categories, there are specific definitions and limitations. For more information, please see Section 2.2: Determining Funding Eligibility.

1.2 Overview of the Hingham Community Preservation Committee (CPC)

CPC seeks to fairly and judiciously allocate funds collected via a local property tax surcharge to be used to fund open space, historic preservation, affordable housing, and outdoor recreational facilities. The Town’s CPC has representatives from a cross-section of the community.

1.2.1 History of the Hingham CPC

Hingham adopted the town bylaws to create a Community Preservation Committee (CPC) at the 2001 Town Meeting, and a surcharge of 1.5% (half the allowed limit) was attached to real estate taxes the following year.

To date, over \$3 million has been allocated to over 80 community projects. These include the purchase of 50 acres of land in South Hingham (the Lehner property); the purchase of the Benjamin Lincoln House, restoration funds for the Hingham Heritage Museum; restoration of gravestones at the Liberty Plain Cemetery; the construction of the Kress Field playground, restoration work of the bells in the Hingham Memorial Bell Tower, and providing the bulk of funding for the Hingham Affordable Housing Trust Opportunity Fund.

1.2.2 Mission and Purpose

The Hingham Community Preservation Committee invests in community housing, historic resources, open space and recreation land to preserve, restore, and enhance Hingham's character as a community.

1.2.3 Organization of the CPC

Hingham's CPC is made up of 9 members, each of whom serve a 3 year term. Should any member need to be replaced, the board or person who appointed them should name their replacement. The CPC is made up of:

- One member of the Conservation Commission, as designated by that Committee.
- One member of the Historical Commission, as designated by that Committee.
- One member of the Planning Board, as designated by that Committee.
- One member of the Housing Authority, as designated by that Committee.
- One member of the Recreation Commission, as designated by that Committee.
- Two members, appointed by the Select Board.
- Two members, appointed by the Moderator.

Unlike many Boards and Committees in town, the CPC does not have regular monthly or weekly meetings. Instead, it meets often during the Autumn and early Winter months, sometimes multiple times in a single week. By mid-January, the CPC has made their funding recommendations, but may still be called on by the Select Board or the Advisory Committee for further details or context about specific projects. During the rest of the year, the CPC may only meet a few times, largely for administrative purposes.

1.2.4 CPA Funding Sources

Massachusetts allows CPA funds to be raised by adding a surcharge of up to 3% of the tax levy on real property: Hingham voters approved a surcharge of 1.5%. The CPA also established the Community Preservation Trust Fund, as a fund maintained by the Massachusetts Department of Revenue and supported through recording fees charged by the State's Registries of Deeds. Although contributions from the state's Trust Fund can fluctuate year by year, the state has traditionally matched about 26% of the Town's collection.

Although the exact amount of funding changes each year, for the past 5 years it has been about \$1.3 million per year.

Part 2: Applying for CPA Funds: A Community Guide

The CPA is designed to allow residents and other community members to have a say in preserving, restoring, and funding public projects that will benefit their community. The CPC encourages residents of Hingham, or those who work with non-profits and other community resources in Hingham, to consider the CPC as a resource.

The first thing a potential Applicant should do is to read this entire document through. Although the CPC is happy to help provide guidance to Applicants, and each Applicant will be assigned a liaison from the CPC for just this purpose, complete ignorance of regulations, process, and expectations will make an Applicant seem disorganized and unreliable, and will certainly count against them during the Application cycle.

2.1 The Annual Funding Cycle

2.1.1 Summer: Applicants do due diligence

Because the CPC requires completed, well-thought out applications, it is highly recommended that Applicants take their time when designing their application. Some Applicants spend years putting together an application for CPC funding.

As a potential Applicant decides to champion a project, they should do as much research as possible about project needs, expectations, requirements, and impact. They should also attend meetings held by related boards. It may also be worth trying to partner with other community organizations who may be able to support the project. It is also important to make sure that there is public support for the project, and that it fits into the vision described in the Town Plan.

2.1.2 Fall: Applications are submitted and reviewed by the CPC

Autumn is a very busy time for Applicants and for the CPC. Applicants should be prepared to attend, or have a representative who can attend the meetings and forums outlined in this document.

Preliminary Eligibility applications are due mid-September, and a CPC meeting will be held a few days later to review them, and to determine each project's eligibility.

Final applications are due mid-October. Again, a CPC meeting will be held a few days later to review applications and eligibility.

In late October, the CPC will conduct Site Visits, to review the needs of applications that support physical spaces. Although these visits happen at various spots around town over the

course of one or two weekends, they do constitute a public meeting, and Open Meeting Laws apply. Members of the public are invited to attend.

In November, a public forum is held to allow Applicants to present their applications to both the CPC and to the general public. Both the CPC and the public will be allowed to comment on applications. Applicants are encouraged to show a 5 minute (or less) slide presentation about their application, and can use feedback from this forum to improve their application.

2.1.3 Winter: CPC, Select Board, and Advisory Committee recommend funding

A final public forum is held in early January, where Applicants present any updates to their final application. Again, Applicants are welcome to show a short slide presentation that presents any new information not known during the November presentation. Funding decisions will be based on this final presentation.

In mid January, the CPC will meet to vote on a recommended allocation of funds. This meeting is open to the public to watch, although the CPC rarely accepts comments or questions from the public at this meeting.

From this point on, the CPC as a body has no more input into funding decisions, although the Select Board and the Advisory Committee may ask the CPC Chair and the specific project liaisons for background information about some projects. Applicants should pay attention to posted Select Board and Advisory Committee meetings to follow any discussion about their projects.

Once the CPC has made its funding recommendations, these recommendations go before the Select Board.

Then, the Advisory Committee will spend some time reviewing each application. The Advisory Committee is responsible for making a final recommendation to Town Meeting, which includes writing the Comment in the Warrant which describes each project, including the pros and cons of funding the project, and making a formal written recommendation in the Warrant.

Annual Town Meeting serves as the Town's legislature, and voters make decisions on the budget, approve financial decisions, as well as changes to by-laws. Annual Town Meeting is traditionally held on the final Monday of April. Final CPA funding recommendations will be in the form of a single Article. However, if borrowing is being recommended, this approval would be in a separate Article.

2.1.4 Spring: Town Meeting formally decides funding awards

Town Meeting may vote to fully fund the project, partially fund it, or not fund it at all. Town Meeting may not vote to fund the project more than the amount recommended by the CPC and the Advisory Committee.

Funds are available on July 1st, at the start of the Town's new fiscal year. Recipients receive an Award Letter which details next steps, and soon after that, a Grant Agreement is signed between the Applicant and the CPC.

2.2 Determining Funding Eligibility

Massachusetts law is very strict about which projects are eligible for CPA funding, and every year the CPC reviews projects which may benefit the town or community organizations within the town, but which are not eligible. Applicants should be prepared to explain how their Application meets CPA funding guidelines.

2.2.1 Determining Funding Eligibility: Public Benefit

Community Preservation Act funds must be used for community preservation purposes that have a public benefit. The Act specifies three categories of public benefit: open space and recreation, historic resources, and community housing.

All projects must be for the public good. Projects must fall under at least one of the three CPA-defined categories. Some projects may fall into multiple categories, and this fact can strengthen applications, as the CPC is looking to serve the greatest number of community needs as possible.

2.2.2 Determining Funding Eligibility: Purpose Categories

Please see the "Allowable Use Table" in the Appendix of this document for a streamlined explanation of allowable CPC funds. Further explanation is available below.

2.2.2.1 Open Space Eligibility

CPA funds may be used for the acquisition, creation and preservation of open space.

The CPA says that **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."

The CPC may award money to acquire, create, or preserve land for the following reasons:

- To protect existing and future well fields, aquifers, and recharge areas.
- To protect agricultural land, watershed land, grasslands, fields, forests, marshes and other wetlands, beaches, water frontage, and dunes.
- To protect scenic vistas.
- To protect or create land for wildlife or nature preserves
- To protect or create land for recreational use.

The CPC may only award money to rehabilitate or restore open space if the lands were acquired or created with CPC funds.

2.2.2.2 Recreational Use Eligibility

CPA funds may be used for the acquisition, creation, preservation, rehabilitation and restoration of facilities or land for recreational use.

Recreational use is defined in the CPA as “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, artificial turf field, gymnasium or similar structure.”

In other words, the CPC may award money to acquire, create, or preserve land for the following reasons:

- For community gardens.
- For trails
- For noncommercial youth and adult sports (Town and Rec sports that charge low fees meant to cover costs are considered “noncommercial.” Club sports run by private organizations are considered “commercial” sports.)
- For parks, playgrounds, or athletic fields.

The CPC may NOT award money for:

- The acquisition or creation of artificial turf.
- The use of land as a stadium, gymnasium, or other structure.

The intention of CPA funds for recreation is specifically to encourage outdoor recreation. Some indoor structures are permitted, but only when they enable or support outdoor recreational opportunities. For example, an indoor lunchroom is not allowed, but a roof over a group of picnic tables, which allows for shade and weather protection for hikers who would like to picnic, may be allowed. Accessible indoor restrooms at a park may be allowed, if the Applicant can make a convincing case that such restrooms will allow greater usage of the park.

2.2.2.3 Community Housing Eligibility

CPA funds may be used for the acquisition, creation, preservation, and support of community housing.

The CPA defines community housing as “low and moderate income housing for individuals and families, including low and moderate income seniors.” Under Section 5(b)(2), funds may be used for the acquisition, creation, preservation and support of community housing and for the rehabilitation or restoration of such housing that is acquired or created. That section also requires the Community Preservation Committee to recommend, wherever possible, the reuse of existing buildings or the construction of new buildings on previously developed sites.

The CPC may award money:

- to acquire or create property or housing for low or moderate income individuals, including low-income seniors.
- To preserve moderate or low-income housing. Preservation means to protect from injury, harm, or destruction.
- To support a community’s Affordable Housing Trust.
- To provide grants, loans, rental assistance, security deposits, interest-rate write downs or other forms of assistance directly to either individuals and families who are eligible for community housing, or to entities that own, operate, or manage such housing.

The CPC may only use money to rehabilitate or restore affordable housing if the housing was acquired or created with CPC funds. Rehabilitation and restoration means:

- remodeling, reconstructing, or repairing property (repair must be “extraordinary,” not basic maintenance)
- To make property functional for intended use.
- Improvements to comply with federal, state, or local building or access codes, or with federal standards for rehabilitation of historic properties.

See the Appendix for a document clarifying certain acceptable uses of CPA funding for Community Housing.

2.2.2.4 Historic Resources Eligibility

CPA funds may be used for the acquisition, preservation, rehabilitation and restoration of historic resources.

Historic resources are historical structures and landscapes including “a building, structure, vessel or real property, document or artifact that is listed or eligible for listing on the state register of historic places or has been determined by the Historical Commission to be significant in the history, archeology, architecture or culture of the town.”

CPC money may be used to acquire, preserve, rehabilitate, or restore:

- Buildings, structures, vessels, or real property listed or eligible for listing on the state register of historic places.
- Buildings, structures, vessels, or real property determined by the local historic preservation commission to be significant in the history, archeology, architecture, or culture of the town.

“Rehabilitation and restoration” may include:

- remodeling, reconstructing, or repairing property (repair must be “extraordinary,” not basic maintenance)
- To make property functional for intended use.
- Improvements to comply with federal, state, or local building or access codes, or with federal standards for rehabilitation of historic properties.

Rehabilitation applications should meet the Secretary’s Standards for Rehabilitation. The primary goal of these standards is to preserve historic features and materials that make a property significant. See the Resources section of this document for more information.

2.3 Developing a Community-Centered Project Idea

By the time the Town CPC receives a Preliminary Application, it is expected that a significant amount of planning has already gone into the project. This section outlines suggested steps to developing a plan that is ready to go before the CPC.

2.3.1 Evaluating Need

The Community Preservation Act’s mandate is to support community needs. As such, a community-centric needs evaluation should be performed. Applicants should want to talk to people in the community, finding voices that are both supportive of and hostile to the plan. Applicants should speak to people on elected and appointed Boards and Committees in Town, to gauge their thoughts and needs. It can be helpful to speak to abutters and to potential stakeholders.

Some questions to ask are:

- Are people in this community asking for this project? Where does this project fall on a “needs v. wants” continuum?
- Who are potential stakeholders? How can they be incorporated into the planning process?
- Why might someone be against this project? How can the project be planned to take their concerns into account?
- Does this project meet the vision of the Town’s Master Plan?

- Will this project meet the needs of the widest variety of community members? Will it be handicap-accessible? Will people of all ages be able to access the project?
- What is the potential timeline of this project?
- What are diverse funding sources for this project? Can CPC funds be used to leverage other grants and donations?
- Who will manage and maintain this project after it is built?

2.3.2 Public and Private Projects, Land Acquisition, and Property Owner Permission

A public project is a project that is being done on behalf of a municipal agency, on a municipally held or managed public asset. Examples include public parks and playgrounds owned by the town.

A private project is a project that is being done on behalf of a private, non-governmental organization. CPA funds can be used to fund a project on private property, if the project is advancing a public good. If the Applicant is seeking funds for a private property, they should expect to provide a persuasive explanation of how their project will benefit the public good. Some private organizations which have successfully petitioned for CPA funds in recent years have been the Girl Scout House, Hingham Historical Society, and the historic Old Ship Church. All made a persuasive argument that their project would provide benefits to the town at large.

If the Applicant is not the owner of the property for which they are seeking CPA funds, it is required that they receive permission from the owner(s) of the property/building before applying for a CPC grant to do work there. For instance, if a project is requesting funds to do work on a building or on land owned by the Town, the Applicant must show written permission from the Select Board. If a project is to be done on the grounds of one of Hingham's schools, written permission from the School Committee is required.

Alternatively, if funds are being petitioned for a project done on private property, permission must be given by the owner or board of the organization. For example, if a project is to benefit one of the Scout-owned properties in town, permission must be given by the Board of the nonprofit that owns the property.

Note that getting permission may require significant planning ahead, as most Town and nonprofit Boards and Committees require items up for discussion at meetings to be posted well before the meeting, and it may take several meetings to discuss and vote on a request.

Public projects may utilize the services of the Town's Engineering Department in planning and overseeing their projects. Private projects must take on the responsibility of project management, oversight, and reporting themselves.

2.3.3 Deciding on a realistic scope of work and cost estimate

Every project is different, and it is the responsibility of the Applicant to do their due diligence in terms of all planning, with or without the help of the Town Engineering Department (see section above).

In the application planning stage, potential Applicants should carefully consider possible needs and expenses for their project. The CPC will want to see a realistic budget, and will take under consideration who will be doing the work.

Some aspects of a project that may require financial resources and/or volunteer power are:

- Materials.
- Coordination with the appropriate consulting, advisory, and legal services.
- Coordination with necessary Town Departments
- Applications for necessary permits.
- Ensuring that the project is appropriately insured.
- Tracking all project finances in a way that meets CPC and Town accounting standards.
- Maintaining all project records in a way that meets CPC, Town, and Open Meeting Law standards and requirements.
- Ensuring that all contractors, and any other people working on the project, are appropriately licensed, certified, and/or insured.
- Having volunteers who are available to attend CPC review boards, and who will be responsible for project updates.
- Following the Massachusetts procurement laws mandate that prevailing wage rates apply, in accordance with MGL Chapter 149, for public entity projects.

Note that up to 10% of a project may be used for administrative costs.

Please note that any effort or costs associated with this application process are not reimbursable by the Town or the CPC. Applicants undertake these efforts without any guarantee of CPA funding, and do so at their own expense.

Applicants will be expected to provide proof of a thorough exploratory phase regarding cost estimates, and so should keep records of any financial advice and estimates. In general, the CPC prefers to see cost estimates from *at least* three vendors. Applicants will be expected to provide details about who provided these estimates, and when they were prepared.

In very rare cases, the CPC may agree to funding a project over multiple years. In this case,

the applicant should include the total project cost and how it will be distributed over each year so that the CPC may consider the annual set aside for the project or the bonding that may be required.

2.3.4 Breaking Down Project Budgets

It is highly recommended that larger projects be broken down into smaller steps, with their own budgets. Frequently, the CPC can not vote for a complete project, but may be able to fund smaller parts of it. Applicants may submit an application another year for the rest of the project. Breaking down the budget leads to a greater chance that at least a portion of the project will be funded.

For example, the Rec Center Barn project, which renovated the Cordage Factory barn, was done over 4 cycles because of the size of the project. A much smaller project, the restoration of the Liberty Cemetery gravestones, was also funded over 4 cycles.

2.3.5 Assembling required documents

Every application requires different documentation. Here is a partial list of documents that the CPC often receives as part of applications. Applicants are not required to have ALL of these documents. However, Applicants should try to produce the most thorough application packet possible. Items with an asterisk are always required.

See Section 2.4: The Final Application for more information about types of documents.

2.4 The Application Process

This section is designed to walk Applicants through the application process. It is highly recommended that Applicants familiarize themselves with this entire document before filling out the Preliminary Eligibility Application.

2.4.1 The Preliminary Eligibility Application

The Preliminary Application to Determine Project Eligibility (“the Preliminary Application”) is due in mid-September, and provides the Town CPC with an overview of the intended project. The Town CPC will review the Preliminary Application, and determine whether the applicant’s project qualifies for CPA funding. Please check the most recent Preliminary Application form, available on the Town website, for the specific due date.

The Preliminary Application should be filled out the following way.

Applicant: The Applicant is the name of the organization or group that is requesting funding.

>> For example, *“The Hingham Cricket Club.”*

Project Name: Provide a concise name for your project. This name will be used to refer to your project during the application process.

>> For example, *“Beal Street Cricket Field.”*

Project Goals: Describe how and why this project will benefit the community. Remember that CPA funds are designed to enrich the lives of the public, and must be for a public good.

>> For example: *“The Beal Street Cricket Field will establish a 1.5 acre property as perpetual open space, while providing three cricket pitches for use by both the community.”*

Brief Project Description: Describe how CPA funds would be used to actualize this project idea. While the Project Goal description was about the public good, this question is asking for a practical description.

>> For example: *“The Hingham Cricket Club, a 503(c) public charity, is looking to build 3 regulation-sized cricket pitches on a 1.5 acre parcel abutting Bare Cove Park. CPA funds will be used to purchase the parcel, do the necessary grading, and install the pitches and a small, year-round clubhouse designed for storage and weather protection.”*

Estimated Total Cost of Project, and Estimated CPA Request: The Town CPC often funds only part of larger projects, and would like to see the full scale of the entire project. The Town CPC does not, at this point, need to know the source of other funding, but applicants should be expected to share that information later in the application process.

>> For our example, *the Hingham Cricket Club has spent the past few years fundraising privately for this project, and has raised about \$1 million of the \$1.3 million needed. The Applicant would put “\$1,300,000” as the estimated total cost, and “\$300,000” as the estimated CPA request.*

The Town CPC recognizes that this estimate may change over the application process: please provide the most recent cost estimates.

Contact Name: Please put down the name of an individual who can be contacted by the CPC in regards to this project.

CPA Category and Project Purpose: These sections should be filled out together. The CPA only allows funding of several specific purposes within four general category areas:

- For the acquisition, creation, and preservation of **open space**, which “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.”
- For the acquisition, creation, preservation, rehabilitation and restoration of facilities or land for **recreational use**. Recreational use is defined as “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, artificial turf field, gymnasium or similar structure.”
- For the acquisition, creation, preservation, and support of **community housing**. The CPA defines community housing as “low and moderate income housing for individuals and families, including low and moderate income seniors.” Under Section 5(b)(2), funds may be used for the acquisition, creation, preservation and support of community housing and for the rehabilitation or restoration of such housing that is acquired or created.
- The acquisition, preservation, rehabilitation and restoration of **historic resources**. Historic resources are historical structures and landscapes including “a building, structure, vessel or real property, document or artifact that is listed or eligible for listing on the state register of historic places or has been determined by the Historical Commission to be significant in the history, archeology, architecture or culture of the town.”

	Open Space	Historic	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 \$\$)	Yes	Yes	No (unless acquired or created with CPA \$\$)

Please check both the project purpose, and the project category. A project can have multiple purposes and multiple categories: select all that apply.

>> For example, the Hingham Cricket Club's Application is for a project that purchases and preserves open space, while providing a recreational field: this project should select both Open Space and Recreation as a category. The purpose of the Hingham Cricket Club's project is to acquire land, and build fields: both Acquisition and Creation should be selected as the purpose.

Project Information: If the project is related to real property, the address that the project will happen at is required. The owner of the site must sign off on the application. If the project is being proposed for Town-owned property, the Select Board must sign. If the project is being proposed for School-owned property, the School Committee must sign. If the address is owned privately, including by a non-profit (such as a Scout house or a church), the appropriate Board must sign.

>> For example, the land that the Hingham Cricket Club wishes to purchase is still in private hands, so the current owner must sign off on the Hingham Cricket Club's plans.

Signature of Applicant: In most cases, the signature will be that of the contact person. Some groups, however, may wish to have a Chair sign the application, while another person in the organization is the contact person.

2.4.2 Working with a liaison

Each project will be assigned a CPC liaison at the meeting following the receipt of the Applicant's Preliminary Eligibility Application. This liaison should not be confused with professional services advising the Applicant, nor is the liaison qualified to provide legal, design, engineering, permission, procurement, construction management, or contract management services. Instead, the liaison is available to provide practical advice about the application process, and to act as a go-between between the Applicant and the Board.

It is the liaison's job to support and advocate for the project through the entire Application process, up through the end of the public hearings in November and January. However, the liaison is under no obligation to advocate for the project or vote for funding at the final funding meeting in January. In fact, it has long been the policy that a project's liaison is one who is not affiliated at all, and perhaps does not know much about, a project: this allows that Applicant to get advice from a new set of eyes and ears. CPC liaisons are expected to be supportive and offer the best possible guidance regardless of their personal opinions about a project.

2.4.3 The Final Application

The Final Application (“the Application”) is a double-sided form, with information to be filled out on the front side and directions for completing the application packet on the back. It is due mid-October. Please check the most recent Application form, available on the Town website, for the specific date.

The first thing that the Application asks is whether the Applicant has read this entire document. Applicants are expected to be familiar with all of the information and processes described in this Process Manual, and it will be considered a sign of general project disorganization if the Applicant is unaware of important information presented in this document. (Note that the CPC is aware that there is a considerable amount of information in this packet, and even more information that is nuanced and specific to special projects. Applicants are not expected to have memorized every piece of information: but a basic understanding of the material in this packet should be considered a baseline.)

2.4.3.1 The Application Form

The front of the Application should be filled out in the following way:

Applicant: The Applicant is the name of the organization or group that is requesting funding.

>> For example “The Hingham Cricket Club.”

Project Name: Applicants may use the same Project Name as appeared on the Preliminary Application, or modify it based on the evolution of the project.

>> For example, “Beal Street Cricket Field and Clubhouse.”

Project Description: Provide a brief explanation of the Project, which can incorporate both the Project Goals and the Project Description as they appeared on the Preliminary Application. This paragraph can be concise, as all of this information will be presented much more thoroughly in documents that will be attached to the application.

>> An example Project Description on the Application may read: “The Hingham Cricket Club is looking to build 3 regulation-sized cricket pitches on a 1.5 acre parcel of land abutting Bare Cove Park, for use by both the community and the Hingham High Cricket Team. CPA funds will be used to purchase the property, do the necessary grading, and install the pitches and a small, year-round clubhouse that will be used for storage and to protect players in inclement weather.”

Project Total Cost, and CPA Request: Applicants should have a finalized sense of cost by the time of the Final Application, and should have already sought out multiple quotes for services and supplies.

Additional funding: The CPA is just one funding source available to many projects.

- Answer Yes to this question if the Applicant will continue to fundraise or seek out grants or awards before beginning the project.
- Answer No if the CPA grant will provide all of the money needed to complete the project.
- If the Applicant has already procured non-CPA funding sources, and this CPA grant would be the final funds needed to start the project, select No.

Timing: CPA funds will be available on July 1st for any approved projects, and work is expected to be done within 2 years of that date, unless an extension is offered by the CPC. Timelines may depend on seasonal practicalities, additional funding needs, procurement of permissions and permits, availability of labor, etc. Please enter a realistic date that work will begin, and end.

Is this project time sensitive? While the project may be an important priority to the Applicant, this question asks if there is a reason why this project must be completed now, or else it risks not happening at all. Please do not exaggerate the time-sensitivity of things that may not be ideal to put off for another year, but which will still be okay.

Contact Person: List the name, email, and phone of a representative for the project.

The back of the Application provides directions for additional information and documents that are required to be submitted as part of a complete Application.

2.4.3.2 Project Summary

All Applications must include a detailed Project Summary. The Project Summary should include:

The Project Scope, including the property involved and its proposed use. This is an expanded description of the Project Goals and Project Description of the Preliminary Application, but should provide the most specific details about the project necessary.

>> For the Hingham Cricket Club application, the Project Scope would include a detailed description of the playing fields and the clubhouse, including size and layout. It would include the number of estimated users, and the times and ways that these facilities would be used. It would include architectural renderings of the clubhouse, and engineering renderings of the fields. It would include information about how the property is currently being used, a concern that it will be sold for development, and the benefit of maintaining it as open space and playing fields. The Project Scope would include fundraising and community appeals that have already happened, and what still needs to happen. It would include the plan that the Hingham Cricket Club has already made for the support and maintenance of the property, the fields, and the clubhouse.

In short, the Town CPC wants to see that this project has been researched, planned, and designed thoroughly and thoughtfully, and that the only remaining step to completion is funding.

Key Steps for Implementation – This should be a step by step timeline of all work that needs to be done until the completion of the project. Each step should include:

- A date or range of dates for the completion of this step.
- A cost estimate for each step. Include at least 3 quotes with the cost evaluation. If there are fewer than 3 quotes, provide an explanation for why there are limited quotes.

List stakeholders and their respective needs or resources: Provide a list of people and organizations who will be directly benefited by the project. Stakeholders may include the people who will use, maintain, design, or benefit from your project.

>> Stakeholders of the Cricket Fields might include the Hingham Cricket Club, children who take the Rec Center’s Cricket class, members of the high school Cricket Team, and recreational players who want to use the field for pick-up games. Because this project has also applied under the Open Space category, stakeholders may also include people who want to enjoy parts of the property as open space for playing, picnicking, nature walks, bird watching, etc.

Professional Oversight and Ongoing Project Management Responsibility: CPA funds go to grant requests that range from just over a thousand dollars for a time capsule celebrating Hingham’s past, present, and future, to over seven figures for large building projects. Clearly, different projects have different scopes of project management: the Town CPC would not expect the first project to hire professional engineers, nor would it be acceptable for the second project to be managed by a part time volunteer. Applicants should think practically and realistically about who will oversee the work of the project, and err on the side of caution when deciding whether to seek professional guidance.

Anticipated Maintenance: In general, CPA funds can not be used for maintenance, and the Hingham CPC should not be seen as an ATM for maintenance costs. Applicants should show a clear, well-defined, realistic plan to support the project once it passes out of Town CPC oversight.

Benefits to the Town of Hingham: all CPC projects must be for the public good, and the Applicant should describe the benefits of their project to the community. This is a wider circle than the Stakeholders.

>> For example, while the Cricket Field may directly benefit people who are interested in cricket, why should people who don’t play cricket have to help subsidize a cricket

field? Benefits to the Town of Hingham for this may be visually appealing open space, uncultivated land to help absorb rainwater, or healthier and more active citizens.

Criteria to determine Success of Implementation: All projects approved by the Town CPC must have a clear beginning and end date. The Applicant should describe when the project will be considered completed.

>> The Hingham Cricket Club's Fields Project will be completed when all three fields have been constructed, sod has been laid and lines painted, and when the Field House is ready to be opened.

Additional information: if the Applicant has any information which might convince the Town CPC to fund the project, it should also be included.

2.4.3.3 Control of Site

Applicants must attach a statement indicating whether the Applicant already owns the land, or has a purchase agreement for the property. If the property is under agreement, describe the agreement, including the timing and conditions.

If the Applicant does not have control over the property, please explain.

If the project does not include any property, please include a statement to that effect.

2.4.3.4 Further Needs and Actions

List all further actions or evaluations that will be required for completion of the project. These may include environmental assessments, zoning or other approvals, agreement on terms of any required conservation, affordability or historic preservation restrictions, and any other known barriers to moving forward.

If the proposed project is a phase of a larger project, describe the overall project and timeline. Describe the major milestones, and when the project will be complete. Include an estimate of when future CPA funds will be requested or needed.

2.4.3.5 Additional attachments

Please include any of the following which may be available and/or pertinent to the application:

- Maps, photographs, diagrams, or other visual aids that bolster the applicant's case.
- Itemized quotes from up to 3 vendors in the project field
- Assessor's map showing location of the Project
- Documentation of any existing restrictions.

- Photographs of the site and any existing structures located on the site
- Architectural plans and specifications (for new construction or rehabilitation/renovation) Maps, renderings, etc.
- Historic structures report, existing conditions report
- Names and addresses of project architects, contractors and consultants
- Documentation explaining why your application may not follow certain Town or CPC guidelines. For example, while the CPC asks for at least three vendor estimates for all work, some historical restoration work is so niche that there may only be one or two master craftspeople in the United States who can provide the specific service needed. In this example, the CPC would expect the Applicant to provide a document outlining their vendor search process, and explaining why there are only one or two vendor estimates.
- A Certificate of Non-Collusion, signed by the authorized individuals, attesting that there has been no collusion between the project proponent and any individuals that may have a beneficial or monetary interest in the project.
- For projects that involve land acquisition, please use the “Land Acquisition Costs Form” provided in this manual to obtain the necessary information for all land acquisitions.
- Other information useful for the Committee to consider the project.

2.4.3.6 Budget

Outline the total budget, and how the CPA funds will be spent. Be sure to describe all funding sources. For multi-year projects, break down the project by year of expenditure.

Where applicable, describe how much of the proposed CPA funding should be designated 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 any 10% of the budget.

Non-Profit Organizations should also include a current financial statement.

2.4.3.7 Submitting the Final Application

Please email the completed Final Application to cpc@hingham-ma.gov by the due date indicated on the application. No late applications are accepted unless there is an unusual circumstance, and a CPC vote to accept a late application is required.

2.4.4 The Site Visit

If possible, the CPC would like to conduct a site visit for each Application, as appropriate. This is an excellent opportunity for an Applicant to showcase the problems they are trying to fix, to explain their vision in context, and to show how their project can benefit the town.

The Site Visit is considered a formal CPC meeting, per Open Meeting Law requirements, and will be posted on the Town's website, with an agenda. The meeting is open to the public. Generally, CPC members and at least one representative from the Advisory Committee are present.

2.5 The Public Comment Period

A key purpose of the CPA is to support community members in becoming active participants in the preservation and creation of projects designed to improve their community. In addition to the annual public feedback meeting, the CPC hosts two rounds of panels for Applicants to present their project ideas for public comment. Feedback and questions from the community should then be incorporated into the project Application.

2.5.1 The First Public Hearing

The first Public Hearing will be held in mid-November. In recent years, these Hearings have been happening online, allowing easy screen share for Applicants showing a slideshow.

Applicants should be prepared with a slide show (less than 5 minutes long) that outlines the needs, goals, and plan for their project. The CPC will then ask any questions they have about the project. Finally, the CPC Chair will open the floor to the audience, who may also ask questions or make comments about the Application.

Hearings usually run for at least two nights, and Applicants will be told which night they have been assigned. It is essential that Applicants have a representative at their Hearing.

2.5.2 Applicant Self-Assessment and Review

The Applicant should have paid careful attention to the questions and concerns that were brought up after their presentation, both by members of the CPC and by community members in the audience. These questions are designed to ensure that the project has been analyzed and planned from every angle, and Applicants almost always are asked for more information about some aspects of their project.

Applicants should spend the time between the First and Second Public hearings finding answers to questions, preparing additional documentation, and making a stronger case for their Application.

They may also spend this time seeking more estimates and refining their plans. The CPC is interested in funding fully thought out projects, and understand that applications, at this stage, can still be somewhat fluid.

2.5.3 The Second Public Hearing

The second Public Hearing is held in early January. Applicants should *not* just reshow their November slide show. Instead, they should present a second slideshow that briefly summarizes their Application, and provides any additional information that the CPC or members of the public asked for.

Again, slide shows should be no longer than 5 minutes, and Applicants should be available to answer questions. As at the First Public Hearing, CPC members will ask questions and raise concerns after the Applicant has spoken. Then, the floor will be opened to questions and comments from the audience.

Again, the Second Public Hearing usually happens over at least two nights. Applicants will be told which night they will present on, and should make every effort to have a representative at the meeting to make their presentation.

2.6 Deciding Funding

Almost every year, significantly more money is requested from CPA funds than is available. Selecting which projects to recommend funds for can be a very difficult decision.

The CPA requires that at least 10% of each year's revenues be set aside for each of the above three categories. The remaining 70% can be spent on any combination of the three categories. If there are no appropriate applications for any given category, that money must be set aside and earmarked for the following year's funding round. There is no rule that all available money must be spent in a given year: money not spent in any year's funding cycle can be kept available for another year.

The CPC may also spend up to 5% of annual fund revenues for administrative and operating expenses. This may include office supplies required for filing and communicating with applicants and other Town boards, retaining a recording secretary, and administrative support.

The CPC may consider setting aside for future spending, a portion of the annual receipts from the Hingham Community Preservation Act Fund in order to build a reserve to be used for future priority projects. The amount of such set-aside is not based upon a formula, but is determined by the CPC each year, balancing current priorities with potential future opportunities.

It can be disappointing for the Applicant if their project is not funded, or is only partly funded. However, the conversation about the voting can be very interesting, and can help with future

applications. The most common reasons that a project is not funded is simply that there are more great projects than there are funds. Applicants who don't get funded are always welcome to apply again, and frequently meet with success in a later year.

2.6.1 The CPC Voting Meeting

Members of the CPC will meet a final time in mid January to decide on their recommendation for funding amounts to each of the projects. For more information about what happens during the CPC voting meeting, please see section 4.4: The Voting Process.

2.6.2 Review by the Select Board and Advisory Committee

After the CPC has made its financial recommendations, the Select Board will review each Application, and the amount that the CPC has voted to recommend funding it. Again, the merits of each application will be discussed. The Select Board pays particular attention to how each project that CPC has voted to give funding to fits into the Town Plan.

Finally, the Advisory Committee will review each application. The Advisory Committee is responsible for making a final recommendation to Town Meeting, which includes writing the Comment in the Warrant that describes each project, including the pros and cons to approving funding, and making a formal written recommendation in the Town Warrant.

2.6.3 Town Meeting

All financial decisions in Hingham are made by the Town's legislature, which is Town Meeting. Annual Town Meeting is held on the last Monday of April.

Per State laws about Town finances, the CPC only makes funding recommendations, and does not award funds itself. Instead, it makes recommendations to Town Meeting about the allocation of funds. Some grants may pass Town Meeting with a 50% majority: awards relating to borrowing money or purchasing land must achieve at least a 2/3 vote. In addition to approving or denying the CPC recommendations, Town Meeting may also reduce the funds to be awarded. It cannot, however, award a greater amount than the CPC has recommended.

2.7 Special Situations

2.7.1 Off-Cycle Applications

Some special situations may arise where the expediency of an application takes priority over following the general application cycle. An example may be a substantial area of open space

which goes on the market suddenly, and is likely to be quickly sold for development purposes, or the time-sensitive stabilization or restoration of a historic property that was damaged by fire or flood. The CPC is willing to entertain such applications.

The principle warranting special consideration outside of the Standard Application Process is that a unique opportunity is presented that, if missed, is not likely to be available again.

In all such cases, the CPC will adhere to the Standard Application Process, with the following modifications:

- The preliminary application may be foregone, and only a final application submitted.
- The CPC may decide whether to hold only one public hearing, instead of the standard two.
- A Special Town Meeting will be called.

Note that despite the expediency, all Open Meeting laws still apply, and meetings must be posted with a full agenda by the state-mandated timelines.

2.7.2 Implementing Preservation Restrictions on Historical Properties

A Preservation Restriction (PR) is a voluntary legal agreement that protects a significant historic, archaeological, or cultural resource. It provides assurance that an historic or cultural property's intrinsic values will be preserved through subsequent ownership by restricting on the demolition or alteration of its significant historic features. A Preservation Restriction is filed at the Registry of Deeds and runs with the land. It usually focuses on exterior architectural features, but can also address significant interior spaces. Though a Preservation Restriction does not necessarily require public access, it may include provisions for annual open houses or similar public events if deemed appropriate.

The heart of a Preservation Restriction is in the **Grantor's Covenant**, where the owner of the property agrees to maintain the building exterior in good repair, and consistent with the Secretary of the Interior's Standards for Rehabilitation and Guidelines for Rehabilitating Historic Buildings (see Resources). The Grantor's Covenants spell out prohibited activities, such as demolition of the building, and describe the review process required if any exterior alterations are considered on the property.

Another important part of the Preservation Restriction is the Baseline Documentation, which illustrates the property's historic significance and existing conditions through architectural drawings, photographs, historical records, and reports.

The Community Preservation Act specifically calls for perpetual Preservation Restrictions, established under Chapter 184 of Mass General Laws, whenever CPA funds are used to purchase a real property interest. Therefore, when purchasing or buying an interest in an historic property, a Preservation Restriction is required. The Act is not specific as to whether a

Preservation Restriction is required when CPA money is expended on an historic preservation project. However, the CPC may choose to require a Preservation Restriction when any amounts of CPA funds are awarded for rehabilitation or restoration of an historic property. This protects the town's investment should the property change hands or become subject to additional development pressures.

A Preservation Restriction may be held by any governmental body, charitable corporation, or trust capable of acquiring interests in land, and whose purposes include historic preservation. Local Historical Commissions are empowered to hold preservation restrictions under the state's Historic District Act (M.G.L. Chapter 40C), but they cannot hold a preservation restriction on a town-owned property. Non-Profit historical organizations such as town Historical Societies, the Trustees of Reservations, and Historic New England may also hold preservation restrictions.

A sample Preservation Restriction can be found in the Appendix of this document. CPC suggests using the Preservation Restriction sample as a working model, copying its general format and legal language, and making changes to tailor the restriction to the particular property in question.

The owners of the subject property, the intended holders of the Preservation Restriction, and the Town Counsel should be involved in drafting a preservation restriction. The CPC may choose to arrange an initial meeting between these parties to discuss the content of the restriction, and may ask the owners' attorneys to draft the preservation restriction, using the model provided in this document as a template (SEE Documents Section).

The Massachusetts Historical Commission (MHC) must approve a Preservation Restriction for it to be consistent with M.G.L. Chapter 184. If the restriction will be held by a charitable corporation or trust, the town must also approve the Preservation Restriction. A draft Preservation Restriction should be submitted to Michael Steinitz at MHC to determine if it adequately protects the features that make the historic property significant. Once MHC approves the content of the Preservation Restriction, it can be signed/executed by the owners and the Selectmen then resubmitted to MHC for their signature. Finally the Preservation Restriction should be recorded at the Registry of Deeds.

Town permitting departments and assessors will put a red flag on properties with a Preservation Restriction, and ask the town to notify the restriction holder (Local Historical Commission or other entity) any time a development permit is sought for one of these properties.

2.7.3 Projects that require borrowing or bonding

General obligation bonds may be issued against future CPA revenue streams for CPA projects. However, the Town may only bond against the local surcharge, not the state match. Bonding a project requires a two-thirds (2/3) vote at Town Meeting. No subsequent ballot election is required. The CPC will work with municipal officials to determine what the Town can afford to

bond, as well as, the length of bond term by following state guidelines on bonding (up to 30 years in some cases). The CPC recommendation and warrant article may include the term (number of years for the bond). The warrant article will be administered under the authority of Chapter 44b and it should include issuance/closing costs in the warrant article. If payment on a project bond is more than 10% of your annual CPA revenue, the bond payment counts as your 10% requirement for that category.

Part 3: Execution and Completion of CPA Projects

3.1 The Grant Agreement

After the town's legislative body (Town Meeting, either meeting annually in the spring, or Special Town Meeting held at other times) has voted to award the Applicant funds, each successful Applicant will receive a letter from the CPC. This Award Letter will:

- Confirm the CPC's funding award
- Confirm that funds are available July 1st for a period of two years.
- Note that a Grant Agreement will be sent. This Grant Agreement requires signatures from the CPC, the Town's legal representative, and the award recipient.

The CPC will also provide a Grant Agreement to the applicant. The Grant Agreement is the binding contract between the Town and the Applicant. It indicates the amount of Town funds that will be paid to the applicant, and specifies any terms and conditions of funding.

The Grant Agreement should include:

- An expected timeline of reimbursement for CPA-funded projects. Reimbursements may be made over the course of the project, or as one final payout at the end of the project.
- Instructions about when a project is considered "completed," and how to close out the project.
- A statement of indemnification, which should state that: "The project proponent and/or applicant shall protect, defend, and save the Town of Hingham, its agents and employees, while acting within the scope of their duties as such, harmless from and against all claims, liabilities, demands, causes of action, and judgments whatsoever (including the cost of defense and reasonable attorney fees) arising in favor of or asserted by third parties on account of damage to property, personal injury, or death which injury, death, or damage, arises out of or in any way results from the negligent acts or omissions of the Town, its elected and appointed officials, agents, and employees." Please note that this passage is an example of an indemnification clause, and the Town's legal counsel may change the wording accordingly.

The Applicant, and/or their authorized representatives, must sign the grant agreement and return it to the CPC. The CPC Chair will then sign the Grant Agreement, and a copy will be returned to the applicant.

3.2 Project Requirements

All CPA-funded projects must conform to certain requirements and expectations, to ensure that CPA funds are being used responsibly.

3.2.1 Insurance and Indemnification

For construction projects, CPA funding recipients may be asked to instruct their general liability insurer to add the Town of Hingham as an additional insured entity, as related to this specific CPA funded project, and to require that all contractors on the project do the same. Proof of this coverage must be submitted for the CPC's files prior to the first request for reimbursement. Projects on Town-owned properties are already required to indemnify the Town.

3.2.2 Reporting Requirements

It is the responsibility of the Applicant to report the status of the project back to the CPC, in writing, twice each year, until the project is considered completed by the CPC. Project updates should be made in November, and May.

3.2.3 Appropriately Crediting the CPA

CPC recipients are required to acknowledge the Community Preservation Act in all press releases, publicity materials, news, and written or oral announcements about work supported by CPC funds.

In any plaques about the project, the CPC must also be credited as a funding source.

When a project is being funded by multiple sources, the applicant must identify which aspects of the project were funded with CPC funds.

3.2.4 Changes to Projects

The grant recipient should notify the CPC, in writing, when the project has commenced and is completed. This timeline should have been included in the Grant Agreement, and the applicant should have been a partner in developing the reporting expectations.

Any significant changes to the project, including the timeline, shall require prior approval from the CPC. This ensures that the project is still CPA-eligible, and that it still meets the needs and expectations of the Town. The pandemic shutdowns, supply chain disruptions, and labor issues meant that several projects were substantially delayed or changed over the past few years, and the CPC has worked with all affected parties to make sure that funded projects could still go forward.

3.3 Reimbursement Policies and Procedures

Projects will be funded either as direct payments to the vendor, or as reimbursements.

3.3.1 Reimbursement Process for Non Town of Hingham Projects

CPA funds are distributed through the Town of Hingham's Accounting Department, at the request of the CPC. All funding requests must meet the Town's requirements for payment, as well as any conditions set by the CPC when funds were awarded. The CPC will only request payment from the Accounting Department when they are satisfied that the work has been done to the standards laid out in the Grant Agreement.

To be reimbursed with CPA funds, the Applicant must submit a requisition or a reimbursement request to the Accounting Department. These requests may be submitted incrementally over the course of the project, or as a single payout request at the end of the project. The Applicant and the CPC should have already discussed this payment timeline, and it should be included in the Grant Agreement.

If a project is being funded by multiple sources, the CPC may ask for records, documents, or other proof that the money provided by the CPC is going specifically to the aspect of the project for which it was requested. CPC money should not be put in a "general pot" of funds for a larger project, but should be specifically earmarked for the purpose for which it was awarded.

The reimbursement request must include:

- **A cover letter**, in PDF format, stating how and when the conditions for funding were satisfied. The letter should offer a summary of the expenses incurred, and the total reimbursement requested. Please include the Annual Town Meeting (ATM) and Article # assigned to your CPA project (e.g. ATM 2014 ARTICLE #).
- **A PDF document that includes copies of all paid invoices for materials or labor** - These invoices must be signed by the Applicant. Whenever possible, the applicant should work with CPC staff to insure that this verification process is in place before any invoices are paid.
- **A PDF document that includes copies of canceled checks** showing payment to vendors. If canceled checks are not available, bank statements which identify the payee and appropriate project budget category will also be accepted.
- **A PDF or Excel Project Budget Spreadsheet** – Please include an up-to-date project budget. At a minimum, this spreadsheet should include: the overall project budget; all funding sources to be used in the project; the amount budgeted for each category of the project and how the funding sources will be allocated to them; any payments received to date (including the funding source and to what it was applied); the total amount of funding requested for reimbursement; and the balance required to complete the project.
- **Verification of CPC staff site visit** – For non-municipal projects, the CPC Project Liaison will set up site visits with the Applicant to review the work to date. Following these site visits, staff will document the visit for the CPC's review and attach the

memo to the file copy of the invoice. For all Town projects, the Town Engineer will conduct site visits.

Once these materials have been received and any verification (including a site visit) is complete, our Town Engineer or Chair will submit approval to CPC. Once approved, the CPC Admin will request that the Accounting Department release the appropriate amount from the CPA funds allocated to the project. This request is signed by the CPC Chair and forwarded with its supporting documentation to the Accounting Department for payment.

Payment approval will only be given with proof that the work has been appropriately completed. When appropriate, CPC members, the Town Engineer, or other representatives of the Town may conduct one or more site visits, to confirm that the work has been completed.

Upon the CPC's request for payment, the Town will issue a check to the Applicant within two weeks.

Any appropriated CPA project funds not expended upon completion of the approved work will be returned to the CPA general fund.

3.3.2 Reimbursement Process for Town of Hingham Projects

The Town Accounting Office will work directly with Town Departments to pay invoices associated with construction and/or consulting projects. Each Department receiving CPA funding will work directly with the Engineering Department/CPC Admin to set up any Purchase Orders or to complete any bidding requirements necessary for a municipal project.

Town of Hingham Project Applicants should still submit invoices for completed work on CPA funded projects directly to the CPC. These are required for CPC records.

Applicants are requested to contact the Engineering Office at the start of their project and to forward any RFP or bid documents for a project to the CPC. Applicants must maintain all documents for their project files. Site visits by either the CPC or the Town Engineer may be scheduled periodically, in order to document the work for the CPC project files. CPC members are encouraged to work with our Engineering Department.

3.4 Closing Out Completed Projects

3.4.1 Completing Projects

Once a project has been completed, or all of its CPA funds expended, the CPC will begin the process of officially closing the project file. The Closing Process ensures that all project conditions and requirements have been met, and that the project file is complete.

The Closing Process begins once the CPC receives written notice of a project's completion from the Applicant, as outlined in their Grant Agreement. The CPC will then review the initial acceptance letter and the Grant Agreement to make sure that all of the Terms and Conditions will be met. Although it is the responsibility of the Applicant to ensure that all conditions are met, and all documentation included, the CPC will review their files and the Applicant will be contacted if anything is missing.

The CPC Project Liaison will schedule a final site visit to the property to review and photograph the completed work.

The Applicant should generate a final summary of the CPA-funded portion of the project, which includes a list of all expenditures. This report should be submitted to the CPC. The CPC Chair and Project Liaison will review this summary, the site visit, and any other documentation, and decide to close out the project.

Once this decision is made, a letter will be sent to the Applicant stating that the project is now closed. A copy of the summary and this final letter will be placed at the front of the project file.

Once the work has been certified as complete and the project has been closed, the CPC will work with the Accounting Department to return any unexpended funds to the general CPA fund account for reallocation at a future Town Meeting to other CPA eligible projects.

Part 4: Information for CPC Members

4.1 CPC Roles and Expectations

Because the CPC has so many representatives from different boards, many on one-year appointments, there can be considerable turnover of CPC members. This section of the Process Manual is designed to provide all of the information new CPC members need to join the CPC

4.1.1 The Role of the Committee

The CPC as a whole, or by delegating tasks amongst itself, must:

- Update this process manual annually.
- Update the Preliminary Eligibility Application and the Final Application annually.
- Host a public forum seeking feedback from the Community.
- Review each application, examining the criteria laid out in Section 4.3.2 of this document.
- Make funding recommendations to the Select Board and the Advisory Committee. These funding recommendations will then be made to Town Meeting.

4.1.2 The Role of Committee Members

New members should:

- Read this entire Process Manual.
- Review all requirements of and complete any necessary trainings or certifications about Open Meeting Laws.
- Review Massachusetts' conflict of interest policy (see "Resources") and be prepared to recuse themselves as necessary.

All members should:

- Plan to attend all meetings. If you are unable to attend a meeting, please let the Chair know. CPC meetings generally happen along this timeline:
 - September – Meet to review preliminary applications.
 - October – Meet to review final applications; meet for Site Visits.
 - November – First round of hearings, usually over 2 evenings
 - December – Administrative meeting to discuss Applications thus far
 - January – Second round of hearings, usually over 2 evenings; Voting meeting
 - February and March – Liaisons may be asked to attend Select Board and Advisory Committee meetings
 - April – Town Meeting
 - May – July – Chair will call administrative meetings as needed.
- Be prepared to act as a liaison for at least one project. Liaisons should:

- Provide information and guidance, as requested, to the appropriate Advisory Committee liaison, to ensure that they have the necessary background information to write the Warrant article requesting funds at Town Meeting.
- Take before and after pictures of the project.
- Follow up with Project Applicants if required updates, reports, and financial documents are not being properly submitted.
- Schedule final site visit at completion of the project.
- Work with the Chair to decide if the project is closed out.
- With the Chair, draft a letter to the Applicant closing out the project.
- Do due diligence in reviewing and researching Applications.
- Fill out their finance recommendations in a timely manner in January.

4.1.3 The Role of the Chair

The Chair of the CPC has a considerable role. Although some of these tasks may be delegated, it is the Chair's responsibility to:

- Call meetings and write agendas. Coordinate with a paid administrator, as necessary, to ensure that minutes are taken and appropriately filed.
- Call an annual public hearing, to hear community input into CPC goals and projects.
- Work with the CPC Administrator to supply an update for the Town's Annual Report. This report is usually due mid-February.
- Present funding recommendations to the Select Board and the Advisory Committee, at meetings set by both groups.
- Work with the Town Registrar's office to organize a Special Town Meeting, should an off-cycle application be approved.
- Oversee the updating of documents including, but not necessarily limited to, CPC applications, this process guide, the CPC plan, and the website.

4.2 Conflict of Interest Policy

The purpose of the Massachusetts Conflict of Interest Law ("the Law") is to protect the public interest by regulating situations where public and private interests intersect. A Community Preservation Committee member is considered a municipal employee (or, possibly, a special municipal employee) as defined by the Law.

All CPC members should review the Law. Typing **MGL c.268A** in a search engine should return the full law, or the direct link is: <https://malegislature.gov/Laws/GeneralLaws/PartIV/TitleI/Chapter268a>. CPC members should pay particular attention to Sections 17 through 23.

4.3 Making Funding Decisions

The primary purpose of the CPC is to make recommendations about how best to grant available CPA funds. This is done at a meeting in mid January.

4.3.1 The Voting Process

The Town CPC’s voting process is unique amongst Committees and Boards in Town.

Shortly after the Second Public Hearing, the Administrator will send a spreadsheet to every member of the CPC. This spreadsheet shows how much CPC money is available for the next year, and provides a list of Applicants and the requested grant amount. Each CPC member has a column on this spreadsheet. They should enter how much they would like the CPC to award each applicant.

The spreadsheet should then be returned to the CPC Administrator or Chair. CPC members are encouraged not to discuss their preferred awards with other members of the CPC. While discussing an individual member’s opinions one-on-one with another Board Member does not necessarily violate Open Meeting Law, the CPC has found that the process works quite efficiently if each Member comes to the January Voting Meeting knowing only their own thoughts about specific dollar awards.

During the January Voting Meeting, the individual allocations that each CPC member made will be shown to the entire Committee. There will likely already be unanimous agreement about some projects. For other projects, individual allocations may range from nothing, to a number greater than an Applicant’s ask.

The CPC will then discuss the allocations that are not unanimous, in order to come to an agreement on how to allocate the remainder of the available funds.

Note that the Project Liaison is not under any obligation to advocate for or vote funding for their project at this point.

Recommendations may be for exactly what the Applicant requested, less than the Applicant requested, or more than what the Applicant requested.

Although there is traditionally a goal of Committee unanimity regarding every Application, legally there must be a majority (5 votes) supporting a single dollar award for the vote to pass. For example, if members have entered the following allocations for an Applicant into their spreadsheet column:

- | | |
|--------------------|--------------------|
| Member 1: \$25,000 | Member 4: \$0 |
| Member 2: \$35,000 | Member 5: \$25,000 |
| Member 3: \$0 | Member 6: \$25,000 |

Member 7: \$15,00
Member 8: \$25,000

Member 9: \$0

there is not a majority for any given amount, and the Committee is at an impasse. There are 4 votes for \$25,000, 1 each for \$35,000 and \$15,000, and 3 members voted not to fund the project at all. Each member may now try to convince other members to change their allotment amount. Practically, what will probably happen is that either Member #2 or Member #7, who are already amenable to funding it, will be persuaded to change their vote to \$25,000. Or, perhaps the three Members who voted \$0 will convince two other Members to change their vote to a \$0, because they offer a convincing argument that another project is more time-sensitive to fund. Whichever amount gets 5 or more votes is the amount that will be recommended to the Town.

4.3.2 What May be Considered

When making funding decisions, the CPC considers a variety of factors.

First of all, the CPC should consider the administrative and financial management capabilities of the Applicant. If the Applicant has previously been awarded CPC funds, they should be able to demonstrate that they are in good standing with the CPC. This includes making sure that they are up to date on any open status reports.

All CPC proposals must meet certain basic threshold requirements. These include:

1. Completeness of the application, including written consent of the property owner.
2. Eligibility for funding under the CPA.
3. Feasibility within a reasonable timeframe.
4. Compliance with legal, zoning, and other Town board or committee requirements.
5. Consistency with Town-wide planning efforts, and benefits the Town at large.

The CPC will consider the following factors:

1. Is the project **mature**? The project must be fully developed, and does not need further definition.
2. Does the project **stand alone**? Applications which will require the CPC to commit to future initiatives will be considered less appealing.
3. Is the project **time sensitive**? Will an opportunity be lost if the CPC fails to act this year?
4. Is there **alternative capital available**? CPC funds are limited, and if there are other easily available funding sources for the project, the Committee may consider an application to be of a lower priority.
5. Is this project being used to **leverage other funding sources**? Will a CPC grant spark other funding sources to match or otherwise enhance the CPC grant?
6. Is there a **long-term plan**? Is this application part of a long-term plan by the Applicant?

Applications rank higher if they:

- General and applicable to all projects
 - Preserve community character
 - Have a demonstrated level of community support.
 - Serve an underserved community or population.
 - Are supported by relevant Town board or committees
 - Are consistent with the Town's Master Plan
 - Serve more than one CPA purpose
 - Save a resource that would otherwise be lost
 - Leverage other private or public funds
 - Can show that the project is feasible, cost-effective, and prudent.
 - Present a plan for maintenance and care long past CPC involvement.
- Community Housing Projects
 - Contribute towards the 10% affordability goal of Chapter 40B
 - Ensure affordability in perpetuity
 - Promote the reuse of existing buildings, or new construction in previously developed areas
 - Give priority to current or former residents and qualified Town employees
 - Convert market rate housing to affordable renter or owner occupied housing.
 - Are affordable by persons or families with an annual income less than 80% of the area-wide median income.
- Historic Preservation Projects
 - Preserve town-owned historic resources
 - Preserve the exterior or structural integrity of endangered historic resources owned by non-profit organizations.
 - Preserve endangered structures and features, such as outbuildings and fences that are important to the Town's character.
 - Preserve historic landscapes or enhance the public's ability to use and enjoy such landscapes.
- Open Space and Recreation Projects
 - Protect water resources
 - Preserve Hingham's character
 - Abut or link up existing conservation lands
 - Provide or improve public access to open space, especially waterfront and shorelines, rivers and streams.
 - Preserve or enhance distinctive streetscapes, views, or vistas.
 - Preserve important wildlife or vegetation habitats
 - Provide needed active or passive recreational opportunities
 - Are consistent with Hingham's Open Space plan.
 - Include appropriate deed restrictions, preservation restrictions, or conservation restrictions.

Part 5: Resources

The resources in this section have been compiled to supplement this document.

5.1 Frequently Asked Questions

This Process Manual was designed to be as clear and concise as possible. However, questions may still arise. If you are an Applicant who has been assigned a CPC liaison, please contact your liaison with questions. Otherwise, please contact the CPC with any further questions.

5.1.1 If my project is not funded, can I reapply for CPC funds next year?

Yes, many projects do this. Either the application needs further refinement, or there just isn't enough funding for all needed projects. Either way, the CPC welcomes Applicants to try again. It is likely worth listening to the previous year's January Voting Meeting to analyze why the project wasn't funded, and to rework the application with that in mind.

5.1.2 What if a 3rd party is delaying my application's completion?

Applicants are expected to show the ability be organized and timely, and to effectively manage their projects, including vendors. An application with many loose ends, or where the Applicant clearly waited until the last minute to complete the application, will likely cause concern amongst the CPC about the ability of the Applicant to manage a larger project. However, the CPC also realizes that there are some aspects of an application that may be out of the Applicant's control. If, for example, an Applicant has an almost complete application, but is still waiting on one of their vendor estimates as the October application deadline looms, they should speak to their liaison for advice about whether the CPC will be amenable to accepting an incomplete application.

5.1.3 Is there a maximum or a minimum of funds that I can apply for?

There is no minimum, and CPC has received Applications asking for as little as a few hundred dollars. As for the maximum, the CPC has limited funds every year, and many wonderful projects. The CPC is unlikely to award all funds to a single project, making the amount available for any one project even smaller. If an Applicants project is running close to 7 figures, they should be exploring as many funding opportunities as possible in recognition that it is highly unlikely, if not impossible, for the CPC to fund the entire project.

5.2 Definitions

The following words shall, unless the context clearly indicates a different meaning, have the following meanings:

Administrative and operating expenses – Costs not associated with the direct building of completion of the project, but which go to oversight of the project. This may include photocopies, legal or recording support, office supplies directly related to the project (paper, folders, binders, etc), and legal or administrative advice.

Advisory Committee - The Advisory Committee is a deliberative body chartered by the Town of Hingham General By-laws to consider all articles in any Town Meeting Warrant and to make recommendations on each article as it deems to be in the best interest of the Town. The Committee consists of 15 residents of the Town, appointed by the Moderator to staggered terms. The term of appointment is 3 years, and each member serves no more than 2 terms. Membership on the committee reflects a cross section of the Town's residents.

Acquire - obtain by gift, purchase, devise, grant, rental, rental purchase, lease or otherwise; shall not include a taking by eminent domain, except as provided in this chapter.

Award Letter – Successful applicants for CPA funds will receive an Awards Letter shortly after the vote at Town Meeting which grants their award. This letter will confirm the CPC's funding award, and confirms that funds are available July 1st for a period of two years.

Community Housing - low and moderate income housing for individuals and families, including low or moderate income senior housing.

Community Preservation Act - 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. It was signed into law in September, 2000.

Community Preservation Committee - the committee established by the legislative body of a city or town to make recommendations for community preservation.

Community Preservation Fund - the municipal fund established by the Town

CPA – see **Community Preservation Act**

CPA Plan – A plan written by a Community Preservation Committee which outlines the priorities for Community Preservation in the Town.

CPC – see **Community Preservation Committee**

Grant Agreement – The legally binding agreement between the CPC and the successful applicant, which outlines how the CPC money will be spent on a specific project.

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.

Low income housing - housing for those persons and families whose annual income is less than 80 per cent of the areawide median income. The areawide median income shall be the areawide median income as determined by the United States Department of Housing and Urban Development. See also: **Moderate Income Housing**.

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.

Maintenance: incidental repairs which neither materially add to the value of the property nor appreciably prolong the property’s life, but keeps the property in a condition of fitness, efficiency or readiness.

Master Plan – See **Town Master Plan**.

Moderate income housing - housing for those persons and families whose annual income is less than 100 per cent of the areawide median income. The areawide median income shall be the areawide median income as determined by the United States Department of Housing and Urban Development. See also **Low Income Housing**.

Municipal Agency: any department or office of a city or town government and any council, division, board, bureau, commission, institution, tribunal or other instrumentality thereof or thereunder.

Open Meeting Laws – A series of laws designed to ensure government transparency.

Open Space - shall include, but not be limited to the undeveloped, 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.

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

Private Project - any work performed by a “Non-Municipal agency” (e.g. non-profit organization, private citizen, etc.) on a non- municipally held asset or a private asset.

Public Project - any work performed by or on behalf of a “Municipal agency” on a municipally held or managed public asset.

Recreational Use - active or passive use for pleasure/fields including, but not limited to, the use of land for community gardens, trails, and noncommercial youth and adult sports, parks, playgrounds or athletic fields. “Recreational use” shall not include horse or dog racing or the use of land for a stadium, gymnasium or similar structure. Rehabilitation/restoration such as capital improvements, extraordinary repairs to make the resource functional, and compliance with The Americans with Disabilities Act are allowable uses of CPA funds, under the open space/recreation category. The use of funding for the acquisition of artificial turf is not allowable under CPA.

Rehabilitation - capital improvements, or 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 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.

Restoration - *is defined as the act or process of accurately depicting the form, features, and character of a property as it appeared at a particular period of time by means of the removal of features from other periods in its history and reconstruction of missing features from the restoration period. The limited and sensitive upgrading of mechanical, electrical, and plumbing systems and other code-required work to make properties functional is appropriate within a restoration project. The Restoration Standards allow for the depiction of a building at a particular time in its history by preserving materials, features, finishes, and spaces from its period of significance and removing those from other periods. (from the Secretary of the Interior’s Standards for the Treatment of Historic Properties)*

Public Benefit – A project is of public benefit if it benefits the community at large. By comparison, a project done for private benefit would primarily or only benefit a private group or individual. Note that some Private groups may provide services for the larger community, and these services would qualify as a public benefit.

Preservation - *is defined as the act or process of applying measures necessary to sustain the existing form, integrity, and materials of an historic property. Work, including preliminary measures to protect and stabilize the property, generally focuses upon the ongoing maintenance and repair of historic materials and features rather than extensive replacement and new construction. The limited and sensitive upgrading of mechanical, electrical, and*

plumbing systems and other code-required work to make properties functional is appropriate within a preservation project. However, new exterior additions are not within the scope of this treatment. The Standards for Preservation require retention of the greatest amount of historic fabric along with the building's historic form. (from the Secretary of the Interior's Standards for the Treatment of Historic Properties)

Reconstruction - *is defined as the act or process of depicting, by means of new construction, the form, features, and detailing of a non-surviving site, landscape, building, structure, or object for the purpose of replicating its appearance at a specific period of time and in its historic location.* The Reconstruction Standards establish a limited framework for recreating a vanished or non-surviving building with new materials, primarily for interpretive purposes. (from the Secretary of the Interior's Standards for the Treatment of Historic Properties)

Regular Town Meeting – Regular Town Meeting begins on the last Monday of April, but may extend over several evenings. Town Meeting is the legislative body in Town, and Hingham has an Open Town Meeting, where any registered voter can attend, make their voice heard, and vote. Because Town Meeting is the legislature, any bylaw changes, or financial decisions facing the Town must be voted on at Town Meeting. A Warrant is mailed to voters several weeks before Town Meeting, with a list of all of the Warrant Articles that will be voted on, as well as recommendations about each Article written by the Advisory Committee.

Select Board - The Select Board is composed of 3 members who are elected for 3 year terms. As the Chief Elected and Executive Officers of the Town, the Select Board are vested with all the municipal authority not specifically retained by the Town's legislative body, Town Meeting, or other elected boards. The Select Board appoint a Town Administrator who is responsible for the daily management of the Town.

Site Visits – CPC members will make site visits to see the location where the Applicant's project will happen. These site visits are considered part of the Final Application, and happen at the end of October or early November.

Special Town Meeting – A Special Town meeting may be called if an emergency matter that can not wait until the annual Regular Town Meeting presents itself. Special Town Meetings are very rare, and avoided where possible, for both cost and practical reasons.

Town Meeting – See **Regular Town Meeting** and **Special Town Meeting**.

Town Master Plan - A master plan is a policy framework to guide decisions about growth and change. Its main purpose is to shape public policy about the use of tools a city or town has to manage growth and change: regulation, public investment, and leadership. A master plan is primarily a plan for a town's physical evolution and a set of policies, programs, and actions to achieve what the plan envisions,

5.3 Resources

5.3.1 Resources Relating to the CPA

- The entirety of the CPA, including amendments is available on the MA Legislature's website: <https://malegislature.gov/Laws/GeneralLaws/PartI/TitleVII/Chapter44B>
- The Community Preservation Coalition is a nonprofit designed to help communities in Massachusetts implement and manage their CPCs.
<https://www.communitypreservation.org>
- Massachusetts keeps available data about CPA funds in municipalities. They are available to browse here: <https://www.mass.gov/lists/community-preservation-act>
- A study, sponsored by the Community Preservation Coalition, showing its impact over its first 10 years, is available here:
https://www.academia.edu/2989779/The_Community_Preservation_Act_community_impacts_and_funding_allocations_A_10th_Anniversary_Study

5.3.2 General Board and Committee Resources

- All CPC meetings are subject to Open Meeting Laws. A document outlining what this means is available here. <https://www.mass.gov/doc/open-meeting-law-guide-and-educational-materials-0/download>
- A summary of the Massachusetts Conflict of Interest Law is available here: <https://www.mass.gov/service-details/summary-of-the-conflict-of-interest-law-for-municipal-employees>. The complete law is available here: <https://malegislature.gov/Laws/GeneralLaws/PartIV/TitleI/Chapter268a>

5.3.3 Historic Preservation Resources

- The U.S. Secretary of the Interior's Standards for the Treatment of Historic Properties is available here: <https://www.nps.gov/orgs/1739/secretary-standards-treatment-historic-properties.htm>, and should be used to guide Applicants about how best to approach any projects that fall into the historical category.

5.3.4 Community Housing Resources

- The Hingham Affordable Housing Trust completed a Hingham Housing Plan in June of 2021, which is available here: <https://www.hingham-ma.gov/918/Housing-Plan>

Part 6: Appendices

6.1 Community Preservation Fund Use Table

Community Preservation Fund Allowable Use Table - ALLOWABLE SPENDING PURPOSES (G.L. c. 44B, § 5)

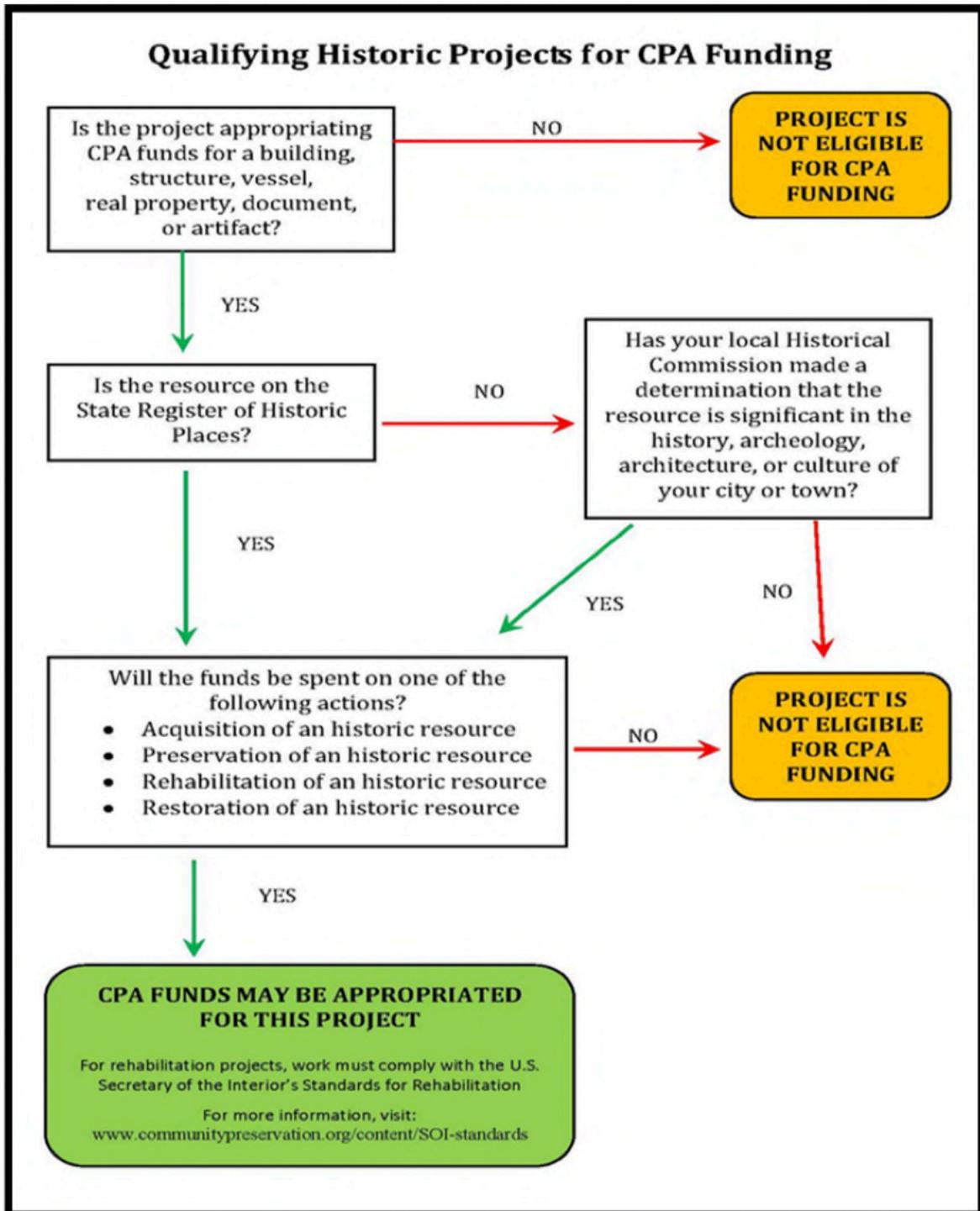
	OPEN SPACE	HISTORIC RESOURCES	RECREATIONAL LAND	COMMUNITY HOUSING
DEFINITION (G.L. c. 44B, § 2)	Land to protect existing and future well fields, aquifers and recharge areas, watershed land, agricultural land, grasslands, fields, forest land, fresh and salt water marshes and other wetlands, ocean, river, 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.	Building, structure, vessel, real property listed or eligible for listing 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 a 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 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.	Housing for low and moderate income individuals and families, including low income seniors. Moderate income is less than 100%, and low income is less than 80%, of US HUD Area Wide Median Income
ACQUIRE -Obtain property interest by gift, purchase, devise, grant, rental, rental purchase, lease or otherwise. Only includes eminent domain taking as provided by G.L. c. 44B	Yes	Yes	Yes	Yes
CREATE -To bring into being or cause to exist. Seideman v. City of Newton, 452 Mass. 472 (2008)	Yes	No	Yes	Yes
PRESERVE -Means protect from injury, harm or destruction, not maintenance	Yes	Yes	Yes	Yes
SUPPORT -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	No	No	No	Yes, includes funding for community's affordable housing trust
REHABILITATE/RESTORE -Means remodel, reconstruct or repair (extraordinary, not maintenance) to make property functional for intended use, including improvements to comply with federal, state or local building or access codes or with 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

(larger copy available on the next page)

Community Preservation Fund Allowable Use Table - ALLOWABLE SPENDING PURPOSES (G.L. c. 44B, § 5)

	OPEN SPACE	HISTORIC RESOURCES	RECREATIONAL LAND	COMMUNITY HOUSING
<p>DEFINITION (G.L. c. 44B, § 2)</p>	<p>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.</p>	<p>Building, structure, vessel, real property listed or eligible for listing 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 a city or town.</p>	<p>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.</p> <p>Does 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.</p>	<p>Housing for low and moderate income individuals and families, including low income seniors. Moderate income is less than 100%, and low income is less than 80%, of US HUD Area Wide Median Income</p>
<p>ACQUIRE-Obtain property interest by gift, purchase, devise, grant, rental, rental purchase, lease or otherwise. Only includes eminent domain taking as provided by G.L. c. 44B</p>	<p align="center">Yes</p>	<p align="center">Yes</p>	<p align="center">Yes</p>	<p align="center">Yes</p>
<p>CREATE -To bring into being or cause to exist. Seideman v. City of Newton, 452 Mass. 472 (2008)</p>	<p align="center">Yes</p>	<p align="center">No</p>	<p align="center">Yes</p>	<p align="center">Yes</p>
<p>PRESERVE-Means protect from injury, harm or destruction, not maintenance</p>	<p align="center">Yes</p>	<p align="center">Yes</p>	<p align="center">Yes</p>	<p align="center">Yes</p>
<p>SUPPORT -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</p>	<p align="center">No</p>	<p align="center">No</p>	<p align="center">No</p>	<p align="center">Yes, includes funding for community's affordable housing trust</p>
<p>REHABILITATE/RESTORE-Means remodel, reconstruct or repair (extraordinary, not maintenance) to make property functional for intended use, including improvements to comply with federal, state or local building or access codes or with federal standards for rehabilitation of historic properties.</p>	<p align="center">Yes, if acquired or created with CP funds</p>	<p align="center">Yes</p>	<p align="center">Yes</p>	<p align="center">Yes if acquired or created with CP funds</p>

6.2 Qualifying Historic Projects for CPA Funding



6.3 Conservation Restriction Application

NOTES:

If the grantee is a non-profit charitable corporation or trust, DCS may require proof that it is a qualified charitable organization in accordance with M.G.L. c.180 §4(a) or (l) and the I.R.S. Code Section 501(c) (3) that qualifies as a M.G.L. c.184 §32 holder, and reserves the right to review the organization’s by-laws and list of officers.

Regardless of whether the grantee is a qualified private non-profit organization or a city or town or commission, authority, or other instrumentality thereof, the local conservation commission must define the reasons for preserving the property and certify that the restriction is in the public interest (please refer to page 6).

A conservation restriction is a voluntary limitation on the use of land designed to preserve it from adverse future change. But it should be distinguished at the outset from an agricultural preservation restriction which is approved by the Commissioner of Food and Agriculture for the Commonwealth, 251 Causeway Street, Boston, MA 02114-2150, and from an historical preservation restriction, which is approved by the Massachusetts Historical Commission 80 Boylston Street, Rm. 310, Boston, MA 02116, and from a state watershed preservation restriction which is approved by the Commissioner of the Department of Conservation and Recreation, 251 Causeway St., Boston, MA 02114-2150.

It is possible for a restriction to fit into more than one category, requiring more than one approval. If this is a joint restriction, has the approval process been started with the joint holder, including the Commissioners of Food and Agriculture, DCR, the Massachusetts Historical Commission, etc.? Yes No

8. GRANTOR’S INTENT

- a. Charitable contribution: Yes No
 - Do you intend to claim an IRS income tax deduction? Yes No
- b. Granted or required as part of municipal or state permitting process? Yes No
 - 1. Is this restriction required by a M.G.L. C.40A §9 special permit? Yes No
(Please attach a copy of the permit(s) as an exhibit)
 - 2. Required by M.G.L. C.131, §40 Wetlands Order of Conditions? Yes No
(Please attach a copy of the Order of Conditions)
 - 3. Other? Yes No

(please explain)

c.. Other: Please explain (for example, sale of a C.R. to a public agency):

d. Is this a perpetual restriction? Yes No If less than permanent, for how many years: ____
(It is the policy of DCS not to approve less than permanent restrictions except in exceptional circumstances. Please discuss the restriction with DCS before submitting a non-permanent CR)

B. PUBLIC BENEFIT

- 1. Is the restriction for the preservation of land areas for outdoor recreation by, or the education of, the general public (will there be public access)? Yes No
- 2. Is the restriction for the protection of a relatively natural habitat of fish, wildlife, or plants, or similar ecosystems? Yes No
- 3. Is the restriction for the preservation of open space (including farmland and forest land) where such preservation is:
 - a. pursuant to a clearly delineated federal, state, local governmental policy, and will yield a significant public benefit? Yes No
 - b. for the scenic enjoyment of the general public and will yield a significant public benefit? Yes No
- 4. Is the property historically significant or meets National Register Criteria or is within a registered historic district or contributes to the integrity of an historic building or property? Yes No
- 5. Other public benefit? Yes No (if yes, please explain)

NOTES:

The Secretary will find sufficient evidence of the "public interest," if the applicant can show that the restriction meets any of the tests for deductibility under the Internal Revenue Service Code Section 170(h) and the Regulations promulgated thereunder, or a private letter ruling by the Internal Revenue Service shall be deemed sufficient for establishing such deductibility, or the applicant makes an independent showing of eligibility for deductibility. The letter ruling or documentation demonstrating eligibility for deductibility should be attached along with this application. Regardless of the intent of the grantor's gift, the Secretary's determination of public interest will be dependent upon how well the applicant demonstrates public interest; however, grantors should be advised that the Secretary reserves the right to require modifications to the conservation restriction where in his/her opinion the retained rights adversely impact the public interest or natural resource values of the property or when the document is improperly drafted.

C. SITE DATA

1. Location:
- 1. Municipality _____ Street Location _____
 - 2. Grantor's Registry of Deeds Bk. # _____ Page # _____
 - 3. Assessors Map # _____ Lot # _____
 - 4. New Site?: _____ Addition to existing restricted area: _____ (please specify)

2. Zoning: Commercial Industrial Residential (check all that apply)

3. Title: Does applicant have clear title? Yes No
If no, please explain:

4. Encumbrances: Is the property encumbered by any easement(s)? Yes No
Is the property encumbered by any mortgages(s)? Yes No
Please explain and attach copy of easement, mortgage subordination, etc.:

5. Geographic Information (if restriction is located in 2 municipalities, fill out separate page for each):

- 1. Total acres: _____ Acres covered by restriction: _____ Total unrestricted areas _____
 - 2. Cover: acres in A. Upland Forest _____ B. Open (field, pasture, etc.) _____
C. Vegetated Wetland _____ D. Water _____ E. Other _____
 - 3. Topography: acres in A. Flat _____ B. Hilly _____
C. Rolling _____ D. Mountains _____
 - 4. Water front: feet on A. Ocean _____ B. River _____
C. Stream _____ D. Lake _____
- Please identify waterbody _____

6. General information:
Are there any improvements existing on the property, or to be permitted after execution of the C.R.?
 Yes No If yes, please describe in detail:

7. Is the property currently under any of the preferential real estate tax assessment programs?
 Yes No If yes, which one: c.61 c.61A c. 61B

NOTE:

If the restriction lies in more than one community, separate Site Data forms, Selectmen and Conservation Commission approvals must be completed for that portion of the restriction within each community

8. If the property is under agricultural use, is the soil considered prime or of statewide agricultural significance? Yes No (If yes, USDA Soil Conservation Service data must be provided)

9. Is the property adjacent to any public or quasi-public land or buildings? Yes No
Describe briefly:

10. Does the property lie within an historic district, include an archaeological or rare species site, fall within a Department of Conservation and Recreation designated scenic landscape, river, or within an Executive Office of Energy and Environmental Affairs designated Area of Critical Environmental Concern, a Zone II of a public water supply etc.? Please explain:

11. Will public access be allowed? Yes No If yes, explain any limitations, type, etc.:

Prepared by: _____
Address: _____

(telephone number, fax number if comments are to be sent to preparer)

ATTACHMENTS:

- a. Draft Conservation Restriction (required) Yes No
- b. USGS Topographic map with conservation restriction outlined and identified thereon (required) Yes No
- c. Survey, plotmap, or sketch plan (required) Yes No
- d. Natural resource inventory, (if available) Yes No
- e. Wetlands Order of Conditions C.131.§40, (if applicable) Yes No
- f. Zoning, C. 40A, §9 Special Permit, etc. (if applicable) Yes No
- g. I.R.S. letter ruling, (if applicable & not previously provided) Yes No
- h. Charitable status documentation,(if applicable & not previously provided) Yes No
- i. Assent of mortgagee(s) (if applicable) Yes No
- j. USDA Soil Data, (if applicable) Yes No
- k. Other (please specify) (court orders, settlement agreements, votes, grant agreement, contracts, etc.) Yes No

NOTES:

The applicant is highly advised to follow the Model Conservation Restriction and submit a draft of the conservation restriction for a determination as to whether it is acceptable for approval by the Secretary. All required attachments must be submitted for review.

The final conservation restriction must be prepared in a form suitable for recording and be approved and signed by the grantor, grantee, and municipal official(s), have all final Exhibits attached, and a subordination, if applicable, to be recorded prior to the conservation restriction. Please check your local Registry of Deeds for their requirements, particularly as to first page spacing.

EXECUTIVE OFFICE OF ENERGY AND ENVIRONMENTAL AFFAIRS
DIVISION OF CONSERVATION SERVICES

100 Cambridge Street, 9th Floor
Boston, MA 02114
(617) 626-1011

DATE: _____
MUNICIPALITY: _____
NUMERIC ASSIGNMENT: _____

Sample

CONSERVATION RESTRICTION FIELD INSPECTION FORM

1. MUNICIPALITY: _____ LOCATION (street, road, etc): _____

2. GRANTOR: _____ GRANTEE: _____

3. NEW SITE: _____ ADDITION TO SITE: _____ TOTAL ACRES: _____ TERM: _____

4. ARE BUILDINGS INCLUDED? YES NO

If yes, estimate value, condition, and existing or proposed use. (include photographs and negatives)

5. PRESENT AND PAST USE OF SUBJECT PROPERTY AND ADJACENT LANDS:

(please include USGS topographical maps showing subject and adjacent public lands, if any)

6. BRIEF DESCRIPTION OF PROPERTY INCLUDING NATURAL RESOURCES AND ANY UNIQUE FEATURES:

a. Are prohibited activities sufficient to protect the resource values? Yes No

b. Are retained uses compatible with the preservation or protection of the natural resources?

Yes No (if answers to 6a or 6b are no, please explain in 8 below)

7. ARE PUBLIC ACTIVITIES PERMITTED? Yes No

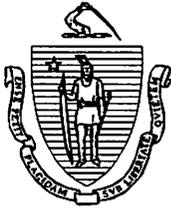
If yes, please explain NATURE and SCOPE: _____

8. COMMENTS AND

RECOMMENDATIONS: _____

INSPECTOR _____	DATE: _____
ACCOMPANIED BY: _____	

*6.4 Public Housing Notice 2013-14: Utilization of CPA Funds for
Preservation of Existing Public Housing Units*



Commonwealth of Massachusetts
**DEPARTMENT OF HOUSING &
COMMUNITY DEVELOPMENT**

Deval L. Patrick, Governor ♦ Timothy P. Murray, Lt. Governor ♦ Aaron Gornstein, Undersecretary

PUBLIC HOUSING NOTICE 2013-14

To: All Local Housing Authorities
From: Lizbeth Heyer, Associate Director
Division of Public Housing and Rental Assistance
Re: Utilization of CPA Funds for Preservation of Existing Public Housing Units
Date: May 30, 2013

Many Housing Authorities have inquired about the potential for using Community Preservation Act (“CPA”) funding for work on existing public housing units, and some confusion on this topic exists among municipalities. DHCD has reviewed the CPA statute as it applies to such work and is providing this notice to help clarify the type of activities that it believes would be appropriate for CPA funding and those activities that would not be appropriate. Please note that this guidance is advisory in nature and is not binding on your community.

Section 5(b)(2) of the Community Preservation Act, MGL chapter 44B, provides that community preservation funds may be utilized “for the acquisition, creation, preservation and support of community housing provided, however, that funds expended pursuant to this chapter shall not be used for maintenance.” State public housing meets the definition of “community housing”, namely, “low and moderate income housing for individuals and families, including low or moderate income senior housing.”

It is important to note that both the recreational use and historic preservation provisions of the CPA provide for “rehabilitation” of those resources with CPA funds, the former through a CPA amendment signed into law in 2012. However “rehabilitation” of “community housing” is not a permitted use of CPA funds. The legislature’s original intent for CPA was to spur the creation of additional affordable housing units in the Commonwealth, and with that in mind, CPA was passed with a specific prohibition on rehabilitation activities on existing community housing units (unless those units were acquired or created with CPA funds).

While activities classified as “rehabilitation” are not allowed, “preservation” work on existing community housing resources is allowed. In general, work that protects the housing structure (not residents) from future injury, harm or destruction is permitted under CPA.

Preservation Activities (appropriate for CPA funding)

Preservation is defined in Section 2 of the CPA as “protection of personal or real property from injury, harm or destruction.” The following is a partial list of activities related to existing community housing units that DHCD believes could be classified as “preservation” and funded by CPA monies:

- Building envelope and site work to preserve the structural integrity of the housing
- Roof, siding and window replacements to assure the water tightness of the housing
- Upgrading of dangerous electrical or plumbing services
- Replacement of dangerous building systems which threaten the housing units
- Installation of hard-wired smoke alarms, sprinklers and other building fire suppression systems

Rehabilitation Activities (not allowed with CPA funding)

Rehabilitation is defined in Section 2 of the CPA as “capital improvements, or the making of extraordinary repairs, to...community housing for the purpose of making such...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.” The following is a partial list of activities that DHCD believes do not rise to the level of “preservation,” but are more properly described as “rehabilitation” and therefore not appropriate for CPA funding:

- Replacement of kitchen cabinets
- The installation of more energy efficient windows (if not necessary to assure the water tightness of the housing), building systems (if not necessary to assure the on-going safety of the building) or appliances.
- Improvements solely needed to comply with ADA and other federal, state or local building or access codes
- Installation of generators primarily for the comfort and safety of residents in power outages
- Repaving or repair of parking lots and walkways

Maintenance Activities (not allowed with CPA funding)

Maintenance is defined in Section 2 of the CPA as “incidental repairs which neither materially add to the value of the property nor appreciably prolong the property’s life, but keep the property in a condition of fitness, efficiency, or readiness.” The following is a partial list of common maintenance activities which would not be appropriate for CPA funding:

- Outside landscaping or tree work
- Cleaning services or other ongoing services to the housing units

- The painting and refinishing of walls and floors

Mixing CPA funding with other sources of funding

In some cases a housing authority may wish to pursue modernization projects that include both preservation work allowed by the CPA (for example, the replacement of deteriorated and leaking siding), and other work that does not meet the preservation standard (for example, exterior wall insulation). Such projects are acceptable as long as the LHA tracks the cost of the allowable scope through a reasonable means of cost estimating, and only uses CPA funding for the allowable portion of the project cost. Applicable soft costs should be fairly apportioned. The balance not covered by CPA funds may be funded by Formula Funding, operating reserves (if approved), or other allowable sources.