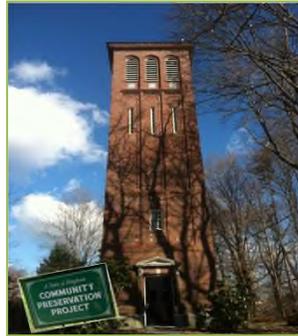




Fire Museum 2012



Bell Tower 2014



CPC PROCESS MANUAL



*Town
of
Hingham
Est. 1633*

CPC Office

9/3/2020

Est: July 2014 / Rev: May 2015, May 2016 ,
July 2017, May 2018, Aug 2018, Oct 2018,
May 2019, Sept 2020

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OVERVIEW

The Community Preservation Act, M.G.L. c. 44B (see Appendix), allows Massachusetts cities and towns to raise monies through a surcharge of up to 3% (currently 1.5% in Hingham) of the tax levy on real property. These funds are to be used to acquire, create and preserve open space; acquire and preserve historic resources; create, preserve and support community housing; and acquire and preserve land for recreational use. The Act also provides a State matching fund. The State may increase or decrease matching funds annually (Historically the matching funds consist of 26% of the Town's annual collections) depending on States revenue sources and Legislative priorities. Local adoption of CPA by a community triggers annual distributions from the State's Community Preservation Trust Fund, a statewide fund held by the Massachusetts Department of Revenue, which the law also establishes. Deed recording fees charged by the state's Registries of Deeds are the funding source for the statewide Community Preservation Trust Fund. Revenues from these two sources—the local CPA property tax surcharge and annual distributions from the state's Community Preservation Trust Fund—combine to form a city or town's Community Preservation Fund.

The Community Preservation Committee reviews applications submitted by Town bodies and citizens at large.

In Hingham, the resulting community preservation fund is currently composed of 1.5% surtax on Town real estate taxes and state matching funds payable each November 15th based on the surtax revenues for the fiscal year ending the prior June 30th.

The Community Preservation Act requires that at least 10% of each year's Community Preservation revenues be spent or set aside for each of the three Community Preservation categories. The categories are Historical, Housing and Open Space. The remaining 70% is available for spending on any one or more of the categories as proposed by the Committee at Town Meeting. The Committee may recommend spending none of the monies or a partial amount of the monies. In any case, the 10% set aside for each category must either be used or reserved for future funding for that specific category. Beyond these required allocations, Hingham Town Meeting decides, based upon the CPC's recommendations, how much of the remaining 70% of the funds, if any, should be spent on the three approved categories and recently added category of Recreation (however, it is not required to set aside 10% for this category). The spending mix for the remaining 70% of the Fund can be modified each year, and any monies not appropriated remain in the Fund for future distribution.

Appropriations from the Fund, except borrowing and land acquisitions, are made by a simple majority vote. Borrowing monies for CPA purposes and land acquisition projects requires a two-thirds vote of Town Meeting.

Town Meeting may approve, reduce or reject any recommendation by the CPC. At the CPC's recommendation, Town Meeting may also decide to set aside all or part of the annual Fund revenues for later spending by allocating revenues to a reserve for one or more community preservation purpose categories. Town Meeting may not, however, increase any recommended appropriation or reservation. In addition, Town Meeting may not appropriate or reserve any fund monies on its own initiative without a prior recommendation by the CPC.

COMMUNITY PRESERVATION COMMITTEE: FORMATION AND RESPONSIBILITIES

The bylaw establishing the CPC, also list the responsibilities of the CPC. These three responsibilities are outlined in Sections 5(b) and 5(c) of the CPA statute see link-
<https://malegislature.gov/Laws/GeneralLaws/PartI/TitleVII/Chapter44b/Section5>.

1. Develop A Community Preservation Plan

The first responsibility of the CPC is to study the needs, possibilities and resources of the community with regards to community preservation. In performing this research function, the CPC must meet and consult with other municipal boards and committees to get their input, and must hold at least one public hearing annually to get input from the general public. The public hearing must be posted publicly and advertised for two weeks preceding the public hearing in a local newspaper of general circulation. Following its research, the CPC is responsible for developing a local CPA plan to guide its decision-making on CPA project proposals.

The CPC updates this plan and asks for public comment annually to reflect desired changes in goals or emphasis. This Plan also outlines the process by which the CPC will solicit, review, and recommend proposals for CPA funding, including the application package.

2. Review And Recommend CPA Projects

The second responsibility of the CPC is to accept project proposals from the community, (typically on an application form that is developed locally), and conduct a thorough review of them, with the aim of selecting the most compelling projects for recommendation to the community's legislative body. Project proposals can be submitted to the CPC annually, bi-annually, or on a rolling basis, at the discretion of the CPC. Once the CPC has voted on a slate of projects to recommend, along with the specific dollar amounts and CPA funding sources it recommends completing them, it forwards these to the community's legislative body for action. Typically the CPC will make a presentation for Town Meeting to describe its project recommendations and the reasoning behind its choice of that particular group of projects.

3. Keep Records And Report On The CPA Budget

The third responsibility of the CPC is a record keeping and budgetary responsibility. It is required to keep records of all CPC meetings, proposals, and recommendations, and to submit a CPA budget annually to the legislative body.

All citizens are welcome to attend the CPC's meetings. The times and locations of these meetings are posted on the Town website and in the Town Hall. Written comments or questions are welcome and may be submitted to the Community Preservation Committee by visiting the Town of Hingham's website under CPC using the contact feature.

For further information on the CPC and its meeting schedule, email at CPC@hingham-ma.gov.

4. Reporting Requirements

Reporting to the Department of Revenue is required. Please reference CPC Administrator's responsibilities and timeline for more information.

5. CPC Members/Appointments

Hingham's CPC Bylaw was amended at ATM2016 / ART 38

Nine members comprise the Community Preservation Committee (CPC) –

Revised: 8/1/18

COMMUNITY PRESERVATION COMMITTEE

8/2018 - 6/2019

MEMBER	APPOINTED BY:	TERM ENDS: (June)
Kevin M. Burke	Historical Commission Rep.	2019
Vicki Donlan	Recreation Comm Rep.	2019
Jennifer M. Gay Smith	Planning Board Rep.	2020
William Harrington	Selectmen Appt.	2020
Larry Lindner	Selectmen Appt.	2019
Carol B. Pyles	Moderator Appt.	2021
Thomas Roby	Conservation Comm Rep.	2023
James R. Watson	Housing Authority Appt.	2019
Charles Byrne	Moderator Appt.	2023
vacant	Committee Appt	N/A
vacant	Committee Appt	N/A

In accordance with M.G.L. Chapter 44B, known as the Community Preservation Act, there is hereby established a Community Preservation Committee (“the Committee”) consisting of nine members. The term of office of each member of the Committee shall be three years. In case of a vacancy, the designating or appointing authority for that seat shall designate or appoint a new member to fill the remainder of the unexpired term. The composition of the Committee and the methods of appointment of the members of the Committee shall be as follows:

- ✓ One (1) member of the Conservation Commission as designated by that Commission;
- ✓ One (1) member of the Historical Commission as designated by that Commission;
- ✓ One (1) member of the Planning Board as designated by that Board;
- ✓ One (1) member of the Housing Authority as designated by that Authority;
- ✓ One (1) member of the Recreation Commission as designated by that Commission;
- ✓ Two (2) members to be appointed by the Selectmen; and
- ✓ Two (2) members to be appointed by the Moderator.

Information on the Community Preservation Act

The **Community Preservation Act** (CPA) is a Massachusetts state law (M.G.L. Chapter 44B) passed in 2000. It enables adopting communities to raise funds to create a local dedicated fund for open space preservation, preservation of historic resources, development of affordable housing, and the acquisition and development of outdoor recreational facilities. For additional information on the CPA law and how it is being applied in towns across the Commonwealth, visit the Community Preservation Coalition’s website at www.communitypreservation.org. For information on Hingham’s Community Preservation activities, visit the Town’s website at www.hingham-ma.com

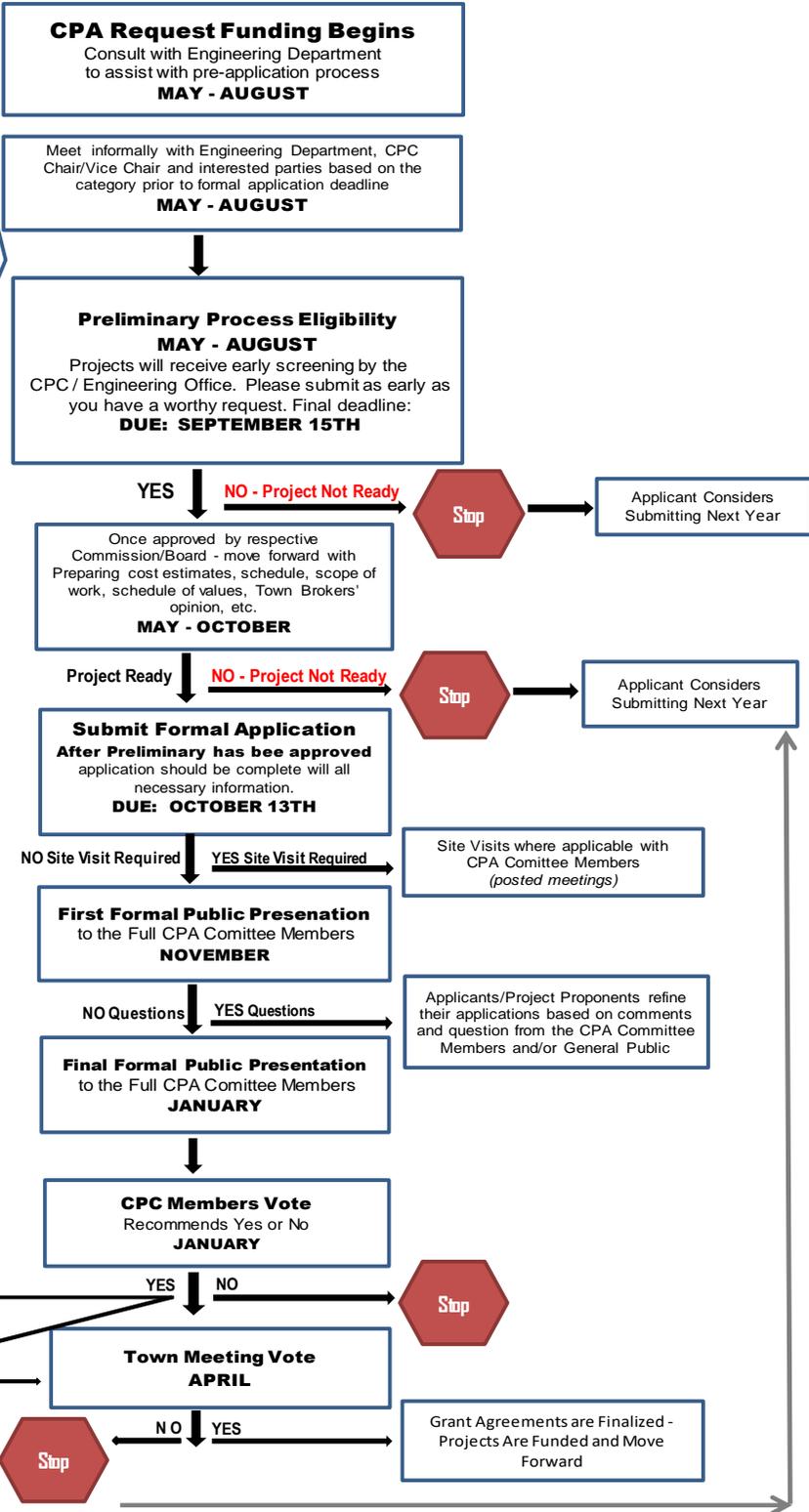
Seeking CPA Funding? Steps to Guide you through the process:

It would be helpful if applicants plan to attend the respective committee meeting **PRIOR TO SUBMITTING FINAL CPA APPLICATION**. Town meetings are held by the four CPA Categories: Historical, Open Space, Recreation & Community Housing.

In order to help CPC understand if your project is a Town-wide goal, it is recommended, not required, that all proponents seek the respective board's support prior to asking for CPA grant.

- * Open Space Committee
- * Historical Commission
- * Recreation Commission
- * Hingham Affordable Housing Trust

For more details, please refer to the CPC Manual located on the Town's website.



Explanation of Fiscal Year Sources for Available CPA Funds

Hingham's General Budget appropriations are made each year by the Annual Town Meeting based upon projected revenues of the forthcoming BUDGET YEAR. Usually, these projected revenues are augmented by an allocation from Free Cash, which is a portion of the Unreserved Fund Balance of the PRIOR YEAR.

Similarly, Annual Town Meeting will appropriate CPA funds based upon projected fund revenues of the forthcoming BUDGET YEAR (example, FY21 revenues projected for the period July 1, 2020 through June 30, 2021) and part or all of the unreserved fund balance as of the PRIOR YEAR ending June 30, 2020. Revenues of the current year are NOT part of the same year's Annual Town Meeting vote. In fact, the major portion of forecasted current year revenue has already been committed in support of the appropriations made at the prior Annual Town Meeting.

How CPA Funds Can Be Used

Community Preservation Act funds must be used for community preservation purposes that **have a public benefit**. Community Preservation is defined in Chapter 44B, section 2 as "the acquisition, creation and preservation of open space, the acquisition and preservation of historic resources and the creation and preservation of community housing." In addition, a portion of the funds may be used for recreation purposes.

Fund monies may be spent to undertake the following community preservation purposes:

The acquisition, creation and preservation of open space. Open space, as defined by the CPA, "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 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.

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. See Page 56 for the full text of this section.

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."

Reserve Funds: Above and beyond the 10% statutory set aside, each year, 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.

Administration: May spend up to 5% of annual fund revenues for administrative and operating expenses of Community Preservation Committee. Funds cannot be used for general indirect costs of assessors, collector, treasurer, nor the accounting officer as it relates to the execution of CPA funds. The CPC administrators are responsible for all aspects of managing and implementing the Community Preservation Act as it relates to the Town of Hingham, and managing and organizing the activities of the Community Preservation Committee, evaluating needs, possibilities, and resources of the Town regarding community preservation; analyzing costs, project review, and assist in developing priorities for funding; developing clear reports and presentations to elected and appointed officials, and the general public.

Is Our Project Allowable?

The following chart demonstrates the allowable uses of CPA funds in each of the CPA project categories: open space/recreation, housing, and historic preservation. This chart is critical for determining whether a proposed project is eligible for CPA funding. PER (G.L. c. 44B, § 5)

Chart adapted from “Community Preservation Fund Budgeting and Finance Issues”, Massachusetts Department of Revenue, October 2005. It has been updated to reflect changes made by the 2012 CPA legislation.

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

APPLICATION

DETERMINE PROJECT ELIGIBILITY/PRELIMINARY APPLICATION and FINAL APPLICATION PROCESS

The following guidelines should be used in preparing an application for CPA funding. Applicants are advised to read the Community Preservation Plan thoroughly and where possible address the submission requirements with consideration to the Decision Criteria/Guidelines.

Each project funding application must be submitted using the Town's Community Preservation Committee Application for CPA Funding as a cover sheet. Additional pages should be added as necessary.

Check the Town of Hingham's website under Community Preservation Committee for exact dates or contact CPC Administrator at CPC@hingham-ma.gov.

IMPORTANT: If the proponent is not the owner(s) of the property for which you are seeking CPC 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 your project is requesting funds to do work on a building or on land owned by the Town, you must get on the Board of Selectmen's meeting agenda to request permission to do the work, and you must receive that permission prior to the deadline for submitting a Final CPC application.) **CPC will not entertain an application without this permission.**

1. Prioritize projects for applicants with multiple applications.
2. Requests must include appropriate supporting information. Each application must include a very brief summary of the project stating the funding category, project goals, key steps to be taken to reach this goal, and a budget summary. This information should include a project scope containing detailed descriptions of each estimated cost depending on the type of project and category being undertaken (e.g. Historical-Preservation, Land Acquisition-Open Space etc.). Any existing restrictions (deed, preservation, conservation, or other) should be clearly noted. The use of maps, visual aids and other supplemental information is encouraged.
3. Work with the Community Preservation Committee through the Review and Public Comment process. This process includes the following steps:
 - a. Each application is reviewed by the CPC and staff to determine its CPA eligibility, whether the project is sufficiently developed in terms of work plan and timing, whether it is consistent with the goals set forth and to confirm that it is signed by the property owner. **This is a 2-step application process: is required to determine project eligibility the Preliminary CPA Application is due by September 15th, followed by the Final CPA Application which is due by October 13th.**
 - b. **PRELIMINARY CPA APPLICATION:** Begins: **shortly after ATM / Due: September 15th** Applicants are encourage to attend the respective Commission, Board and Town Staff (e.g. Open Space Committee, Historical Commission, Recreation Commission, Hingham Affordable Housing Trust and the Engineering Office.) It is the Applicants' responsibility to attend the respective committee meeting. **(Monthly public town meetings are held by the four CPA Categories: Historical, Open Space, Recreation and Community Housing.)**
 - c. **FINAL CPA APPLICATION:** Begins: once your preliminary application has been approved / Due: **October 13th**. CPC Meetings are held with applicants to review the proposals and address any questions (for updated meeting schedule, please be sure to check the dates on the website under the CPC home page). A full Committee site visit will also be scheduled on one of the two Saturdays following the deadline of the final application. (Please be sure to hold these dates until

the final schedule is confirmed by CPC's meeting in mid October.) Further details on the site visit locations and schedule will be circulated as soon as they are available following this meeting.

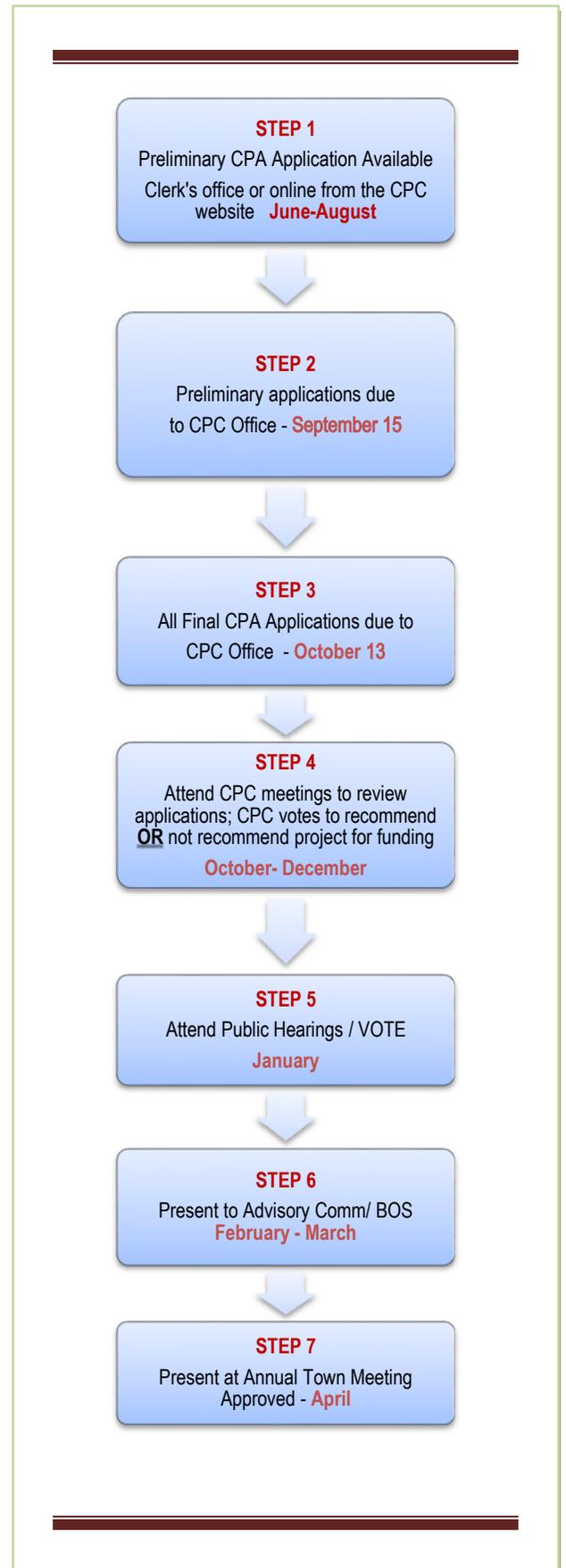
- d. A public forum is held to allow the CPC to receive public input on the proposed projects before recommendations are made for Town Meeting (presentation dates are typically held in November and January).
- e. The CPC provides the project funding recommendations to Town Meeting. Final recommendations will be in the form of one or more warrant articles to be voted at Town Meeting. The CPC may recommend a project as proposed by the applicant, may modify the project, or may recommend partial funding or funding for only a portion or phase of the proposed project. The CPC's recommendation to Town Meeting may include detailed project scopes, conditions, and other specifications as the CPC, in its sole discretion, deems appropriate to ensure CPA compliance and project performance; however, Town Meeting may amend the article.
- f. Notification is sent to applicants of the funding recommendation decisions following the Annual Town Meeting. A recommendation for a grant may be made conditional upon an applicant's receipt of matching funds in a specific amount or upon any other matter the CPC deems appropriate. The CPC may also ask for additional information at this time.
- g. The CPC strongly recommends that by Town Meeting, all projects which have represented to the CPC, that there will be matching funds, have commitments for said funds from other private and/or public funding sources.

SPECIAL APPLICATION

There are some special situations, such as the imminent placing of land on the market or a known indication of an intention to do so, at which point the CPC will consider advancement outside of the normal schedule outlined in this document. The general principle warranting serious consideration of an exception for land acquisitions is that they often present unique opportunities that, if missed, are likely to make the land unavailable for future acquisition for the purposes that the CPA serves. **Please refer to the Open Space section to this manual.**

Purpose

For any use eligible for CPA funding, under special circumstances as determined by the CPC, the committee will consider a special application outside of the Standard Application Process if it meets the "Decision Guidelines" listed below. By way of example, the most common of these circumstances might be the imminent placing of real property on



the market, but they could include time-sensitive stabilization or restoration of an historic asset damaged by flood or fire, or other emergency situations.

The principle warranting special consideration outside of the Standard Application Process is that a unique opportunity is presented that, if missed, is likely to remove or make unavailable to the Town and its citizens a valuable resource within the Town.

Process

In all such cases, the CPC will adhere to the Standard Application Process, except for the submission and hearing deadlines outlined in that process, and in all such cases, the CPC will hold a public hearing to review such an application.

Criteria

The CPC will consider a proposal under the Special Application Process only if the project meets the Decision Guidelines (*see Decision Guidelines in this manual and also included in the CPA application*).

APPLICATION DATES

Application for Funding begins shortly after Annual Town Meeting (typically the last week in April). Applicants must complete a Preliminary CPA Application, which is due in to the Engineer’s Office by **September 15th 2020**. Once a CPC member has reviewed this application and it is cleared for the next step, a Final CPA Application must be completed and received by 3:30pm in the Engineer’s Office on **October 13th 2020** to be considered for recommendation at the next Annual Town Meeting.

The CPA Applications must be submitted with 1 original, 10 copies and an electronic copy – application or support materials will not be accepted in any form of binding excluding 3-ring binders. All material must be photocopier-ready. All pages should be numbered and double sided when possible. An electronic PDF is also required and emailed to CPC Administrator (CPC@hingham-ma.gov).

Please submit the Application for Funding and accompanying documentation to the Community Preservation Committee, via email, your PDF file to CPC@hingham-ma.gov

PREPARATION PROCESS

The CPC application forms are available, for the following fiscal year, shortly after the Annual Town Meeting. Applications can be obtained by picking them up at the Clerk’s Office in Town Hall, as well as, on the Town’s website: <https://www.hingham-ma.gov/432/Community-Preservation-Committee>

DEADLINE: The deadline for submitting an application is:

1. Preliminary CPA Application	September 15th
2. Final CPA Application (<i>Preliminary CPA Application must be approved first</i>)	October 13th

Project Liaison

Project Liaison are members of the Community Preservation Committee (CPC). A Project Liaison will be assigned to each potential project. The Project Liaison, along with Town Staff, will assist the Proponents

through the application process and will assist in its development. If a project is funded, a Project Liaison will monitor the project during its progression.

NOTE: The CPC Project Liaison’s role should not be confused with professional services that may be needed to properly facilitate/undertake the work. These services may include Legal

TABLE 1 APPLICATION (Initial Project Description)

- | | |
|---------------------------|--|
| a. Description of Project | b. Schedule |
| c. Category | d. Authorization(s) (Property Possessor or Authority) |
| e. Cost(s) | f. Photos or Rendering (where applicable) |

Examination, Design, Engineering, Permitting, and Procurement, Construction Management and Contract Administration (*Payment*) or anything related thereto. The project proponent should consider the day-to-day project management that may be required to undertake the work effectively. For more on project monitoring- *See “Reporting and Oversight” “Public Entity Projects” versus “Private Entity Projects” in other sections of this procedure for reporting and roles.*

Attend CPC Meetings

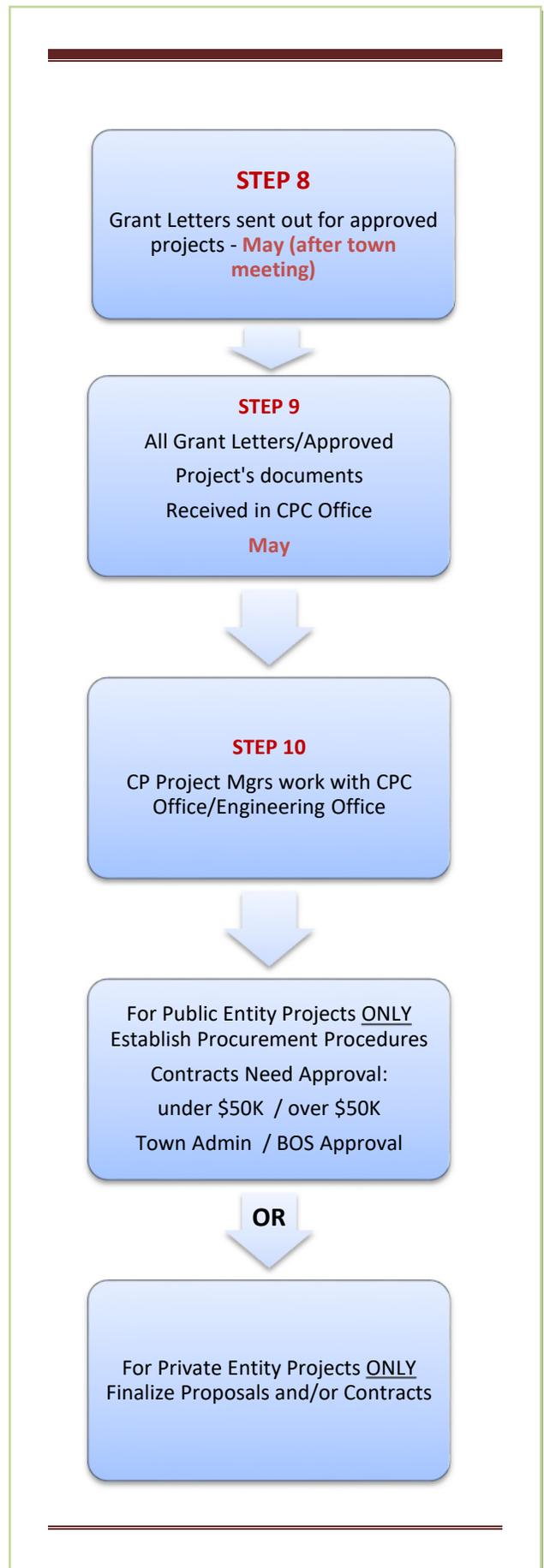
The CPC will review the applications and hear the project advocate’s presentation. The project proponent should be prepared to demonstrate that they have considered the following in **Table 2:**

a. Authorizations (Property Possessor or Authority)

The project proponent should substantiate their beneficial interest in the project. They must provide the name of property owner and their relationship and authority to undertake the project. They should identify whether it is a Town facility, nonprofit and/or private entity. Note, that an organization may be considered both non-profit and a private entity (*e.g.: The Boy Scouts are a private, not-for-profit organization*). If the project proponent is applying on behalf of a commission, board or organization, then the project proponent must provide

TABLE 2 Project Considerations

- | | |
|---|----------------------------|
| a. Authorizations (Property Possessor or Authority) | b. Permitting Requirements |
| c. Schedule | d. Design/Engineering |
| e. Cost | f. Roles/Responsibilities |
| g. Survey (Environmental and Conservation) | h. Project Management |
| i. Legal Examination | j. Project Administration |



evidence that the proposal meets the

respective endorsement from the particular commission(s), board(s) or organization(s) and/or individual(s).

b. Schedule

The project proponent should provide a schedule that illustrates the anticipated timeframe for the successful undertaking and completion of the proposed project. It should include at a minimum the anticipated start date and completion date for the following **(where applicable) in Table 3**, as pertains to

TABLE 3 Schedule “Construction Type Projects”

- | | |
|------------------------|-------------------------------|
| a. Design | b. Start of Construction |
| c. Final Cost Estimate | d. Completion of Construction |
| e. Permitting | f. Substantial Completion |
| g. Procurement | h. Final Expenditure |

Construction Related Projects. Table 4 pertains to Land Acquisition Projects. Projects that do not involve Land Acquisitions nor Construction Related projects (e.g. Studies, Non-construction Related Restoration or Archiving) should still indicate a funding draw down schedule with a start and completion date.

TABLE 4 Schedule “Land Acquisitions”

- | | |
|--|---|
| a. Purchase & Sale Agreement | b. Conservation Survey |
| c. Legal Examination | d. Filings |
| e. Environmental 21E Site Assessments Survey | f. Final Expenditure |
| g. Copy of deed | h. Are there any restrictions or this property? |

Note: that the CPC may ask for more relevant detail where it deems necessary to fully understand critical paths in the schedule.

COST ESTIMATES

The project proponents should provide a detailed project cost estimate. The project proponent should first identify whether it is a Public Entity Project, Private Entity Project or a Land Acquisition Project (see Table 4 above). The estimate should come in a form acceptable to the CPC. Refer to other sections of this manual for further details regarding estimates for Public Entity Project versus Private Entity Project. The project proponents must include details as to how and who prepared the estimates. For “Non-public Projects” the project proponent(s), a Certificate of Non-Collusion (attached) signed by the authorized individual(s). A Non-Collusion Certification is a document that attests that there has been no collusion between the project proponent and other individuals that may have a beneficial/monetary interest.

Land Acquisition Costs

The project proponent shall include in their final application an estimated cost for the proposed land acquisition. If the project is considered initially viable then the CPC will commission their own broker and obtain a “broker’s opinion” (see definitions). Based on estimated value in the “broker’s opinion” if the project proponent and the CPC continue to consider the project viable then the CPC shall at its cost, commission and obtain a broker to prepare a detailed “broker’s appraisal” (see definitions). Where agreed upon between the CPC and the Project Proponent, the “broker’s appraisal” shall be used as the basis for the land acquisition cost. (See the enclosed “Land Acquisition Costs Form” as part of this document)

The budget should also include any administrative expenses (appraisals, copying, closing costs, registering the deed, legal notices, etc.) associated with the project. Such expenses may account for up to 10% of the total budget. Please use the “Land Acquisition Costs Form” provided in this manual to obtain the necessary information for all land acquisitions. **Please refer to the cost sheet for land acquisition portion of this manual for more information.**

Multi-Year Project Cost

If the funding application is part of a multi-year project, 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 maybe required. (See-bonding section in this manual)

Non-Land Acquisition Costs

Where applicable, the proponent must provide a minimum of 3 cost estimates for the acquisition along with the final application. As noted in the non-collusion certification, the proponent must not obtain estimates from vendors, designers, consultants or contractors where a prior or future fiduciary relationship may appear inappropriate. The proponent may also obtain a cost estimates from a consulting engineer, professional cost estimator or architect deemed in good standing by the CPA committee. All estimates are subject to review and approval by the Town Engineer and the CPC.

NOTE: For Public Entity Projects Massachusetts procurement laws mandate that prevailing wage rates apply in accordance with MGL Chapter 149. The Department of Labor Standards (DLS) issues prevailing wage schedules to cities, towns, counties, districts, authorities, and agencies of the commonwealth for construction projects and several other types of public work. These prevailing wage schedules contain hourly wage rates that workers must receive when working on a “Public Project” (e.g. construction on a Town Owned Building, or a Town Owned Recreational Facility). These rates generally lead to a significant project cost increase. Public entity cost estimates must reviewed by the Town Engineer’s Office. See Table 5 below and the next section for more information-For questions regarding the prevailing wage rates and whether or not they apply to your project, please contact the Engineering Department.

All procurement activity is regulated by Massachusetts General Laws and Town By-Laws. The type of purchase and estimated value determine which law(s) apply in a particular purchase. The Town of Hingham (Public Entity) is subject to MGL Chapter 30B for goods and services, MGL Chapter 30, 39M for public works projects, and MGL Chapter 149 for building projects.

Table 5 PROCUREMENT LAWS MAY APPLY:

Category	Property Owner	Project Administrator	Do Procurement & Prevailing Wage Laws Apply?
A	Municipality/State/Other public entity	Municipal/State/Other Public Entity	YES
B	Municipality/State/Other public entity	Community Group (e.g., PTO, friends group, neighborhood association, etc.)	YES*
C	Private entity (non-profit organization, private citizen, etc.)	Private entity	NO
D	Municipally owned and leased by private entity	Private leasing entity	POSSIBLY**

*Note: Even if a service is discounted or donated, prevailing wage may still apply.

**Note: For complex situations, an opinion from municipal counsel or the Attorney General’s Office may be needed

CONSTRUCTION PROJECTS

SUPPORT FROM OUR ENGINEERING DEPARTMENT FOR MUNICIPALITY / STATE / OTHER PUBLIC ENTITY PROJECTS: (Category A, B, D in Table 5 chart)

The term “public entity project” is defined in the Definitions Section of this document.

During this application process and during project implementation, CPC Project Liaison and our Engineering Department are here to assist the Project Proponents. Public Entity/Sector projects are required to comply with the state’s public design and construction laws as it relates to the procurement and implementation of design and/or construction. Project Proponents must consider the following list when seeking to advance a project.

Such topics include:

- Early Review of Project Scope and its development
- Development of Project Plans, Scope & Budget
- Coordinate necessary permitting
- Coordinate with Town departments
- Prepare bid documents, hire contractors

- Coordinate outsourced consulting/advisory/legal services
- Oversee project
- Advise CPC in funding recommendations
- Track expenditures / process all invoices
- Track Project Status
- Maintain Financial Reports
- Maintains Records/Files
- Provide Updates at CPC Meetings and records minutes for posting
- Assist CPC with meeting preparation
- Assist CPC in Administrative Role

SUPPORT FROM OUR ENGINEERING DEPARTMENT FOR PRIVATE ENTITY (NON-PROFIT ORGANIZATION, PRIVATE CITIZEN, ETC.) (Category C in chart above)

The term private entity projects are defined in the Definitions Section of this document.

CPA funds can be used to fund a project on private property if the project is advancing a public purpose. The key concept to understand is that public funds are prohibited from being used for private purposes. Any expenditure of public funds must be used to advance a public purpose. In a Private Entity project, the project proponent/sponsor will take a project administration role. The obligation of the Project Administrator identified by the Project Proponent will be required to take on the responsibility of the project administration. This will include the reporting requirements discussed in later sections of this document.

GENERAL SELECTION CRITERIA

The Community Preservation Committee (CPC) is responsible for reviewing all projects proposed for Community Preservation Act funding and for making recommendations to Town Meeting. In order to be considered eligible for review by the CPC, a project must at a minimum meet the statutory requirements of the CPA.

If a submitted project is deemed to be eligible for consideration by the CPC, it will be evaluated in relation to the General Selection Criteria and the specific criteria identified in the Needs Assessment for the appropriate use category (Community Housing, Historic Preservation, Open Space and Recreation). Recommendations for funding will be based on how well the project meets these criteria, recognizing that all criteria may not apply to every project. The CPC will also consider to the urgency of the project, especially to those projects whose successful implementation is constrained by scheduling factors not in the control of the applicant. In these special situations, such as the imminent placing of land on the market or an indication of an intention to do so, the CPC will consider an application outside of the normal schedule outlined in this document. See Page 36 for more information concerning these special cases.

The Following Factors Will Be Considered (Not Presented In Order Of Priority Or Weight):

Administrative and financial management capabilities of the applicant: Applicants which have previously received CPA funds should be prepared to demonstrate that they are in good standing with all paperwork and project conditions or requirements of the previous funding allocation. Applicants should be prepared to provide a status report on any open projects which includes information on expenditures and the anticipated project completion date. Whether or not the applicant has **site control** or written consent by the property owner to submit an application.

There are some **special situations**, such as the imminent placing of land on the market – or an indication of an intention to do so – as a result, the CPC will consider that project outside the normal schedule outlined in this document.

DECISION GUIDELINES:

A. All proposals must meet certain threshold requirements.

- Completeness
- Eligibility for funding under the Community Preservation Act
- Feasibility within reasonable time frame
- Compliance with legal, zoning and other Town board or committee requirements
- Benefits the Town at large
- The project's consistency with Town-wide planning efforts and reports that have received broad based scrutiny and input
- Administrative and financial management capabilities of the applicant
- Applicant has site control or written consent by the property owner to submit an application.

The Committee reviews each project using the following criteria:

1. MATURE - Project is fully developed and does not need further definition
2. STANDS ALONE - this project does not commit the CPC to future initiatives?
3. TIME SENSITIVE - Opportunity will be lost if we fail to act
4. ALTERNATIVE CAPITAL - NO other capital sources would be available to fund the project
5. LEVERAGES - the value of the CPA capital is multiplied through other contributions
6. LONG TERM PLAN - part of an integrated long-term plan by proponent

B. Proposals rank higher if they:

- Preserve community character
- Have a demonstrated level of community support
- Are consistent with the Town's Master Plan
- Serve more than one CPA purpose
- Save a resource that would otherwise be lost
- Leverage other public or private funds
- Show that the project will achieve its goal and is feasible, cost effective and prudent
- Create incentive for private projects
- Are supported by the relevant Town boards or committees
- The extent to which the project serves multiple or underserved populations
- Whether or not the project fulfills more than one purpose of the legislation: housing, historic preservation, open space or recreation
- Demonstrated financial need
- The provision for maintenance of the project

C. Specific category projects rank higher if they:

Community Housing

- Contribute to 10% Chapter 40B affordability goal
- Ensure affordability in perpetuity
- Promote 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 rental or owner occupied housing
- Are affordable by persons or families with annual incomes less than 80% of the area-wide median income

Historic Preservation

- 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 barns, 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

- 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 habitat
- Provide needed active or passive recreational opportunities
- Are consistent with Hingham's Open Space Plan
- The inclusion of an appropriate permanent deed restriction, preservation restriction, or conservation restriction.

Preservation Restrictions on Historical Property

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 Covenants, where the owner of the property agrees to maintain the building exterior in good repair consistent with the Secretary of the Interior's Standards for Rehabilitation and Guidelines for Rehabilitating Historic Buildings (further described below). 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.

Are Preservation Restrictions required by CPA?

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.

Who can hold a Preservation Restriction?

A Preservation Restriction may be held by any governmental body or 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.

Is there a model Preservation Restriction?

You can find a sample of a Preservation Restriction under the forms sections in this manual. 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.

How should we draft a Preservation Restriction?

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.

What are the Secretary's Standards for Rehabilitation of Historic Properties?

The Secretary's Standards for Rehabilitation are federal standards that define appropriate treatment of historic properties. The standards were developed by the Secretary of the Interior to guide work on properties listed on or eligible for listing on the National Register of Historic Places. The CPA requires rehabilitation work on historic properties to comply with the Secretary's Standards for Rehabilitation.

The primary goal of the Secretary's Standards for Rehabilitation is preservation of the historic materials and features that make a property significant. The 10 standards focus on things such as repair rather than replacement of historic features, and designing additions without removing significant historic features. To help people interpret the standards and to provide more detailed recommendations for treatment of specific building elements, the Secretary also publishes Guidelines for Rehabilitating Historic Buildings. (see forms section in this manual for a copy)

CPA FUNDING PROCESS

Following the conclusion of Hingham's Annual Town Meeting (and in the case of a Special Town Meeting involving Community Preservation funds), each successful applicant will receive an award letter from the Community Preservation Committee confirming its funding award and outlining in detail any terms, funding conditions and important instructions. Each grant recipient will be required to complete the acceptance form attached to the award letter, documenting its acceptance of the CPA grant and of the terms and conditions outlined in the award letter.

The CPC and/or Town Engineer's Office, may prepare any necessary additional or supplementary contracts and/or documents associated with the execution of a pending or approved CPA project.

The award letter will also request that the grant recipient notify the CPC when work on the project has commenced and is completed, and provide periodic updates concerning the progress of the project. Each grant recipient is expected to implement the approved project in accordance with the award letter and/or contract. Any significant changes to the project from what was represented either in the application or during the project selection process shall require prior approval from the CPC to ensure that such changes are CPA-eligible expenditures and within the scope of the project as approved by Town Meeting.

Please our contact our Engineer's Office at 781 804 2306 or by email at CPC@hingham-ma.gov to help determine what changes are significant and/or if necessary, to schedule an appointment with the CPC.

BORROWING/BONDING PERMITTED UNDER CPA

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.

Sample Annual CPA Budget

\$100,000 total CPA revenue

Historic Reserve:	\$10,000
Housing Reserve:	\$10,000
X Parcel O.S. Debt Service:	\$15,000*
Administrative Acct:	\$5,000
Budgeted Reserve:	<u>\$60,000</u>
	\$100,000

* Counts as your 10% Open Space Requirement

What happens if CPA is revoked?

Scenario 1-Pay the bond from another funding source

Or

Scenario 2-Keep CPA surcharge on tax bills at the approved percentage rate and put everything toward bond pay off, possibly early

Or

Scenario 3-Reduce CPA surcharge to whatever percentage will fund annual debt service

Consider that the State Match funds would still be available and contributing while the CPA local surcharge is being assessed to cover the remaining bond cost(s) until the bond is paid off.

GRANT AGREEMENT

When fully executed, the grant agreement is the binding instrument providing the basis for the Town’s CPA financial participation in a project. This formalizes the contractual relationship between the Town and the proponent/applicant, indicating the amount of Town funds which will be paid to the proponent/applicant as described in the grant agreement conditions.

The grant agreement shall specify the general terms and conditions of the funding and may specify additional terms and conditions required for any project dependent on the circumstances.

The CPC is responsible for preparing the grant agreement, designating the appropriate addenda, and forwarding it to the proponent/applicant. The proponent/applicant authorized representative shall sign the grant agreement and return it to the CPC. The CPC Chair’s signature shall be affixed thereby approving the grant agreement. An approved and executed copy shall be returned to the proponent/applicant.

IMPLEMENTATION PROCESS

- Finalize signatures for Grant Agreement (CPC will assist you)
- Prepare a Request for Proposals/Bids (RFP/IFB) as necessary
- Coordinate necessary permitting
- Coordinate with Town Departments
- Coordinate with CPC to determine progress of disbursement actions.
- Coordinate outsourced consulting/advisory/legal services
- Hire contractors-Enter into contract
- Oversee project
- Track expenditures / process all invoices
- Track Project Status
- Maintain Financial Reports/Records/Files
- Update CPC semi-annually as to project status via the Annual Update Form
- Project close-out form and affidavit

Communication

- Routinely communicate with applicant to confirm work progress described in vendor invoices.
- Report back to CPC on a Quarterly basis on the status of the project. – (NOTE: Report to committee in the following months: November, February and May; these dates are also on the grant agreement request updates from proponents)
- Recommend clawback if any excess funds are available.

Original Proposed Scope as Intended

The project must be within the original proposed scope as intended in the application and as approved at Town Meeting. Proponents must consult with the CPA committee if there is any question regarding the approved appropriation and a scope of work.

Funds Not Expended

Any appropriated CPA project funds not expended upon completion of the approved work will be returned to the CPA general fund. Unless there is a compelling and documented reason, projects receiving CPA funds must be completed within the time frame outlined in the project schedule and/or grant agreement. The CPC may recommend at a subsequent Town Meeting that funding be rescinded (given back) for those projects where remaining unexpended funds are still available when a project is complete or where the project has not moved forward and/or there has been no action. (See other sections of this manual for Project Cancellation, Project Reporting or Project Completion and/or Remaining Funds).

Multiple Funding Sources

Where multiple funding sources and/or project funding matches are utilized to finance a project, the applicant must identify those aspects of the project and clearly delineate their respective funding source. The applicant should consult with the CPC to confirm that those aspects to be supported by CPA monies meet the criteria for funding. Where matching funds are utilized per the grant agreement, the project proponent must demonstrate thru the reporting mechanisms contained in this manual, evidence that the private and/or other non CPA funds have been contributed, that CPA funds have been utilized in accordance with the grant agreement and/or the conditions set forth in the application.

Press Releases

CPA 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 CPA funds.

General Liability Insurance

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 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.

Indemnification

"The project proponent and/or applicant will be required to sign an indemnification clause as part of the Grant Agreement stating 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".

Efforts Associated With Application

The project proponent and/or applicant should consider that all the efforts, costs and preparation that may be associated with the application process are not reimbursable by the Town and the proponent and/or applicant

undertakes these efforts without any guarantee of future CPA funding and therefore does so at their own expense.

REIMBURSEMENT PROCESS

CPA funds are distributed through the Town's Accounting Department, and the materials submitted for payment must meet both the Town's requirements for payment and any conditions specified when the CPA funds are awarded. General descriptions of the types of materials which must be submitted for reimbursement are listed below. Please keep in mind, that additional materials or steps may be required depending on the type and scale of the project.

Reimbursement Procedure

In order to be reimbursed with CPA funds, the applicant must either submit a requisition or a reimbursement request (documentation) as specified in this manual. Submissions can be done incrementally over the course of the project or as a single reimbursement or payout at the end of the project depending on the structure of the Grant Agreement and/or project. Where appropriate, the CPC Project Liaison or our Town Engineer will conduct one or more site visits to confirm that the work has been completed (**Note:** The CPC Chair will approve payment upon validation that the work has been completed and/or invoiced. CPC will receive the payment request and the appropriate backup as described herein from the project proponent. CPC will then process the application for payment through the Town Accounting Department. The Town will then issue a check to the Project Proponent typically within two weeks (2-weeks). Private Entity Projects must use the **Reimbursement Form Supplied** in this Manual. Payments will be processed.

In general, the following materials are required for the reimbursement of funds:

Cover Letter - Each request for reimbursement should be accompanied by a letter stating how and when the conditions for funding were satisfied. Please include the Annual Town Meeting (ATM) and Article # assigned to your CPA project (e.g. ATM 2014 ARTICLE #). This letter should clearly outline both the expenses incurred and the total reimbursement requested.

Invoicing/Request for payment – please use the Excel sheet that accompanied your grant agreement. This Excel sheet should contain the schedule of values for the entire project. Your invoice will be generated within this Excel sheet, which should be used to request payment from the CPC office. This report should include an overall expense summary of the entire project (CPA and private matched).

Paid invoices for materials or labor - These invoices should be signed as appropriate to pay by either the applicant or a contractor or specialist hired to oversee the project. Whenever possible, the applicant should work with CPC staff to insure that this verification process is in place before any invoices are paid.

Canceled Checks - These must be attached to the individual invoice(s) for which the checks were written. If canceled checks are not available, bank statements which identify the payee and appropriate project budget category will also be accepted.

Project Budget Spreadsheet - Payment requests should also include the project's up to date budget information in spreadsheet form. 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 either at regular intervals or when reimbursements are requested. 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 Chairman will approve. 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 either CPC Chairman and forwarded with its supporting documentation to the Accounting Department for payment.

Reimbursement of Town of Hingham Projects

Hingham’s Town Departments already work directly with the Accounting Department to pay invoices associated with construction and/or consulting projects and so do not need to follow all of the steps noted above. 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. Applicants should submit invoices for completed work on CPA funded projects directly to the CPC.

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 to maintain all documents for their project files. Site visits may be scheduled periodically during the course of a project in order to document the work for the CPC project files. CPC members are encouraged to work with our Engineering Department.

CLOSING PROCESS

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 insures that all of the project conditions and requirements have been met, and that the project file is complete.

The Closing Process begins once the CPC receives notice of a project’s completion from the applicant as required in the CPC’s Standard Condition which reads “That upon full completion of each project, the applicant must certify completion in writing to the Hingham Community Preservation Committee.” Once this notification is received, CPC Staff will:

1. Review the initial acceptance letter to make sure that all of the Terms and Conditions have been met. If required documentation is missing, CPC Project Liaison or CPC Chair will contact the Applicant or applicable agency to request copies;
2. CPC Project Liaison contact the Applicant to schedule a final site visit to the property to review and photograph the completed work; (photos of before and after are helpful)
3. Generate a final summary of the CPA fund expenditures for the project; and
4. Submit the final project completion form, expenditures summary, and any additional information to the CPC Chair for review and approval.

Once the final materials are approved and/or certified, a letter is sent to the Applicant thanking them for their work on the project and stating that the project is now **closed**. A copy of this letter and the final review

materials listed above will be placed at the front of the project file. (all files are kept in the CPC office/Engineering Office).

If the project funds have been expended but no further information has been received from the applicant, staff will contact the applicant after a reasonable period of time has passed to request information on the status of the project.

Once the work has been certified as complete and the project has been closed, 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.

2020 ATM Approved

<i>PROJECT NAME</i>	<i>ATM</i>	<i>Article #</i>	<i>Budget</i>
Benjamin Lincoln House purchase	2020	19	\$772,000
Country Club pool design & construction documents	2020	18	\$500,000
Canterbury Street Cemetery clean-up	2020	18	\$40,000
Second Parish Church Clock Tower repairs	2020	18	\$32,030
Plymouth River School tennis court repair	2020	18	\$75,000
Hingham Affordable Housing Trust	2020	18	\$272,000
Lehner Conservation Area demarcation posts and wayfinding kiosks, resurveying	2020	18	\$8,000

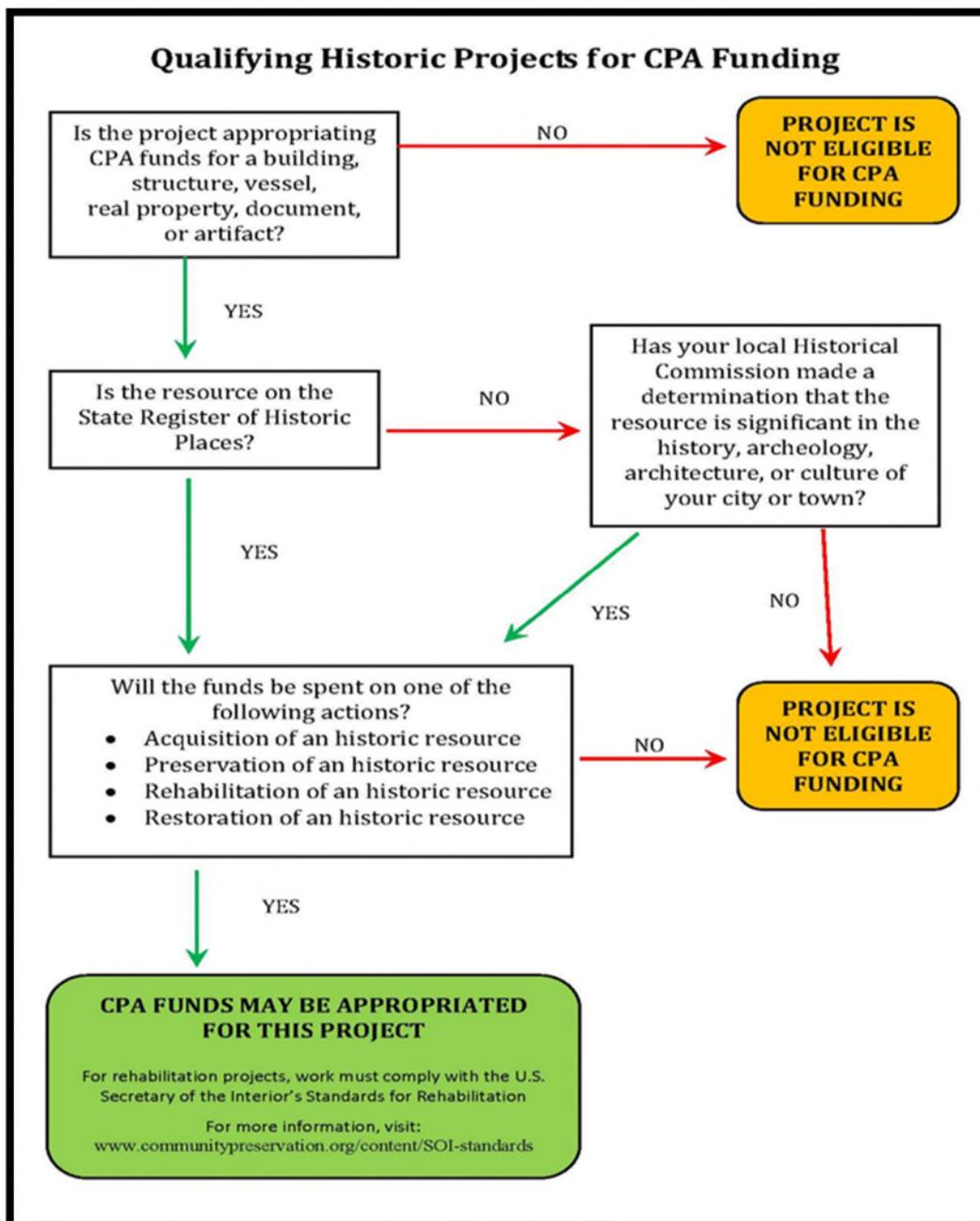
NOTE: Previous projects approved can be found on the CPC website:

APPENDIX – Historic Preservation Opportunities

The definition of historic preservation is included in section 2 of the CPA legislation (go to: <http://communitypreservation.org/content/text-legislation>). Under CPA, an historic resource is defined as a building, structure, vessel, real property, document or artifact that is either:

1. Listed on the State Register of Historic Places; or
2. Determined by the local Historic Commission (not by Historic District Commission) to be significant in the history, archeology, architecture, or culture of the Town of Hingham.
 - a. Requires a formal vote from the Historical Commission and where a structure is involved it may require that the project be added to the Town’s Historical Inventory.

CPA funds may be spent on the acquisition, preservation, rehabilitation and restoration of historic resources.



HISTORIC PRESERVATION

The CPA can play a critical role in supporting projects that preserve Hingham's historic assets. Hingham has developed a thorough record of its cultural and historic assets as listed in the following documents which are held in the Community Planning Office. It is recommended that applicants refer to these documents when planning a historic preservation project under the CPA. These reports also provide further historic documentation; in particular, they describe the importance of Hingham's cultural landscapes and the settings of its historic buildings.

- **Survey of Historical and Architectural Resources**
- **Town Master Plan (which include Historical resources)**
- **Hingham Reconnaissance Report – Massachusetts Heritage Landscape Program**

Please note that under the current Community Preservation Act legislation, it is not permissible to appropriate CPA funds for educational or interpretive projects. Examples of these types of projects may include, but are not limited to, the creation of signage, pamphlets, videos, books, or exhibits.

Historic Landscapes

The protection of agricultural lands for historic, cultural, economic and environmental significance which preserve's historic legacy with regards to land conservation.

Historic Cemeteries, Statues and Memorials

In addition to historic landscapes, there are many cultural icons that are important to the Town's heritage. The cemeteries of Hingham are a visual and cultural reminder of its past. Statues, memorials, and pathways throughout the burial grounds are in need of maintenance and restoration. Other memorials around town such as statues, plaques, and monuments are also showing their age and require repair.

Protecting Buildings

Historic buildings in that are non-profit or privately owned, may be eligible for CPA funds provided that a public purpose can be demonstrated. Whether in public or private ownership, it is important to the Town that its historical assets be preserved.

HISTORIC PRESERVATION OPPORTUNITIES

1. High Priority Historic Sites and Artifact

Collection of historically significant properties that are recognized for their significance both locally and nationally, to further protect or restore properties and artifacts that have already been identified as high priority historic sites in existing Town documents.

2. Unprotected Historic Sites

Significant historic properties and byways that are not protected by local, state or national districts and are not funded by state, federal or non-profit organizations.

3. Agricultural Lands

Historical Farming and agricultural elements, preservation of these landscapes and activities on agricultural lands - particularly those visible to the public, contiguous to other farmlands, or that contribute to the setting of an historic building or area - are important to the historic preservation, as well as the conservation goals.

4. Cemetery and Landscape Elements

Cemeteries, monuments, and landscape elements are important structures within the historic setting. Paths, stone walls, fences and gates, found within the Town's cemeteries and public areas as well as throughout its agricultural landscapes which are key elements of the historic setting of the community. As well as, projects that support their protection, restoration and preservation, cultural heritage and overall character.

5. Heritage Awareness Programs

Civic institutions, museums, and historic houses contain a wealth of information on Hingham's heritage which is not always readily available to the public. Programs and proposals that seek to improve access to these resources or work to preserve them for future generations are supported by the CPC as being significant to the preservation of Hingham's history. Projects that work to provide additional public display space to increase awareness of Hingham's heritage, including Native American and Colonial artifacts.

6. Local and National Register Historic Districts

Projects that include the further research and study that would be needed to document and prepare applications to support, establish or expand local and national historic districts in historically significant areas.

7. Significant Town-owned Buildings

Those Historic structures and areas that warrant study, recognition, or protection.

8. Further Protection of Historically Significant Private Properties

Preservation of its historically significant, privately-owned buildings and landscapes located outside of the existing historic districts –**That serve a Public Purpose.**

NOTE: Project scopes for restoration or rehabilitation must meet the Secretary of the Interior Standards for the Treatment of Historic Properties.

For Historic Preservation Projects Only: The Committee may require the completion of an Structure Report prior to the use of any CPA funding at historic sites and may recommend the reallocation of some or all of the requested funds for this purpose.

Historical Preservation Restriction Requirements:

When the town acquires a historic property, a historic preservation restriction is required. However, the CPC may require that a historic preservation restriction be placed on the property, as a condition of the grant.

CPA Historic Preservation Projects and the U.S. Secretary of the Interior's Standards for the Treatment of Historic Properties

The CPA Statute, in Section 2, Definitions, "Rehabilitation", states that Historic Preservation projects funded through CPA must comply with the U.S. Secretary of the Interior's Standards for the Treatment of Historic Properties codified in 36 C.F.R. Part 68.

(The four "treatments" are Preservation, Rehabilitation, Restoration, and Reconstruction. In short, Rehabilitation is the treatment for properties that will have contemporary uses, NOT serving as a museum, nor serving as a historic resource frozen in time, nor completely brought back to a specific period in history, nor duplicated exactly based on historic records.)

The Secretary of the Interior's Standards for Rehabilitating Historic Properties:

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

APPENDIX – Open Space Opportunities

1. Conservation Protection Areas

Parcels that have been deemed to be a priority for possible conservation protection, including Town and school-owned open spaces; parcels or portions of parcels that are contiguous to already protected large open tracts or agricultural spaces; parcels contiguous to rivers, streams or containing wetlands; and smaller parcels that receive high recreational use within their neighborhoods or are on the Conservation Commission/Open Space Committee's Town Master Plan or on the Town's list of priority protection areas.

2. Water Resources

Protection and restoration of various rivers, brooks, streams and ponds and projects that work towards this goal.

3. State and Federal Public Lands

Conservation opportunities on other state and federal public lands within Town borders for possible conservation or recreation purposes.

4. Private Farmland under Chapter 61A

Private farmland under Chapter 61A that is contiguous to protected farmland, historic landscapes or publicly owned land, the loss of which would be a detriment to these resources. **Projects that meet both housing and open space needs on suitable sites, with the awareness that the CPA legislation states a preference for construction on previously developed sites whenever possible.**

5. Neighborhood Opportunities

Protection of neighborhood resources and projects that address such neighborhood needs, by-way of Passive and active recreational opportunities within or near neighborhoods.

6. Handicap Accessibility

Increasing the handicap accessibility of Town's open space resources, projects that meet the CPA criteria for open space that provide or enhance handicap accessibility at these sites to the extent feasible.

7. Local and Regional Trail Networks

The local/regional trail network that allows for environmentally sensitive transportation and nature-based recreation as a component of the Town's open space resources, projects that both solidify this network and meet the CPA criteria for open space.

8. Nature Corridors

Other important open space resources that support common wildlife, water and human corridors that run through Town. Projects that work with Regional towns and agencies to identify and protect these corridors under the open space criteria of the CPA, in particular projects that strengthen wildlife habitat connectivity.

OPEN SPACE CRITERIA FOR PROJECT REVIEW

It is important that all Project Liaisons working with an applicant on a land acquisition, obtain the necessary information required on the "Land Acquisition Check List" which is provided in this manual. Applicants should obtain professionally prepared quotes for costs whenever possible. The budget should also include any administrative expenses (appraisals, copying, closing costs, registering the deed, legal notices, etc.) associated with the project, you will find these listed on the "Land Acquisition Check List" provided in this manual. Such expenses may account for up to 10% of the total budget. Please use the land acquisition form provided in this manual to obtain the necessary information for all land acquisitions.

In addition to the general criteria for CPA funding, projects involving open space that address as many of the following criteria as possible will receive preference. In particular, this includes projects that:

1. Address objectives or projects identified specifically or that fit within the goals or objectives of the Open Space and Recreation Plan and/or the Town Hingham Master Plan.
2. Have secured other funding and are supported by other entities for open space land protection.
3. Provide connections with existing trails or potential trail linkages with open space.
4. Protect drinking water quantity and quality.
5. Provide flood control/storage.
6. Are identified as priority preservation projects.

Surveys/Site Assessments

i. Environmental 21E Site Assessment

The term "21E" has become used to refer to an Environmental Site Assessment, usually performed during a real estate transfer. Massachusetts General Law Chapter 21E was originally designed to regulate and promote cleanup of oil and hazardous materials in soil and groundwater in the Commonwealth of Massachusetts.

Environmental Site Assessments have become a prerequisite in commercial and industrial property transfers or for any other properties that may require due diligence. They are performed with the objective of identifying potential adverse environmental conditions at a particular property. In summary, there is no hard and fast rule that governs what level of due-diligence is appropriate however the CPC after conferring with the Technical or Legal staff may require a 21E Site Assessment for any land related acquisitions or property developments.

G.L.C.21E SITE INSPECTION Considerations

- G.L.c. 21E, sec.5 (l)-provides protection, but should carefully consider;
- May affect value of conservation restriction and public access to property

ii. Conservation Survey For Conservation Restriction

CPA requires that a conservation restriction be placed on properties acquired under the open space conservation category.

What is a Conservation Restriction?

A Conservation Restriction (CR) is a legal agreement that prevents development and other activities on important natural and recreational resources like drinking water supplies, agricultural lands, wildlife habitat, and hiking trails. Although not as common, a CR can also be placed on active recreational land such as recreational fields and parks. A CR is a legal document, approved by the state's Executive Office of Energy and Environmental Affairs (EEA) and filed at the Registry of Deeds, which details exactly what activities may or may not take place on the effected parcel of land.

Mass General Law (MGL) States

G.L.c. 44B, Sec. 12. (a) A real property interest that is purchased with monies from the Community Preservation Fund shall be bound by a permanent deed restriction that meets the requirements of chapter 184, limiting the use of the interest to the purpose for which it was acquired. The deed restriction shall run with the land and shall be enforceable by the city or town or the commonwealth. The deed restriction may also run to the benefit of a nonprofit, charitable corporation or foundation selected by the city or town with the right to enforce the restriction.

A Conservation Restrictions (CR), a form of deed restriction, will be placed on interests in real property land acquisitions. This is not a contract. This restriction follows the land when the land is sold. The CR should expressly state that holder of conservation restriction is not responsible for the condition of property;

Are Conservation Restrictions required by CPA?

Yes -- Conservation Restrictions are required for all lands acquired with CPA funds for Open Space and Recreation;

Can a municipality own both the land and the Conservation Restriction?

Due to the common law "doctrine of merger," separate legal entities must hold the fee in the land and the conservation restriction. So, if the town will own the land being acquired with CPA funds, a separate governmental organization or qualified third party will need to hold the CR, such as a nonprofit land trust, an athletic association, or a similar organization.

NOTE:

This arrangement can also work in reverse; a land acquisition is made by the third party, and CPA funds are used by the municipality to purchase and own the Conservation Restriction.

What is my first step?

Your first step is to prepare a description (name of the owner, estimated value) of the property which contains the estimated land area and a basic map (Google maps) and indicates where possible, resource areas such as wetland, water ways or paths etc., and submit it to the Conservation Officer for preliminary review and distribution to the Open Space Committee. **It is highly recommend that the proponent contact the Town of Hingham Conservation Office and the Open Space Committee prior to submitting their application for CPA funding, for early review, consideration and disposition.**

How do I prepare for a Conservation Restriction?

If there are any mortgages or liens, including any construction loans, you must obtain subordination from the lien holder which must be recorded with the CR. You will also need a "Municipal Certification" filled out by your local Conservation Commission, available as part of the **Conservation Restriction Application**.

What type of restrictions are commonly used?

There are four types of restrictions that are commonly used in CPA projects (listed below are those that relate to open space): Refer to following link to the "Community Preservation Coalition Website" which provides samples and guidelines for development of "**Restrictions**". **The Conservation Officer will assist you with this.** <http://www.communitypreservation.org/content/deed-restrictions>

For Open Space Conservation and Outdoor Recreation Projects:

Conservation Restrictions

Approved by the MA Executive Office of Energy and Environmental Affairs (EOEEA)

For Open Space Agricultural Projects:

Agricultural Preservation Restrictions

Approved by the MA Dept. of Agricultural Resources (DAR)

Extinguishment/Termination

No release of conservation restrictions except under the following circumstances:

- Doctrine of Changed Conditions: CR becomes a burden without benefit
- No practical alternative to some other public action which requires a complete or partial release and there is overriding public benefit in the release

Extinguishment/Termination Process

Process is as follows:

1. Holder votes to release the restriction.
2. Notice of the decision to Selectmen and EEA in writing.
3. The Selectmen publish notice of hearing at which they will consider release of the restriction. After the hearing, Selectmen vote to release restriction for consideration they determine to be appropriate.
4. Selectmen send the release document to EEA after two-thirds vote of approval by Town Meeting and two-thirds roll call vote of the Massachusetts legislature (once acquired, CR becomes subject to Article 97 if held by govt.) and MEPA approval. Secretary's approval and recordation by proponent.

Quantum of vote

- Majority vote of Town Meeting
- Taking – two-thirds vote

Uniform Procurement Act

- Does not apply
- No uniqueness filing in central register or issuance of RFP

iii. CPA Requirement under G.L.c. 44B, § 5(b)(1)

The Community Preservation Committee must study:

- Needs, possibilities and resources of the town regarding community preservation
- Includes consultation with municipal boards, e.g. the conservation commission, the historical commission, the planning board, the Department of Public Works (Tree & Parks) and the housing authority
- Must hold one or more public informational hearings

Obtain Appraisal

The project proponent shall prepare with their final application an estimated cost for the proposed Land Acquisition. If the project is considered initially viable then the CPC will commission their own broker and obtain a “broker’s opinion” (see-Definitions). Based on estimated value in the “broker’s opinion” if the project proponent and the CPC continue to consider the project viable then the CPC shall at its cost, commission and obtain a Broker to prepare a detailed “broker’s appraisal” (see-Definitions). Where agreed upon between the CPC and the project Proponent, the “broker’s appraisal” shall be used as the basis for the land acquisition cost. (See-the enclosed “Land Acquisition Costs Form” as part of this document)

The budget should also include any administrative expenses (appraisals, copying, closing costs, registering the deed, legal notices, etc.) associated with the project. Such expenses may account for up to 10% of the total budget. Please use the “Land Acquisition Costs Form” provided in this manual to obtain the necessary information for all land acquisitions. **Please reference the cost sheet for land acquisition portion of this manual for more information.**

G.L.c. 44B, § 5 - Municipality may not pay more than value determined by “procedures customarily accepted by the appraising profession as valid.”

- Technically - do not need a licensed appraiser, but best practice is to obtain appraisal from a licensed appraiser
- State grant - need an appraisal by a licensed appraiser

- G.L.c. 40, § 14 - limitation that a city may not purchase for a “price more than twenty-five per cent in excess of its average assessed valuation during the previous three years” does not apply. Enter into Purchase and Sale or Donation Agreement.

Enter into Purchase and Sale or Donation Agreement. Conditions of performance:

- Favorable vote of CPC if CPA funds to be used
- Favorable Town Meeting vote
- Executive Office of Energy & Environmental Affairs (EEA) approval
- Grant contingencies, if applicable
- Appraisal if not available before P&S signed. (Not best practice.)

Title Examination

- ID record owner
- ID encumbrances
- Are there mortgagees? – may have to subordinate
- Why? - If foreclosed without subordination, Conservation restriction could be wiped out.
- Easements that lower conservation value?
- Existing leases?

Survey

- Must have description of Conservation Restriction area
- Survey is ideal
- EEA determines what is satisfactory.
- EEA Handbook states that survey plan should be prepared under the following circumstances:
 - Taking where no prior plan is on record and deed description cannot be confirmed on the ground;
 - Division of a parcel, i.e., a new property line is created (Registry of Deeds requirement see G.L.c. 41, Section 81X);
 - "Envelope" created around a dwelling or other portion of land;
 - CR is over a portion of a lot; or deed description is unclear; cannot be confirmed on the ground; no extrinsic evidence which defines the boundaries.

Pre-Closing Steps

- Negotiate terms of conservation restriction with Owner
- EEA staff preliminary review and approval of draft conservation restriction

Obtain signatures of parties and necessary municipal officials

- Obtain EEA Secretary’s signature
- Obtain municipal lien certificate
- Obtain necessary title clearing documents e.g.
- Subordination of mortgage
- File “Disclosure of Beneficial Interest Statement” with DCAM (G.L.c. 7, § 40J) **if** municipality holding CR

Closing

- Confirm with treasurer/financial officer availability of funds
- Conduct final inspection of property near closing date
- Record conservation restriction following title rundown
- Release funds to seller following recording of conservation restriction

Post-Closing

- Send notice of registry information, GIS data and copy of recorded CR to Conservation Officer
- Send copy of recorded CR to the local Board of Assessors for assessing records
- Send original recorded conservation restriction to City/Town Clerk
- Obtain title insurance, if desired

a. Legal Examination

b. Permitting Requirements

c. Design/Engineering

d. Roles and Responsibilities

PUBLIC HEARINGS

The CPC will hold Public Hearings for public comment project advocates should be prepared to attend the meetings and answer questions. The project proponent should continue to refine the Schedule-Cost-Permitting-Design-Filing-Survey-Legal-Oversight Requirements. The project proponents should consider the information requested and/or questions offered at prior meetings to further refine the project.

The CPC Chairman will present to Advisory Committee and the Board of Selectmen those recommended projects for the upcoming Town Meeting. At this point the Projects should have been refined to the point where the scope, cost and requirements to undertake the project are clear. Project advocates should be prepared to attend the meetings and answer questions.

TOWN MEETING

The CPC will present to Town Meeting those projects they are recommending for funding.

APPENDIX – Recreation

The basis for the recreation needs assessment relies upon information provided in the following well-detailed documents that provide good background information on the available facilities in Town, as well as the recreational needs of the community. These documents should be used as a reference in projects proposed for CPA funding.

- **The Town of Hingham Master Plan**
- **Open Space and Recreation Plan**

In July 2012, amendments to the Community Preservation Act legislation were signed into law which provides greater latitude in the use of CPA funds for Recreation projects. Most significantly, the previous ban on the use of CPA funds for existing recreational facilities was lifted. CPA funds may now be used for the “Rehabilitation” of lands for recreational use defined as “capital improvements, or the making of extraordinary repairs.” Such improvements may include assistance in complying with the Americans with Disabilities Act or meeting other federal, state, or local building or access codes; replacement of existing playground equipment; and other improvements which make the site more functional for its intended recreational use. **It should also be noted that the July 2012 amendments now specifically prohibit the use of CPA funds to acquire artificial turf for athletic fields.**

RECREATION GOALS SHOULD CONSIDER

- Utilizing Town owned land when possible to fulfill identified current and future recreational needs.
- Ensuring universal accessibility to recreational activities.
- Expanding programs or facilities for special needs, youth, young adults and seniors seeking new recreational health and fitness opportunities.

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.

MUNICIPAL CERTIFICATION

(We) the undersigned Conservation Commission of _____(the certifier/holder) hereby certify that the proposed conservation restriction is in the public interest in that it (describe public benefit):

Date: _____

Signed: _____

NOTES:

This certification by the conservation commission may be submitted separately from the application and filed with the submission of the executed conservation restriction, it being recognized that the applicant may want to submit the application with a draft copy of the conservation restriction for review prior to actual submission of the executed document.

Conservation restriction lands which overlap municipal boundaries must be approved and certified by the appropriate officials of both municipalities.

The commissioners' certification should state why the property is significant and why the conservation restriction is important.

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: _____	

APPENDIX D

PLANS, POLICIES, PROGRAMS, AND LANDS HELPFUL IN DEMONSTRATING STATE AND LOCAL PUBLIC BENEFIT

1. Municipal Open Space and Recreation Plans
2. Regional Open Space Plans (Regional Planning Authorities)
3. Statewide Comprehensive Outdoor Recreation Plan
 - * State Trail System
 - * Scenic Rivers Program
 - * Unique Geological Inventory
 - * Bay Circuit Program
4. Massachusetts Natural Heritage Inventory of Rare and Endangered Botanical and Zoological Species Habitat and National Endangered Species Act
5. Areas of Critical Environmental Concern - designated areas
6. Coastal Zone Management Plan - Significant Resource Areas
 - * Barrier Beaches
 - * Primary Dunes
 - * Sandy Beaches
 - * Saltwater Marshes
 - * Shellfish Beds
 - * Salt Ponds
 - * Estuaries
 - * Coastal Embayments
 - * Anadromous Fish Runs
 - * Erosion Areas
 - * Designated Ports
 - * Accretion Areas
 - * View Points
 - * Historic Sites (also on Massachusetts Historical Commission inventory)
 - * Recreational Beaches
 - * Boat Ramps, Marinas
7. Massachusetts Historical Commission
 - * Massachusetts Historical Sites
 - * National Historic Register Sites (P.L. 89-665), eligible for inclusion
 - * Known Cultural and Archeological Sites
8. Scenic roads, Chapter 40, §15C
9. Scenic Mountains, Chapter 131, §39A
10. Historic Districts
11. Flood Disaster Protection Act of 1973, land within flood lines. See also P.L. 566 Small Watershed Projects.
12. USDA Soil Conservation Service (SCS) - various inventories of potential reservoir sites
13. Massachusetts Water Resources Commission - inventory of regionally important wetlands, (identified in Massachusetts Water Supply Statement May 2, 1978, 353 pp.)
14. National Natural Landmarks (i.e. Gay Head Cliffs, Lynnfield Marsh)
15. Town well-fields (existing and proven reserves and reservoirs)
16. Agricultural land - SCS identified prime, Massachusetts unique
17. Wetlands Restrictions Program
 - * Chapter 131, §40
 - * Chapter 130, §105
 - * Restricted areas and areas to be restricted
18. Executive Orders
 - * #181 Barrier Beaches
 - * #193 Agricultural lands
19. Department of Environmental Protection Great Pond Inventory
20. Department of Environmental Management Scenic Landscape Inventory, 1982
21. Department of Environmental Protection Water Quality Plans or Programs, various
22. Buffers to water bodies, other protected lands, ACECs, critical habitat, parks, etc.
23. Greenways, trails, and wildlife corridor connections
24. Public access for passive recreation

APPENDIX E

Recommendations to Increase the Reliability of Grantees as Conservation Restriction Managers¹

1. Conservation Restriction programs should have written criteria for what constitutes a satisfactory restriction.
2. Background data assembled should be adequate to support proper monitoring and legal enforcement action.
3. Organizations and agencies holding conservation restrictions should make every reasonable effort to ensure that they will have a reliable source of funds for monitoring and enforcement actions, including court cases.
4. Properties protected by conservation restrictions should be checked at least annually.
5. Careful records should be kept of inspections and of all contacts with landowners.
6. Monitoring programs should be designed and managed so that violations will be detected early before elimination of the violation becomes a practical impossibility.
7. Organizations and agencies holding conservation restrictions should keep track of changes in ownership of restriction - protected properties.
8. Organizations and agencies holding conservation restrictions should frequently remind landowners about the terms of conservation restrictions, especially after a property changes hands.
9. Organizations and agencies holding conservation restrictions should establish careful procedures for reviewing possible amendments to ensure that any permitted amendment does not impair the conservation values of the restriction.
10. In the case of donated conservation restrictions for which tax deductions have been taken, donees should seek competent appraisal advise to satisfy themselves that a permitted amendment will not add value to the property.
11. Organizations and agencies holding restrictions should maintain careful written records of all discussions and correspondence relating to an amendment in case of questions later.
12. Termination should be viewed as an absolute last resort and only done after exhaustive consideration has demonstrated overriding public need for the termination.
13. In any situation where the primary grantee's long term commitment and/or financial resources for monitoring and enforcement are open to reasonable question, the landowner and primary grantee should make every reasonable effort to find a suitable back-up grantee.

¹ Land Trust Ex

(Appendix F)

Executive Office of Energy and Environmental Affairs / Division of Conservation Services
GIS Data Entry Form

Local Acquisitions for Natural Diversity (LAND) (formerly Selp-Help), Parkland Acquisitions and Renovations for Communities (PARC) (formerly Urban Self-Help), SURF, Land & Water Conservation Fund Projects and Conservation Restrictions

1. Contact Person: _____

(telephone number) _____

2. Project Type (select one):

- LAND
- PARC
- SURF
- Land & Water Conservation Fund
- Other _____

3. Municipality(ies): _____

Project Number _____

4. a. Fee Owner: _____
(Holder of the Deed)

b. Manager (if different from Owner): _____

5. *Conservation Restriction held by: _____

**Complete only if land is encumbered by a Chapter 184 section 31-33 Conservation Restriction.*

Check the box corresponding to how the restriction was obtained:

- Gifted
- Purchased
- Exacted by Regulation or given as part of permit process

Number of reserved lots within the restriction, if any: _____

6. Assessor's Information _____
(map) (Block) (lot)

7. Registry Information _____
(name)

(book) (page) (plan book) (page)

8. Acreage: _____

9. Primary Use: (select one)

- Conservation
- Recreation
- Both Conservation and Recreation
- Water Supply Protection
- Agriculture
- Historic/Cultural
- Other (please explain)

Public Access:

- Public
- Public, limited (explain) _____
- Public, seasonal
- None
- Other (please explain) _____

The applicant must provide to the Executive Office of Energy & Environmental Affairs materials that will allow MassGIS to accurately represent the site in the state's open space data layer. These materials include:

1. A USGS topological map or copy (including the name & date of the quad) with the site accurately drawn on it.
2. A copy of the site plan and/or a survey plan if available (required for exacted conservation restrictions).
3. A printout of the digital representation of the site on a USGS topological map background and a note indicating that the digital representation of the site has been emailed to Dominique.pahlavan@state.ma.us in appropriate format (Massachusetts State Plane Meters NAD1983 Datum) with a subject line of: <town> <Project Type> <Project#> (e.g. Boston CR #12).

MassGIS will attempt to add the site to the open space data layer using these materials but may request additional material from the grantee if the materials provided are not at an appropriate scale or are not sufficiently clear to support conversion to digital data that conform to MassGIS data standards. Topographical maps can be purchased at book stores or printed from <http://www.mass.gov/mgis/mapping.htm>. Please call Dominique Pahlavan at MassGIS, 617.626.1184, with any questions or for assistance with this form.

APPENDIX – Community Housing

The definition of community housing is included in section 2 of the CPA legislation (go to: <http://communitypreservation.org/content/text-legislation>).

Housing developed with CPA funds may be offered to those persons and families whose annual income is less than 100 percent of the area wide median income, as determined by HUD. To see what those figures would be in Hingham and other communities, go to: http://www.communitypreservation.org/HUD_Worksheet_2012.pdf

CPA funds may be spent on the acquisition, creation, preservation and support of community housing, and for the rehabilitation or restoration of community housing that has been acquired or created using CPA funds. The CPA requires that whenever possible, preference be given to the adaptive reuse of existing buildings or construction of new buildings on previously developed sites.

HOUSING OPPORTUNITIES

The basis for the Housing Needs Assessment relies upon the following documents that provide a detailed assessment of the housing needs, characteristics, and recommendations for goals and actions. For additional support and guidance, **contact the Hingham Affordable Housing Trust.**

Housing Affordability

Under the CPA regulations, “community housing” is defined to include housing for persons or families earning up to 100% of the local area median income (AMI) as established by the United States Department of Housing and Urban Development (HUD). Under affordability guidelines, monthly housing ownership costs (including mortgage payment, insurance, and taxes) or rental costs (rent plus utilities) cannot exceed 30% of a household’s income.

The following example is a 2013 chart that compares the qualifying income for CPA eligible projects and 40B projects. The values of the chart are subject to change from year to year, therefore when considering values refer to current charts.

FOR 2013	INCOME LIMITS					
HOUSEHOLD SIZE:	1	2	3	4	5	6
100% Median - CPA	65,900	75,300	84,700	94,100	101,700	109,200
80% Median* - 40B	47,450	54,200	61,000	67,750	73,200	78,600
50% Median	32,950	37,650	42,350	47,050	50,850	54,600

Current Income limits for Boston-Cambridge-Quincy, MA – NH HMFA (effective as of 12/20/13). These incomes limits change annually, usually in December. Area includes Hingham.

APPENDIX – CPA Warrant Articles

Due Date: (2nd week in January)

All warrant articles are due to the Selectmen’s office by the 2nd week in January. **IMPORTANT:** CPC votes in January on which articles move forward, highly suggest these meetings are held in January.

How to write a warrant article:

Each CPC Project Liaison would work with their respective Advisory Committee liaison to insure they have the necessary background information on the recommended project. The Advisory Committee is responsible for writing the comment and recommendation for ATM. – see the example below from

ARTICLE XX: Will the Town appropriate or set aside for later spending funds as recommended by the Community Preservation Committee as follows:

1) Appropriate a sum of money from the Community Preservation General Fund for addition to the Community Preservation Committee's Administrative Fund;

NOTE: The Advisory Committee liaisons will write the comments for each project.

RECOMMENDED: That the Town appropriate or set assist for later spending sums of money as recommended by Community Preservation Committee as follows:

1) Appropriate \$45,000 from the Community Preservation General Fund for addition to the Community Preservation Committee's Administrative Fund;

Acquisition of Parcel of real estate

The CPA requires that the Town grant a conservation restriction to a third party for any land acquired in fee for conservation purposes. The form of conservation restriction is subject to review by the state and the state requires that the Town Meeting vote include authorization to grant the conservation restriction.

It is recommended by Town Counsel that authorization of the grant of a conservation restriction be included in all CPA land acquisition articles for Town Meetings.

EXAMPLE: Will the Town appropriate the following sums of money for Community Preservation purposes as follows:

\$38,213 from the Community Preservation Open Space Reserve and \$6,287 from the Community Preservation General Reserve to be used by the Hingham Conservation Commission to purchase the land and interests totaling 6.31 acres from Boy Scout Troop 4 located in Liberty Pole neighborhood, at Map 167.0, Lot 49; **and that the Town authorize the Conservation Commission, with the approval of the Board of Selectmen, to grant a conservation restriction on such parcel that meets the requirements of MGL Chapter 184, Sections 31 to 33, inclusive, as required under Section 12 of the Community Preservation Act (MGL Chapter 44B);**

APPENDIX – CPC Annual Town Report

Due Date: (2nd week in February)

The annual report is prepared by the CPC Administrator, with final approval by the Chair of CPC, recapping the accomplishments of CPC the past year. Below is an example of 2015:

Community Preservation Committee

The Community Preservation Committee (CPC) is comprised of nine people, six of whom are appointed by and from the Conservation Commission, the Planning Board, the Historical Commission, the Housing Authority, the Recreation Commission, and the Board of Selectmen, and three of whom are citizens at large, one appointed by the Board of Selectmen and two by the Moderator. The Committee reviews applications submitted by Town bodies and citizens for funding projects involving preservation of historic resources, creation of low and moderate income housing, acquisition of open space, and recreation. The CPC makes recommendations to Town Meeting regarding the use of the Town's Community Preservation Fund for those purposes. The CPC is assisted by Roger Fernandes, Town Engineer, who provides technical oversight on construction projects and assistance in analyzing grant requests. Carol Costello, Administrative Assistant to the Town Engineer, provides administrative support to the CPC on a part-time basis.

The Town obtains community preservation funds from a 1.5% surtax on Town real estate taxes (effective July 1, 2001). State matching grants payable each November 15th are based on the surtax revenues for the fiscal year ending the prior June 30th and interest on the accumulated funds. The total amount collected by the Town Community Preservation Fund for the year ended June 30, 2015 is approximately \$934K from local taxes and \$274K from the State match. The Community Preservation Act requires that at least 10% of each year's Community Preservation revenues be spent or set aside for each of the three Community Resource categories, i.e., Historic Preservation, Community Housing, and Open Space. The remaining 70% is available for spending on any one or more of the categories, including recreational projects, as the Committee and Town Meeting see fit.

The CPC reviewed 20 proposed projects in 2015 for a total request of more than \$4.6M. After due diligence, the Committee recommendations to the Advisory Committee and the Board of Selectmen included a total of 14 projects: 3 open space/recreation projects, 7 historic preservation projects, 3 housing projects, and 1 administrative allocation. As required by the CPA legislation, the unexpended amount of the past and current reserve for affordable housing projects was allocated to a reserve for future affordable housing projects. Similarly, the unexpended amount of the past and current reserve for open space projects was allocated to a reserve for future open space projects. A total of \$976K was recommended and approved by the 2015 Annual Town Meeting for the following projects.

Open Space Acquisitions and Recreation projects included:

- Conservation Fund
- Cordage Factory Head House, (aka The Rec Barn) Phase IV
- South Shore Country Club Tennis Court Renovation



SSCC Tennis Courts

renovated June 2015

Historic Preservation projects included:

- Hingham Historical Archives
- Liberty Plain Cemetery Phase III
- Tree & Park Barn Renovations
- Bare Cove Fire Museum
- Hingham Congregational Church - handicapped ramp
- Hingham Historical Commission - restore gazebo
- LSA Elevator replacement



Ames Chapel

renovations completed 2015

Affordable Housing projects included:

- Hingham Affordable Housing Trust Selectmen's Parcel design
- Hingham Affordable Housing Trust Opportunity Funding Program
- Hingham Housing Authority – Renovations on 132 Scotland Street

APPENDIX –Annual Town Meeting

Date: (4th Monday in April)

The Annual Town Meeting is scheduled for the fourth Monday of April.

Preparing for Town Meeting

ATM Rehearsal

The Sunday before ATM, the Chair and possible the Vice Chair attends the Town Moderator’s ATM rehearsal. A list of potential speakers for the moderator should be submitted by the CPC Office prior to this date.

CPC ARTICLES AND SPEAKERS FOR 2014 ANNUAL TOWN MEETING

If any article is placed on hold:

Brief Overview of the CPC process and Financial

Summary – Chair Curley will speak – 2 slides

EXAMPLE

ART#	CAT	PROJECT RESCRIPTION	POTENTIAL SPEAKER(S)			
			1st Manager	2nd Proponent	3rd AdCom	
26-1	ADM	CPC Administration	Bob Curley	--	Lizzie Eldredge	Speak only in response
26-2	CH	HAHT Selectmen's Parcel	Jim Watson	Tim White	Lizzie Eldredge	" "
26-3	CH	HAHT Opportunity Funding	Jim Watson	Tim White	Lizzie Eldredge	" "
		Hingham Historical Collections Master Plan				
26-4	HIS	Plan	Kathleen Peters	Eileen McCracken	Lucy Hancock	" "
26-5	HIS	Ames Chapel Preservation	Bob Curley	Larry Lindner	Donna Smallwood	" "
26-6	HIS	Second Parish Handicapped Access	Gary Tondorf-Dick	Lisa Shetty	Lucy Hancock	" "
26-7	HIS	Girl Scout House	Kathleen Peters	Peg Doyle	Lizzie Eldredge	" "
26-8	HIS	Old Colony Lodge	Bob Curley	Bill Ramsey	Lucy Hancock	" "
26-9	OS/REC	Conservation Fund	Kathleen Peters	Abby Piersall	Lizzie Eldredge	" "
26-10	OS/REC	Comprehensive Trails Plan	Vicki Donlan	Abby Piersall	Lucy Hancock	" "
26-11	OS/REC	Boy Scout Land	Gary Tondorf-Dick	George Danis	Donna Smallwood	" "
26-12	OS/REC	Whitney Wharf Bridge	Jim Watson	Alan Perrault	Dan Dwyer	" "
26-13	OS/REC	Bathing Beach Stabilization	Vicki Donlan	Alan Perrault	Dan Dwyer	" "
26-14	OS/REC	The Barn Phase III	Vicki Donlan	Mark Thorell	Donna Smallwood	" "

4/15/2014

Role of CPC Project Liaison at ATM

- Present or coordinate presentation of the CPC warrant article.
- Respond to voter detail questions.

AFTER PROJECT APPROVAL AT ATM

- Obtain a signed Grant Agreement with proponent
- Assist in preparation of Request for Proposals/Bids (RFP/IFB’s) as necessary – work with our Engineering Department (Town Engineer, Roger Fernandes and Carol Costello).
- Coordinate with CPC Administrator, Carol Costello, re: progress of disbursement actions
- Routinely communicate with applicant to confirm work progress described in vendor invoices.
- Periodically report to CPC on project status.
- Recommend clawback if any excess funds available.
- If CPC service ends due to departure from committee, assure transition of materials to successor CPC member.

Overview Slides for ATM

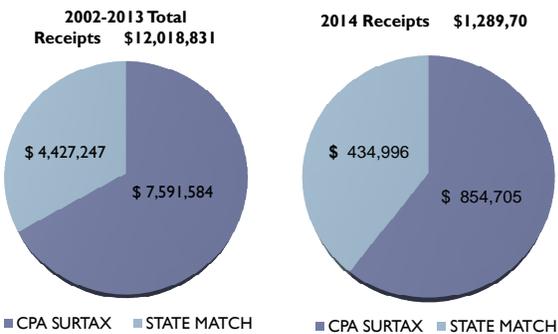
The CPC Administrator will prepare slides for Town Meeting. Working with the Board of Selectmen's office and Chair/Vice Chair of CPC. Below is an example of the CPC overview used at a prior ATM. The last couple of years, an overview was not necessary.



Article #26 Community Preservation Act 2014 CPC Overview

2013-2014 CPA Funding Request	Recommended	Total
HISTORIC PRESERVATION		\$ 323,049.00
Girl Scout House - Part I Stabilization	\$ 98,049.00	
Ames Chapel Preservation	\$ 30,000.00	
Hingham Historical Collections Master Plan	\$ 35,000.00	
Old Colony Lodge	\$ 150,000.00	
Second Parish Handicapped Access	\$ 10,000.00	
OPEN SPACE/RECREATION		\$ 523,000.00
Conservation Fund	\$ 38,500.00	
Comprehensive Trails Plans	\$ 50,000.00	
Boy Scout Land	\$ 44,500.00	
Whitney Wharf Bridge	\$ 40,000.00	
Bathing Beach Stabilization	\$ 100,000.00	
The Barn - Phase III	\$ 250,000.00	
COMMUNITY HOUSING		\$ 350,000.00
HAHT - Selectmen's Parcel	\$ 175,000.00	
HAHT - Opportunity Funding	\$ 175,000.00	
ADMINISTRATION		\$ 49,421.00
CPC Administrative Fund	\$ 49,421.00	
Project Total		\$ 1,245,470

CPA PROGRAM



* Actual thru 4/10/14

DEFINITIONS

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

“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.

“Annual income”, a family’s or person’s gross annual income less such reasonable allowances for dependents, other than a spouse, and for medical expenses as the housing authority or, in the event that there is no housing authority, the department of housing and community development, determines.

“Appraisal” is defined as an opinion of value by professional appraisal standards (Uniform Standards of Professional Appraisal Practice). An appraised value is more accurate than the Broker’s Price Opinion (BPO).

“Broker’s Price Opinion” (BPO) is the process a hired sales agent utilizes to determine the selling price of a real estate property. BPOs are popularly used in situations where lenders and mortgage companies believe the expense and delay of an appraisal to determine the value of properties is unnecessary. A financial institution will order a BPO from a Real Estate Broker in which the broker will do a drive by BPO or an interior BPO.

“Capital improvement”, reconstruction or alteration of real property that: (1) materially adds to the value of the real property, or appreciably prolongs the useful life of the real property; (2) becomes part of the real property or is permanently affixed to the real property so that removal would cause material damage to the property or article itself; and (3) is intended to become a permanent installation or is intended to remain there for an indefinite period of time.

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

“Community Preservation/CP”, the acquisition, creation and preservation of open space, the acquisition, creation and preservation of historic resources and the creation and preservation of community housing.

“Community Preservation Committee/CPC”, 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

“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.

“Legislative body”, (in Hingham, this is the Town Meeting) the agency of municipal government which is empowered to enact ordinances or by-laws, adopt an annual budget and other spending authorizations, loan orders, bond authorizations and other financial matters and whether styled as a city council, board of aldermen, town council, town meeting or by any other title.

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

“Low or moderate income senior housing”, housing for those persons having reached the age of 60 or over who would qualify for low or moderate income housing.

“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.

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

“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.

“Municipal employee”, a person performing services for or holding an office, position, employment or membership in a municipal agency, whether by election, appointment, contract of hire or engagement, whether serving with or without compensation, on a

full, regular, part-time, intermittent, or consultant basis, but excluding (1) elected members of a town meeting and (2) members of a charter commission established under Article LXXXIX of the Amendments to the Constitution.

“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.

“Real property”, land, buildings, appurtenant structures and fixtures attached to buildings or land, including, where applicable, land interests.

“Real property interest”, a present or future legal or equitable interest in or to real property, including easements and restrictions, and any beneficial interest therein, including the interest of a beneficiary in a trust which holds a legal or equitable interest in real property, but shall not include an interest which is limited to the following: an estate at will or at sufferance and any estate for years having a term of less than 30 years; the reversionary right, condition or right of entry for condition broken; the interest of a mortgagee or other secured party in a mortgage or security agreement.

“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.

“Support of Community Housing”, shall include, but not be limited to, programs that 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 an entity that owns, operates or managers such housing, for the purpose of making housing affordable. See following link for the full legislative language: <http://www.communitypreservation.org/content/cpa-overview>

FORMS / EXAMPLES

(These forms are separate documents to assist CPC Members with their role as a CPC Member. CPC Members, please contact the CPC Administrator for updated forms.)

1. CPC Timeline / CPC Meeting Schedule/Dates for Upcoming Season (Rev 8/2018)
2. CPC Preliminary Application (Rev 5/2018)
3. Worksheet Screening for CPC Staff Member – Checklist for Private Owners and Checklist for Land Acquisitions (Rev 8/2018)
4. CPC Final Application (Rev 8/2018)
5. INCLUDE THE FINANCIAL CHECKLIST/ breakdown of contractor(s) estimates
6. CPA Funding Notification Form Letter Accompanies Grant Agreement (Rev 5/2018)
7. Grant Agreement (Rev 5/2018) (include financial checklist/drawdown of payments schedule)
8. Land Acquisition Final Legal Form for Transferring Funds (example)
9. Project Completion Form (Rev 8/2018)
10. Indemnification Form for Private Entity Projects/Non Conclusion Form
11. Sample of Preservation Restriction form
12. Sample of Historic CPA Final Application
13. Sample of Open Space CPA Final Application
14. Sample of Recreation CPA Final Application
15. Sample of Community Housing CPA Final Application
16. Secretary of the Interior's Standards for Rehabilitation

END