

CITY OF GLOUCESTER

COMMUNITY PRESERVATION PLAN

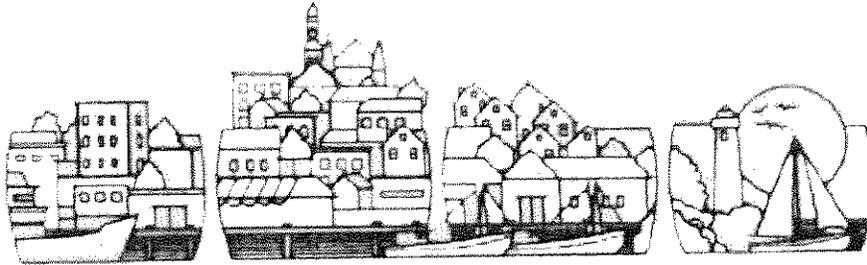
*A Plan developed to guide the spending of City tax dollars authorized by the
adoption of the
Community Preservation Act*



April 28, 2010

(Revised 11/2/2011 & June 2013)

A VISION FOR GLOUCESTER



As a place to live. Gloucester will be a satisfying home for residents of diverse cultures and economic circumstances, who will have the choice to live within the community and in neighborhoods that maintain their special identities.

As a place to work Gloucester will be a productive and supportive community that provides excellent jobs based on existing knowledge and skills of residents with diverse skills, interests and needs, through a range of thriving businesses.

As a place to visit Gloucester will provide a variety of experiences and destinations that are appealing because they are part of a genuine and unique living community that proudly reflects its history.

As a place to appreciate . . . Gloucester will protect the astonishing diversity of environments, natural resources, waterfronts and working port, landscapes, built areas, and open spaces . . . each that provide different perspectives throughout the changing seasons of the year.



A MESSAGE FROM THE CITY OF GLOUCESTER

COMMUNITY PRESERVATION COMMITTEE

February, 2010

By popular vote in the fall of 2008, the citizens of Gloucester adopted a 1% tax surcharge to be spent in accordance with the Massachusetts General Law Chapter 44B, otherwise known as the Community Preservation Act. In order to implement the Plan, the City Council approved an ordinance establishing the City of Gloucester's Community Preservation Committee.

We the members of the newly established Community Preservation Committee (CPC) are pleased to present the 2010 Gloucester Community Preservation Plan. Being keenly aware of the truly unique character of this place we call home and having a deep appreciation for the high value the citizens of Gloucester place on Gloucester's diversity of people, cultures, and spectacular natural beauty, we welcome this opportunity to play a role in the careful stewardship of Gloucester's community preservation funding.

The Plan describes the process for administering the Community Preservation Act (CPA.) It gives an introduction to the CPA, information about the CPA program areas as they apply to Gloucester, and contains detailed information about the project application and review process. As such it represents an informational document for the citizens of the city, a guideline and instructional document for applicants seeking project funding through the CPA, and a guidance document for this and future Community Preservation Committees in making recommendations to the Mayor and City Council for project funding.

We are committed to bringing the CPA to Gloucester in the most effective ways that we can, using processes that are transparent and inclusive. We welcome your comments and suggestions regarding this Plan and the processes that we use to implement it.

This 2010 Community Preservation Plan is respectfully submitted to the residents of Gloucester with the goal of providing a focus and catalyst for significant enhancement of community preservation goals. We would like to thank the many

citizens, City officials, and members of organizations and City committees for their help in the development of this plan. A partial listing of those City of Gloucester entities who have participated in creating this plan is included below.

Sincerely,

Gloucester Community Preservation Committee

Sandy Dahl Ronan, Co-chair, At-large
J. J. Bell, Co-chair, At-large
Tom O'Keefe, Historic Commission
John Feener, Conservation Commission
Bill Dugan, Housing Authority
Karen Gallagher, Planning Board
Charlie Crowley, Parks and Recreation
Scott Smith, At-large
Stacy Randell, At-large

Staff: Tom Daniel, Community Development Director
Debbie Laurie, Senior Program Manager, Community Preservation Act

City of Gloucester
Community Preservation Plan Input – A Partial List

Mayor	Committee for the Arts
City Council	Historic Commission
Planning Board	Historic District Commission
Community Development Department	City Hall Restoration Committee
Zoning Board	Archives Committee
Grants Department	Housing Authority
Department of Public Works	Capital Improvement Advisory Board
Building Inspection Office	Downtown Development Commission
Economic Development Industrial Corporation	Affordable Housing Trust
Conservation Commission	School Committee
Parks and Beaches Department	Plan Implementation Review Committee
Tree Warden	Waterways Board
Shellfish Warden	Open Space and Recreation Committee
	Harbor Plan Implementation Committee

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OVERVIEW

THE COMMUNITY PRESERVATION ACT (CPA)

Massachusetts General Law Chapter 44B, otherwise known as the Community Preservation Act (CPA) allows communities to create a local Community Preservation Fund through a surcharge of up to 3% of the real estate tax levy on real property. The Act also creates a significant state matching fund. CPA funds may be used for acquisition and preservation of open space, for preservation and restoration of historic buildings and artifacts, for the creation, preservation and support of community housing, and for specified investments related to recreation.

Each fiscal year, at least 10% of the revenues in the Community Preservation Plan must be spent or set aside for open space and recreational uses, 10% for historic preservation, and 10% for community housing. Up to 5% may be spent on administration. The remaining 70% of funds may be allocated to any one or a combination of the three main uses.

The CPA stipulates that decisions regarding the allocation of CPA funds in cities and towns that adopt the initiative are to be made by a local Community Preservation Committee (CPC) whose task is to receive and review applications and to make recommendations to the appropriate municipal authority, which in turn makes the final allocations.

THE CPA IN GLOUCESTER

By popular vote in the fall of 2008, the citizens of Gloucester adopted a 1% surcharge to be spent in accordance with the provisions of the Community Preservation Act.

The nine member Community Preservation Committee was then established in accordance with the terms of the Act. The CPC consists of four members at-large and one representative each from the Historic Commission, the Conservation

Commission, the Housing Authority, the Planning Board, and Parks and Recreation.

THE 2010 COMMUNITY PRESERVATION PLAN

The CPA mandates the creation of a Community Preservation Plan in each participating municipality, to be revised annually as local circumstances may change. This Plan will serve as a guide to the types of projects that are eligible for CPA funding *and* that are in keeping with the unique needs and priorities that have been identified by the citizens of Gloucester.

The general purposes of the Plan are as follows:

- To establish clear criteria that forms the basis of the Committee's evaluation of applications for funding
- To establish the processes and timelines that the committee will use in its review of applications
- To provide application forms and background information for applicants
- To inform both applicants and the public of the CPC's goals and of its commitment to an open and transparent approach to reaching its recommendations
- To provide the Mayor and the City Council with the background information they need in reviewing the committee's recommendations

SCHEDULE AND PROJECT REVIEW PROCESS

In the past, the Community Preservation Committee had planned to conduct two funding rounds each year. However, in the 2012, Round 3, and continuing rounds the Committee will be conducting one funding round which is as follows:

Project Eligibility Forms due	Feb 1
Completed Applications due	Mar 15
Estimated Project Award	Oct 1

Committee recommendations are reviewed by the Mayor and approved by City Council. The City Council approval process takes a minimum of two Council meetings. These processes cannot be perfectly predicted; therefore, the project award dates above are only the committee's best estimate and are subject to change.

The committee may, under highly extraordinary circumstances, vote to accept applications that, because of market opportunities or other deadlines, require consideration outside of the normal funding cycles. Potential applicants who believe that their circumstances call for such unusual action may contact the committee chair to discuss the possible submission of an off-cycle submission.

The committee also recognizes that, in some cases, preliminary work must be undertaken in order to complete a viable application. When this is the case, the CPC will consider applications for study grants that can be used to test feasibility and develop work plans that would result in a stronger CPA project.

Finally, it should be noted that all projects may not be funded, even if funds are available, and that in a given year funds may be carried over to subsequent years for future projects.

GENERAL EVALUATION CRITERIA

The City of Gloucester Community Preservation Committee gives preference to proposals which address as many of the following general evaluation criteria* as possible:

- Eligible for Community Preservation Act (CPA) funding according to the requirements described in the CPA legislation (Chapter 44B of Massachusetts General Laws)
- Consistent with various plans which are relevant to and utilized by the City regarding open space, recreation, historic resources and affordable housing
- Preserve and enhance the essential character of the city
- Protect resources that would be otherwise threatened
- Serve more than one CPA purpose or demonstrate why serving multiple needs is not feasible
- Demonstrate practicality and feasibility, and that the project can be implemented within budget and on schedule
- Produce an advantageous cost/benefit value
- Leverage additional public and/or private funds (e.g. qualify the project for additional grants from other sources) or receive partial funding from other sources and/or voluntary contributions of goods and services
- Preserve or improve city owned assets

- Receive endorsement from other municipal boards or departments and broad-based support from community members

*Criteria are listed in no particular order.

CATEGORY SPECIFIC CRITERIA

In addition to the general criteria delineated above, there are category specific criteria which relate to the four program areas: Open Space, Historic Preservation, Community Housing and Recreation. Category specific criteria are described in each of the sections of this Plan.

OPEN SPACE

“Identify, prioritize, and preserve highly valued open space through permanent protection, and increase public access to open space and waterfronts, consistent with preservation of environmental resources and consideration of needs and amenities of neighborhoods and the City as a whole.”

BACKGROUND

Through the extensive two-year planning process that went into creating “A Comprehensive Plan, the Community Development Plan for the City of Gloucester, 2001” Gloucester residents placed great importance on their open spaces and identified a need for a proactive approach to preserving these public and private lands. Gloucester’s over-arching goal for its open space is listed above. The Comprehensive Plan specifically recommended examining adoption of the Community Preservation Act as a means to acquire funding for open space protection.

Subsequently, through the annual Comprehensive Plan review process and through developing both a new Open Space and Recreation Plan (2010) and a new Harbor Plan/Designate Port Area Master Plan 2009, the desire of Gloucester’s residents to proactively manage and care for the city’s open space and natural resources has been affirmed. The information and language specific to Gloucester in this Community Preservation Plan is taken directly from these earlier plans and is thus based on the input of hundreds of interested Gloucester residents.

The City of Gloucester is committed to a course of action that promotes economic revitalization and stability and preserves our natural environment.

Recent land use studies indicate that commercial and industrial land make-up less than 2% of the city’s total land area. Residential areas comprise 25% of the land use with the majority being single family dwellings. Approximately 60% of Gloucester is classified as open space and forest and 10% as wetlands, including much of the area bordering the Annisquam River and the beach areas. Open

space includes forest and areas of natural vegetation, recreation areas and undeveloped urban and natural lands.

Some of the undeveloped land in Gloucester is in public ownership, set aside as parks or recreational areas. Other areas in public ownership are preserved in an undeveloped state for their critical contribution to water supplies. The Dogtown area includes a mosaic of public and privately owned open space. Additionally, there are also several properties owned by land conservation organizations and managed for their natural resource values. These include the Trustees of Reservations 600 acre Ravenswood Park and the Essex County Greenbelt Association's Carter, Goose Cove, Stony Cove, Thompson Street, and Seine Field Reservations

A large portion of the natural open spaces in the city are beaches, wetlands and open water – bays, ponds, and fresh and saltwater wetlands and marshes. Wetlands and marshes function as water quality filters by trapping silt and organic materials, provide flood control, and support the habitat for plants, migratory birds and other wildlife, including rare and endangered species. Salt marshes are among the most biologically rich ecosystems. Two-thirds of all marine fish and shellfish rely on coastal wetlands and salt marshes during some portion of their life-cycle. A healthy marsh system requires unrestricted tidal flooding to drain the salt marshes.

Gloucester's open space provides not only aesthetic and wildlife habitat value, but also recreational opportunities while contributing to the local economy. Good Harbor and Wingersheek beaches, for example, typically attract thousands of beachgoers on hot summer days. Parking fees collected at the beaches helps the City to fund parks and recreation. Visitors also travel to Gloucester to enjoy the smaller beaches and wooded spaces, to take in the ocean air and to appreciate the land and seascapes made famous by Gloucester artists. They explore on foot, boat, bike and car and patronize hotels, restaurants, shops and other visitor-services. This activity supports local business and provides tax revenue for the City.

RESOURCES AND TRENDS

The geography and geology of Gloucester provide a unique combination of natural features including the rugged seacoast, beaches and dunes marshes and diverse vegetation, fisheries, wildlife, and scenic resources.

Residents of Gloucester cherish and benefit from this diverse landscape which ranges from neighborhood ball-fields to large tracts of forest, from sandy beaches to moorland bogs and upland blueberry patches, from public ways to the sea to walking trails and historic sites, from vernal pools to hilltop lookouts. Gloucester's open spaces are both urban and wild in character; protected and unprotected; and in private and public ownership.

Marshes, wetlands, woodlands, and vernal pools provide essential habitat for many species of plants and animals, including a number of uncommon, rare, and endangered species. Approximately 912 acres of this area is designated as a part of the Great Marsh Area of Critical Environmental Concern (ACEC), including marshes and clam flats that are among the most pristine in the state. The area is also a flyover for migrating birds.

Over 7% or 1,200 acres of Gloucester's area is surface water, including reservoirs, natural ponds, lakes, streams and rivers, and over 35 miles of coastal edge support tidal pools, bays, beaches, coves, and estuaries. The beach and dune systems provide important environmental and recreational benefits. Good Harbor, Wingaersheek, Coffin's and Brace Cove are all designated as barrier beaches which provide storm and flood protection for mainland areas, recreational opportunities for beachgoers and fishermen, and provide habitat for a variety of plant and wildlife species.

The wetlands, watershed areas, and shoreline are critical resources both ecologically and economically. The integrity of these landscapes must be preserved for aesthetic, ecological, economic, recreational and cultural reasons.

Offshore waters provide habitat for marine species, ranging from whales to pipe fish, and sea worms to sea lettuce. Many marine species contribute directly to the local economy through whale watching, clamming, lobstering, and commercial and recreational fishing.

Many special natural features in the landscape are a result of glacial action. These include erratics, large rocks, (Whales Jaw in Dogtown Common was a good example), and rock outcroppings, Tablet Rock at Stage Fort Park; tombolos, which are low-tide paths such as the connection between Salt Island and Good Harbor Beach; granite deposits; and deep, protected harbors. Rare plant and animal species inhabit the wild interior of Dogtown, an important historic and recreational in the middle of Cape Ann. Collectively, these unique landscape features deserve protection and management for posterity and for residents and visitors to enjoy.

SOME IDENTIFIED NEEDS

Barrier beaches and dunes must be protected. Dunes are fragile environments constantly shifting due to coastal processes and provide enduring protection from storms, minimizing coastal flooding. Thousands of recreational users visit these beaches every year.

State and local regulations protect more than 20 percent of the city's total land area, or 3,300 acres of land, which are zoned for watershed protection. However, incremental development and inappropriate uses can have adverse ecological impacts.

Of the privately held open space, substantial tracts of open land near interior woodlands remain available for residential development. Development pressure and demand for housing were strong along the North Shore in the past decade and residential building remains active in Gloucester despite the current recession.

The value of open space rests, in part, on the preservation of wildlife habitat and natural resources within protected areas and through the sensitive use of adjacent land to protect these natural resources. Proper management of open space is also vital to the protection of the natural resource values contained within. The majority of City owned open spaces lack proper management plans. Absence of sound management can adversely affect natural resources through inappropriate, unplanned or unregulated activities. The development and implementation of management plans for these properties will identify

sustainable uses, create clear standards for use and rules and procedures to maintain these open space, recreational and watershed lands.

Clearly determining parcel boundaries in Dogtown is a primary as is the continued implementation of the Dogtown Management Plan. The basic objectives of the plan are to preserve the important natural and cultural features which make Dogtown unique and to protect a clean, quiet place for traditional forms of passive recreation.

The extensive woods in West Gloucester should also be considered in a management plan that balances the functions and values of contiguous open space with a variety of uses of the areas, including recreational and potential development.

Seven reservoirs supply all the water to the city. The physical infrastructure (treatment and distribution) of the water supply system, is in need of significant maintenance and upgrading. Of equal importance is continued protection of the surface waters and abutting lands that collect and filter rainfall and runoff.

Several marshes have been adversely impacted by road and bridge systems, causing increased sedimentation, and intrusion by invasive species such as phragmites. Reduced tidal flow has increased areas of impervious surface and stormwater runoff.

The City's Open Space and Recreation Committee is working with the Community Development Department to update the 2003 Open Space and Recreation Plan. This work involves analyzing open space protection needs, identifying potential sites for acquisition and recommending actions for improved management and stewardship of existing open spaces. The City is also fortunate to have many non-profit organizations and volunteer groups that are working hard to preserve and care for its open spaces.

PROJECT ELIGIBILITY

The Community Preservation Act requires that a participating community "... shall spend, or set aside for later spending, not less than 10 percent of the annual revenues in the local Community Preservation Fund for open space, and

recreational use." **Open space is defined to include, but is not limited to, the following:**

- Agricultural land
- Well fields, aquifers, recharge areas, and other watershed lands
- Grasslands, fields, or forest lands
- Fresh and salt water marshes and other wetlands
- Ocean, rivers, streams, lakes and ponds
- Beaches, dunes, and other coastal lands
- Scenic and historic vistas
- Land for wildlife habitat or biodiversity or nature preserves

With regard to permissible purposes for which CPA funds may be spent on open space, the Act specifically provides that CPA funds "shall include, but not 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 following are examples of the types of open space expenditures that may be carried out under the CPA:***

Acquisition

- Purchase land to protect water supplies such as well fields, aquifers, recharge areas, and lake or reservoir frontage and other watershed lands
- Purchase easements or rights-of-ways that maintain or enhance access to existing open spaces
- Purchase land strategically located to protect or create trail networks or wildlife corridors

Creation

- Raze an aging, vacant, municipally-owned building to create open space
- Reconstruct a road to create a median strip with grass and trees
- Rehabilitate and/or redevelop brownfields such as capping a landfill and converting the site to open space

Preservation

- Purchase permanent conservation or agricultural preservation restrictions to protect open space or farmland from future development

- Remove invasive plant species from ponds, wetlands, and wooded areas to protect existing open space and wildlife habitats from harm or injury
- Purchase easements to protect water supplies such as well fields, aquifers, recharge areas, and lake or reservoir frontage and other watershed lands

Rehabilitation and Restoration

- Restore natural areas such as wetlands or marshlands acquired using CPA funds to their original state
- Seed and plant native non-invasive trees and otherwise landscape an open space created by the removal of buildings on site

CATEGORY SPECIFIC CRITERIA*

In addition to the general evaluation criteria outlined in the overview section, Open Space proposals will be evaluated according to the following specific criteria:

- Permanently protect important wildlife habitat, particularly areas that include:
 - Locally significant biodiversity
 - A variety of habitats with a diversity of geologic features and types of native and non-native vegetation
 - Threatened or endangered habitat or species of plant or animal
- Preserve active agricultural use
- Provide opportunities for passive recreation and environmental education.
- Protect or enhance wildlife corridors, promote habitat connectivity or prevent fragmentation of habitats
- Provide connections with existing trails or protected open space
- Acquire land or easements for potential trail linkages
- Preserve scenic and historic views
- Border a scenic road
- Protect drinking water quantity and quality
- Provide flood control/storage
- Preserve and protect important surface water bodies, including streams, wetlands, vernal pools, riparian zones or Areas of Critical Environmental Concern (ACEC)
- Provide buffer for protected open space, or historic resources

* Criteria are listed in no particular order.

SOME POSSIBILITIES FOR GLOUCESTER

As proponents identify land appropriate for open space protection, they could utilize CPA funds in combination with other funding sources to purchase properties or to obtain conservation restrictions that ensure their permanent protection as open space.

In the case of particularly ecologically significant lands, proponents may apply CPA funds in combination with additional acquisition strategies including obtaining rights of first refusal, long-term purchase options, or life estate agreements. Further possibilities include the use of CPA funds to create or restore critical wildlife habitat areas.

USEFUL REFERENCE MATERIALS

On the City of Gloucester website at www.ci.gloucester.ma.us:

- 1) "A Comprehensive Plan, the Community Development Plan for the City of Gloucester, 2001" especially the sections on Land Use, Natural Resources and the Environment, Open Space, and Harbor and the Waterfront.
- 2) The City of Gloucester's Open Space Plan, 2010.
- 3) The Harbor Plan/Designate Port Area Master Plan 2009.

For general Community Preservation Act information: www.communitypreservation.org

HISTORIC PRESERVATION

“Maintain and celebrate the heritage of Gloucester through preservation and interpretation of its historic sites, buildings, and monuments.”

“Make Downtown Gloucester the center of the commercial and civic life of the city, with a variety and vitality of uses and attractiveness of historic buildings, pleasant streetscapes and connections to the harbor.”

“Retain the character, distinct identity and comfortable scale of the individual villages and neighborhoods that are Gloucester.”

BACKGROUND

During the extensive two-year planning process that went into creating “A Comprehensive Plan, the Community Development Plan for the City of Gloucester, 2001” residents voiced their desire to protect and preserve the character of Gloucester and its many historic treasures. Subsequently, through the annual Comprehensive Plan review process, the need to achieve these goals has been re-affirmed and preservation actions have been undertaken.

Much of the information and language in this Community Preservation Plan that is specific to Gloucester is taken directly from the 2001 Comprehensive Plan and is thus based on the input of hundreds of interested Gloucester residents. The historic preservation goals stated above are from the 2001 Comprehensive Plan Section IV. THE LIFE OF THE CITY- C. “Historic and Cultural Resources”; and Section III. COMMUNITY FOCAL POINTS- B. “Downtown”, and C. “Villages and Neighborhoods”. Gloucester residents greatly value their city’s rich history, as stated in the introduction to “Historic and Cultural Resources”:

“The City of Gloucester, settled in 1623 and recognized as America’s earliest fishing port, has a wealth of history and historical assets. The historic resources of Gloucester can be seen in the buildings and monuments that reach back to earlier times and in its unique and

remarkably unchanged districts, landscapes and places that reflect Gloucester's heritage.

"The preservation and use of these resources is linked to the quality of life of Gloucester citizens. Because of its age, fame, location and historical significance, Gloucester draws many visitors and admiring guests eager to learn more about this city and savor its history. The Plan recognizes that stewardship of historic and cultural resources serves everyone."

RESOURCES AND TRENDS

Gloucester's historic resources are places, artifacts, memorials and structures that provide meaningful connections to the past. In some cases, these links have been preserved or protected through the efforts of government and institutions; in other instances, valuable historic resources remain unprotected.

The harbor area has long been the center of Gloucester, and its historic role is preserved in buildings, museums and special districts that celebrate this history. Local and National Historic District designations encompass much of Middle Street and the west end of Main Street. Middle Street includes several 18th century Georgian-style houses. Federal-style seaport buildings and the Blackburn Tavern remain on Main Street. Two museums are within the District – the 1782 Sargent Murray Gilman Hough House built for Judith Sargent Murray, an early advocate for women's equality, and the Cape Ann Museum which includes the – 1804 house built by Captain Elias Davis, a successful Gloucester sea captain.

Also within the Historic District are Gloucester's City Hall, dedicated in 1871, and listed in the National Register of Historic Places and the current Gloucester Lyceum and Sawyer Free Library, which includes the 1764 Saunders house. Both of these historic treasures are defining features of downtown and cherished by Gloucester residents.

Historic houses are also located across the city including several first period houses, those built before 1725, and listed in the National Register of Historic Places. Additionally, two unique homes are preserved and are significant visitor destinations – the Hammond Castle, the medieval style castle home of famed inventor John Hays Hammond Jr. and Beauport, the eclectic summer home of the

collector and interior designer Henry Davis Sleeper. Both are landmarks among Gloucester's 1920s grand get-away mansions.

The 1848 granite home and studio of Gloucester's renowned artist Fitz Henry Lane, is located on the Harbor Loop with a commanding view of Gloucester Harbor. The house is now owned and maintained by the City.

Located across Gloucester Harbor from downtown is The Rocky Neck Art Colony. Known as America's oldest working art colony, Rocky Neck has, since the early 19th century, attracted painters and sculptors including such luminaries as Winslow Homer Augustus Buhler, Frank Duveneck, Marsden Hartley, Edward Hopper.

The city's maritime heritage is embodied in the *Adventure*, a preserved 121-foot schooner built in 1926 that is a National Historic Landmark. The *Adventure* is now used as an experiential classroom. The Gloucester Maritime Heritage Center on Harbor Loop features the country's oldest continuously operating marine industrial railway, a 19th century mill building and houses exhibits on the City's maritime industrial history.

The proximity of these historic resources highlights the relationship between the city's maritime history and its rich artistic heritage.

The villages of Magnolia and Annisquam have active historical societies and small museums memorializing their traditions and rich history.

Several City entities are charged with the preservation and stewardship of historic resources. The Historical Commission serves a broad role in promoting preservation activities using the 1990 Historic Preservation Plan for guidance. The Historic District Commission maintains stewardship in the Historic District. The Archives Committee collects and organizes historic records. The Sawyer Free Library also maintains historic records, books and paintings. The City Hall Restoration Committee is working to restore City Hall and volunteers at the Gloucester Lyceum and Sawyer Free Library are doing the same, particularly focusing on the imperiled Saunders house. The Cape Ann Museum is steward to both the Captain Elias Davis House and the White Ellery House as well as to important City archives.

SOME IDENTIFIED NEEDS

It is fair to say that some of Gloucester's greatest attributes also present some of its greatest challenges. The future of Gloucester's historic resources is dependent on the stewardship that its citizens can offer. Despite valiant efforts, however, many historic structures are decaying or threatened with demolition. Some of Gloucester's earliest homes are significantly degraded, early burial grounds and cemeteries are in disrepair and the City's valuable records and archives need additional secure storage space.

The passing of the Community Preservation Act provides an opportunity to address some of these pressing needs.

PROJECT ELIGIBILITY

With respect to the permissible purposes for which CPA funds may be used to protect historic resources, the Act requires that a participating community "...shall spend, or set aside for later spending...not less than 10 percent of the annual revenues for historic resources."

A historic resource is defined as a building, structure, vessel, or other real property, document or artifact that is either:

- Listed on the State Register of Historic Places; or
- Determined by the local Historic Commission to be significant to the history, archeology, architecture, or culture of the city or town.

Note: In connection with historic preservation projects, communities should consult the Secretary of the Interior's Standards for the rehabilitation of historic properties and cultural landscapes. These standards are available on the website of National Park Service: www.nps.gov/history/local-law/arch_stnds_8_2.htm. Please also see the Massachusetts Historical Commission website: www.state.ma.us/sec/mhc.

With respect to the permissible purposes for which CPA funds may be used to protect historic resources, the Act was amended on July 18, 2002, to add language to the existing statute making it explicit that community preservation funds may be used to rehabilitate and restore municipally owned historic sites that were purchased prior to a community's adoption of the CPA. Section 5(b) (2)

of the Act, as amended, now reads that CPA funds may be spent or set aside "*...for the acquisition, preservation, rehabilitation and restoration of historic resources...*" Also, a new definition of rehabilitation in Section 2 of the Act defines rehabilitation to include handicapped access and other capital improvements that may be necessary for historic properties to meet federal and local building codes, or to make those sites functional for the intended use of the facility.

Examples of the types of historic resource projects that may be carried out under the CPA:

Acquisition

- Acquire a historic site or landscape
- Provide a match for federal or state grants such as the Massachusetts Preservation Projects Fund

Preservation

- Purchase a preservation easement to protect façade or other historical features
- Restore historic buildings to reverse inappropriate alterations
- Establish or expand signage or markers at historic sites
- Conduct historical or archeological surveys necessary for a preservation project or creation of a new historic district
- Restore archival documents
- Provide grants to acquire or preserve a historic property in private non-profit ownership provided that City acquires a preservation restriction to protect the public's investment
- Rehabilitation and restoration
- Restore or upgrade municipal historic resources such as town halls, libraries, town commons, parks, or cemeteries
- Adaptively reuse historic sites such as the upgrade and rehabilitation of fire houses, churches, mills, police stations, town halls, or schools for community housing or another municipal use
- Capital improvements to historic resources that are necessary to comply with state building codes
- Provide new utilities and other site work necessary for a preservation project
- Mitigate environmental contamination at historic sites

- Provide Americans with Disabilities Act (ADA) and Massachusetts Architectural Access Board (MAAB) compliant accessibility at historic sites, such as elevators, ramps, restrooms, etc
- Restore and preserve historic landscapes

CATEGORY SPECIFIC CRITERIA*

In addition to the General Evaluation Criteria outlined in the overview section, Historic Preservation proposals which address as many of the following criteria as possible will receive preference for funding:

- Protect, preserve, enhance, restore and/or rehabilitate historical, cultural, architectural or archaeological resources of significance, especially those that are threatened
- Protect, preserve, enhance, restore and/or rehabilitate city-owned properties, features or resources of historical significance
- Protect, preserve, enhance, restore and/or rehabilitate the historical function of a property or site
- Demonstrate a public benefit
- Ability to provide permanent protection for the historic resource

* Criteria are listed in no particular order.

SOME POSSIBILITIES FOR GLOUCESTER

As mentioned earlier, there are many ongoing efforts to preserve and restore some of Gloucester's most cherished historic resources including City Hall and the Saunders House at the Sawyer Free Library. Another important project is the preservation of the city's archives which house some nationally significant documents. There are efforts to restore and preserve the City's oldest burial grounds as well as projects by nonprofit organizations such as the schooner *Adventure*, the White-Ellery House, and the restoration of the iconic Paint Factory at the entrance to Gloucester harbor.

The 1990 Preservation Plan for the City of Gloucester inventoried outstanding historic resources by neighborhood. A newly energized program which provides historic plaques for display at historic structures is helping to renew community interest in preservation.

USEFUL REFERENCE MATERIALS

On the City of Gloucester website at www.ci.gloucester.ma.us:

1) "A Comprehensive Plan, the Community Development Plan for the City of Gloucester, 2001" especially the sections on Historic and Cultural Resources, Villages and Neighborhoods, Downtown, and Harbor and the Waterfront.

Available through the City's Community Development Department, 3 Pond Road:

1) "A Preservation Plan for the City of Gloucester", 1990

For general Community Preservation Act and Historic Preservation information:

1) www.communitypreservation.org

2) www.sec.state.ma.us/MHC/

COMMUNITY HOUSING

“Adopt policies and take actions to ensure that the housing supply meets the needs of Gloucester residents.”

BACKGROUND

Through the extensive two-year planning process that went into creating “A Comprehensive Plan, the Community Development Plan for the City of Gloucester, 2001” residents considered the availability of appropriate and affordable housing to be a top priority, and they set the simply stated but challenging goal above for Gloucester.

Through the annual Comprehensive Plan review process and the “City of Gloucester Housing Element 2004”, this goal has been re-affirmed, and work is ongoing toward providing adequate housing for all Gloucester residents. Much of the information and language specific to Gloucester in this Community Preservation Plan is taken directly from these earlier plans and is thus based on the input of hundreds of interested Gloucester residents.

In Section IV “The LIFE OF THE CITY” of the Comprehensive Plan, housing in Gloucester is described as follows:

“The City of Gloucester has a fundamental obligation to ensure that people who now live here and work here can continue to afford to live here. The current inadequate housing supply and escalating home prices are causing displacement, individual and family stress, pressure on existing businesses, and deterrence to the development of new business. Furthermore, the salaries of people who provide services to the local community – teachers, city workers, health care providers, and others – are not sufficient to meet the current cost of housing.

The City must be proactive in bringing about choices for a broad spectrum of housing types, costs and locations. Otherwise, the diversity of Gloucester, the backbone of its social and economic identity, will be lost. In keeping with the community's Vision, these choices should be compatible with protection of natural resources and preservation of open space and blend into host neighborhoods."

Although progress has been made, the current down-turn in the economy has exacerbated the difficulty many Gloucester residents have finding and keeping affordable housing and is dashing their dreams of home ownership.

RESOURCES AND TRENDS

Gloucester's developed land is predominately devoted to residential uses. Current zoning sets aside a relatively small amount of land for commercial uses. Of the land available for new or redevelopment, relatively little is available for commercial uses. This has significant negative consequences for the tax and employment base for the City. At the same time, substantial tracts of open land remain available for residential development. This residentially-zoned land is vacant today because of high infrastructure and site improvement costs relative to the market returns on investment.

However, residential infill development has occurred on land that was previously considered 'unbuildable' because of granite ledge, the presence of wetlands and generally poor drainage that limited use of sites. Increased land values and sewer extensions, both private and public, as technical improvements to on-site wastewater management systems have opened these locations to potential development.

Gloucester has a pleasing layout of contrasting dense and rural areas. Housing density is greatest in the downtown area and in the villages of Magnolia, East Gloucester, Rocky Neck, Annisquam, and Lanesville. Rental and multifamily housing are distributed throughout the City, with the greatest concentration downtown. In recent times, however, zoning changes in some areas now require larger lot sizes. Building continues on larger lots, often with bigger houses. If this trend continues, new municipal services to support the residential development

will be needed, increasing demand on schools, parks, and police and fire protection facilities.

Unless ongoing measures are taken to protect or increase the supply of modestly or moderately priced housing, the market will continue to reduce choices for many Gloucester residents, as those who can pay more steadily outbid those of lesser means, resulting in displacement of low to moderate income residents.

The antidote to this trend is expansion of opportunities for many market segments simultaneously, gradually reducing pressure and opening new options for everyone.

The City's Community Development Department in its most recent Consolidated Plan/Annual Action Plan, 2005-2009 recognizes two significant barriers to affordable housing: market activity that is highly inflationary and the lack of developable land. The Action Plan describes several strategic initiatives to eliminate and reduce these barriers. These include providing sewerage collection systems; the development of affordable/assisted housing by non-profits; regulatory relief through updated zoning; private development of housing; and exploring the use of City-owned land for affordable single and two-family homes.

General laws and regulations and decisions made within certain contexts impact Gloucester's efforts to address its housing needs. Of particular significance, the official Commonwealth of Massachusetts definition of "affordable" housing is linked to government-sponsored support programs. Massachusetts General Law Chapter 40B presumes that 10 percent of the housing units in all cities and towns in the Commonwealth should qualify as "affordable", and counts units that are subsidized by certain approved programs.

In Gloucester, 6 percent of the housing units are subsidized in a way that meets the Massachusetts 40B regulations. For communities such as Gloucester that do not meet the 10 percent level, Chapter 40B allows relaxation of zoning requirements to permit development applications that include at least 20% affordable units within the development. The Zoning Board of Appeals is the permitting board for such applications. Environmental and public health and safety requirements also apply.

A number of programs and organizations are addressing the City's identified housing challenges. Two agencies in leading roles are the Gloucester Housing Authority which administers state and federally funded housing units and the City's Community Development Department that provides Housing Rehabilitation and First-Time Homebuyers programs. Also, a number of non-profits including Wellspring, The North Shore Housing Trust, Senior Care, Inc.; Healing Abuse Working for Change (HAWC); North Shore Health Project; and Action, Inc. provide help to those in need of housing.

In 2008, the Gloucester Mayor Carolyn Kirk appointed the City's first Affordable Housing Trust. The Trust accepted a \$350,000 contribution from Lever Development as part of the special permit agreement for the Village at West Gloucester. The Trust received a request for funding from the Gloucester Development Team, managers of the Central Grammar Apartments. The Trust voted to award \$50,000 to this project that refurbishes and adds new 30-year affordability guarantees for these affordable apartments.

SOME IDENTIFIED NEEDS

The City of Gloucester Housing Element 2004 contains a comprehensive housing inventory and needs assessment for Gloucester residents by income, age, tenure, and household size.

The Housing Element cautions that as the city plans for additional units, it is important to understand the housing gaps that exist to ensure that new development strategies can be tailored to address specific deficits.

Analysis in the Housing element indicates that the most dramatic deficits exist among renter occupied households with non-family households the group most in need and neglected. In 2004, there were 1,084 non-family households earning less than 80% of median family income of whom 610 devoted over 30% of their income for housing.¹ This shortfall would suggest that the development of

¹ Incomes of households receiving U.S. Department of Housing and Urban Development (HUD) assistance must not exceed 80 percent of the area median. HOME income limits are published each year by HUD. The City of Gloucester is within the Boston Standard Metropolitan Statistical Area (SMSA).

additional one and two bedroom rental units designed to accommodate non-family households is necessary.

Additional rental units appropriate for family households are also in demand. In 2004 there were 1,161 family households eligible for affordable housing based on the United States Department of Housing and Urban Development (HUD) income guidelines. Of these renter households, 593 paid over 30% of their income for housing costs. This suggests that additional units designed for smaller family households (2 to 4) is necessary.

A further need outlined in the 2001 Comprehensive Plan is for affordable assisted living facilities and affordable housing for residents in need of social services.

All households living or working in Gloucester can apply for a rental assistance Housing Voucher through the Massachusetts Central Wait List. Citywide, there are 482 housing Vouchers currently in use, including 109 Project-Based Vouchers.² The Gloucester Housing Authority selects eligible households from the Wait List when vouchers are available. There are nearly 600 low income households listed who either live in Gloucester or where a member of the household works in Gloucester. Currently there is a three year waiting period for assistance through the Central Wait List.

The Gloucester Housing Authority public housing wait lists also indicate a need for additional units designed for smaller family households. The longer lists are for one bedroom units for elderly and non-elderly disabled individuals and two bedroom units for families.

During times of widespread economic hardship many Gloucester households require prolonged short-term assistance to meet their rent or mortgage payments. The agencies and organizations that comprise the Cape Ann Resource

² A Public Housing Agency can apply up to 20 percent of its voucher assistance to specific housing units if the owner agrees to either rehabilitate or construct the units, or the owner agrees to set-aside a portion of the units in an existing development. Income limits are determined annually and are available from the HUD website: <http://www.huduser.org>

Exchange can often provide short-term assistance for one or two months or make offers of long-term affordable housing.

PROJECT ELIGIBILITY

The Act requires that a participating community "...shall spend, or set aside for later spending, not less than 10 per cent of the annual revenues in the Community Preservation Fund for community housing." Community housing is defined to include housing for persons or families earning up to 100% or less of the locality's area wide median income. However, for housing units created with CPA funds to be counted toward a community's Chapter 40B affordable housing inventory, the units must serve those earning less than 80% of area median income and the units must assure long-term affordability through a recorded deed restriction.

The Act provides that community preservation funds may be expended for "*... the creation, preservation, and support of community housing and for the rehabilitation or restoration of such ... community housing that is acquired or created*"...under the Act. With respect to the permissible purposes for which CPA funds may be spent on community housing, the Act requires that wherever possible, preference be given to "*... the adaptive reuse of existing buildings or construction of new buildings on previously developed sites.*"

Section 12 (b) of the Act requires that if real property interests are acquired using CPA funds, the property must be owned and managed by the municipality (unless the interest has a term of less than 30 years or involves only a security interest such as a mortgage). Direct municipal ownership may constrain the development of community housing by limiting the availability of financing from certain federal and state housing assistance programs and by limiting the potential for private investment. Therefore, municipalities should consider creative ways to acquire and improve real property for community housing under the CPA that do not involve municipal ownership.

Potential allowable uses to which this housing funding may be applied include:

Creation

- Convert existing non-residential properties to community housing (schools, mills, churches office buildings, warehouses, etc)

- Create in-law apartments and other ancillary housing
- Acquire real property (land and/or buildings) for new housing development, both rental and homeownership
- Grant or loan funds for the creation of community housing to non-profit or for-profit parties (provided that the funds are not used by the private party to acquire a real estate interest and that the municipality establishes sufficient safeguards to ensure that the funds are used primarily for the creation of community housing and that any benefit to the private entity is merely incidental). It is anticipated that many local CPA housing initiatives will utilize private non-profit or for-profit intermediaries for the creation of community housing
- Remediate "brownfield" or other contaminated sites in preparation for housing development

Preservation

- Refinance "expiring use" properties which are at risk of going market rate
- Acquire a preservation restriction to limit the occupancy of certain units in a privately owned rental building to persons of low or moderate income

Support

- Modify existing homes, including accessibility improvements that allow the disabled or senior citizens to continue living in their homes
- Provide a match for Massachusetts Home Modification Loan funding to adapt the homes of elderly and disabled residents, (e.g. installing safety measures such as ramps and bars)
- Assist the local housing authority to support its low income rental properties
- Assist residents to meet homeownership costs, including grants or "soft second" loans to reduce mortgage interest rates, provide a down payment, assist with closing costs, security deposits, utility assistance, or to subsidize interest rates
- Subsidize interest rates for first-time homebuyer programs such as the Massachusetts Housing Partnership's Soft Second Program or the state's Self Help Program that has specific matching requirements; this subsidy makes the Soft Second Program the most affordable mortgage in the state
- Underwrite a revolving loan fund or guarantee fund for tenants who cannot afford first month, last month, and security deposit

- Fund a housing trust or a housing authority to support a particular community housing initiative. Income from an endowment for local affordable housing can be applied directly or matched with state or federal funding
- Provide matching funds under the Housing Innovations Fund which helps to build limited equity coops, housing for people with AIDS, etc
- Support a non-profit agency that provides counseling and education to lower income first-time homebuyers or homebuyers seeking to avoid foreclosure

Rehabilitation and Restoration of Community Housing Created Using CPA Funds

- Make site improvements such as water/sewer connections, well installation, septic installation or repair, or other underground utilities associated with the creation of affordable housing
- Rehabilitate or restore existing public or private property being converted to affordable housing units in a mixed income residential environment

As noted above, if a CPA assisted community housing project serves individuals and families earning less than 80% of HUD area median income, any newly created units may count toward a city's or town's Chapter 40B affordable housing inventory and provide for long-term affordability. If CPA funds are used in conjunction with established rental or homeownership programs, the eligibility of this housing under 40B is generally assured. However, innovative new programs using CPA will require a determination by the Massachusetts Department of Housing and Community Development (DHCD) as to whether the amount or form of funding will qualify the housing. For example, if CPA funds are to assist a homeowner with down payments or to defray mortgage interest, that housing may not qualify as 40B unless there is a long-term affordability restriction. Similarly, rental assistance to a household (or to an owner on behalf of a resident) is not likely to qualify if such a subsidy is only a short-term arrangement without long-term affordability.

CATEGORY SPECIFIC CRITERIA*

In addition to the General Evaluation Criteria outlined in the Overview section, Community housing proposals which address as many of the following criteria as possible will receive preference for funding:

- Contribute to the goal of 10% affordability as defined by chapter 40B of the Massachusetts General Laws
- Promote a socio-economic environment that encourages a diversity of incomes
- Provide housing that is harmonious in design and scale with the surrounding community
- Intermingle affordable and market rate housing at levels that exceed state requirements for percentage of affordable units pursuant to Chapter 40B
- Ensure long-term affordability
- Address the needs of qualified households, including very low; low; and low-to-moderate income families and individuals
- Provide affordable rental and affordable ownership opportunities
- Promote use of existing buildings or construction on previously developed or city-owned sites

* Criteria are listed in no particular order.

SOME POSSIBILITIES FOR GLOUCESTER

Assisted Living

The need for assisted living in Gloucester is primarily for that which is affordable to persons with incomes at or below 80% of the Area Median Income.

Development of this type of housing requires many forms of public support during planning, construction and operations. The ideal time for CPA assistance is in the planning stages to support the determination of need and to investigate designs and locations that best meet community objectives.

USEFUL REFERENCE MATERIALS

On the City of Gloucester website at www.gloucester-ma.gov or at the City of Gloucester, Community Development Department, 3 Pond Road, Gloucester:

- 1) "A Comprehensive Plan, the Community Development Plan for the City of Gloucester, 2001" especially the sections on Land Use, Downtown, Villages and Neighborhoods and Housing
- 2) "City of Gloucester Housing Element 2004"
- 3) "City of Gloucester Consolidated Plan/ Annual Action Plan, 2005 - 2009"

For general Community Preservation Act information: www.communitypreservation.org

PUBLIC RECREATION

BACKGROUND

Through the extensive two-year planning process that went into creating “A Comprehensive Plan, the Community Development Plan for the City of Gloucester, 2001” citizens clearly voiced support for public recreation areas and opportunities.

Subsequently, through the annual Comprehensive Plan review process and through developing both a new Open Space and Recreation Plan (2010) and a new Harbor Plan (2009), the desire of Gloucester’s residents to enhance the City’s many recreational opportunities has been affirmed. The information and language specific to Gloucester in its CPA Plan is taken directly from these earlier plans and is thus based on the input of hundreds of interested Gloucester residents.

Gloucester has nearly fifty public and semi-public outdoor parks and recreation areas other than beaches, totaling approximately 1,200 acres. These areas provide both passive recreational opportunities for walking, photography, bird watching and fishing as well as active opportunities for team sports. Gloucester’s recreational areas range in size from a tenth of an acre at some school playgrounds to the 300 acre Thompson Street Reservation and 600 acre Ravenswood Park, both owned by The Trustees of Reservations. About 100 acres are devoted to active recreation including athletic fields for football, soccer, baseball, softball and lacrosse; basketball and volleyball courts; and a skate park. The City’s 2010 Open Space and Recreation Plan includes an inventory of areas important to the City for their open space and recreational values.

RESOURCES AND TRENDS

As noted in Gloucester’s Open Space and Recreation Plan, 1998 - 2003, “the amount of open space in Gloucester meets the nationally recognized standards of adequacy for its present and projected population. Based on these criteria, Gloucester provides enough acreage for 40,000 residents. Currently, the summer population is at this measurement.”

Residents and tourists alike enjoy Gloucester's scenic sea and landscapes; beaches, forests, wetlands and waterways for activities such as hiking, bicycling, bird watching, kayaking, swimming, and fishing. Gloucester's proximity to the Atlantic Ocean allows for boating, fishing, shell-fishing, surfing, and scuba-diving as recreational pursuits and as a way of life. The City is fortunate to be able to collaborate with the Commonwealth's Massachusetts Bays Program and Office of Coastal Zone Management; and non-profit organizations such as the Essex County Greenbelt Association, The Trustees of Reservations, and Mass Audubon to care for its natural and recreational areas.

Private and non-profit organizations including the Cape Ann YMCA, Gloucester Fishermen Athletic Association, Fisherman Youth Soccer Association, the Cape Ann Youth Basketball and Hockey associations, and the Cape Ann Figure Skating Club provide recreational opportunities for all ages.

Gloucester has received a grant from the Commonwealth Department of Public Health's Mass in Motion program to develop a strategy to prevent childhood obesity and to decrease the risk of chronic diseases like diabetes. The City has established the Get Fit Gloucester! Partnership to assess community needs and develop a Community Action Plan to set forth strategies for promoting healthy eating habits and physical activity.

Community gardens allow residents to grow and eat fresh fruits and vegetables. Through their labor tending to their gardens, gardeners enjoy the pleasure of the outdoors. One element of the Get Fit Gloucester! Program will be to encourage children and adults to eat more locally grown fresh fruits and vegetables. North Gloucester has a large active community garden on land owned by the Essex County Greenbelt Association that has been operating since 1996.

SOME IDENTIFIED NEEDS

The City's recreational areas are in great demand, particularly large, multi-purpose facilities. Several important athletic fields such as Newell and Burnham's need repair and rehabilitation and will require major investment. There may also be a shortage of youth baseball fields.

The need for a comprehensive bicycle and pedestrian trail network for leisurely bicycling and walking connecting major civic and recreational facilities is identified in the 2010 Open Space and Recreation Plan. Such as “Green Path Network” would provide connect major recreation areas and accessible open space to Downtown and village centers and include trails for fitness and enjoyment and be able to accommodate casual walkers, wheelchairs, strollers and recreational bicyclists.

The Green Path Network will support efforts of the Get Fit Gloucester! to increase physical activity for residents of all ages and abilities. Creating a trail network will require acquisition of easements and land. Additional, more challenging trails for mountain bike enthusiasts are popular throughout the heavily wooded areas of the City. Investment and maintenance of mountain bike trails on existing open space and recreation trails will help protect these areas from adverse impacts caused by indiscriminate riding.

Scuba-diving is another popular recreational sport. Currently there is a shortage of parking areas and adequate changing and restroom facilities near popular scuba diving areas

Throughout the planning process for the 2009 Harbor Plan, many residents spoke of a desire for greater access both along and onto the water. Better access should be provided to allow youth to learn about and participate in water sports.

Gloucester’s nearly 60 public landings have been inventoried and improvements at several sites have been identified. These landings constitute an historic part of the landscape and culture of Gloucester by providing public access to the water and scenic views of the historic waterfront. The landings must be preserved and rehabilitated as necessary to ensure public safety and to maintain their historic character.

PROJECT ELIGIBILITY

Once a community has expended or reserved at least 10% of the annual funds generated by the CPA on each required use category (open space, historic preservation and community housing), the City may use all or a portion of the

remaining 70% for one or some combination of the aforementioned uses as well as for recreation.

Recreational use is defined to include active or passive recreational use (that is, the use of an area may involve active sports or it may involve other uses that require only minimal development, especially in environmentally sensitive areas.) These uses may include, but are not limited to, the following:

- Youth and adult sports
- Walking and biking
- Water sports
- Gardening
- Bird watching
- Fishing

The Act provides that CPA funds may be expended for "... the acquisition, creation, and preservation of land for recreation use ... and for rehabilitation or restoration of ... land for recreational use under the CPA. ***The following are examples of the types of recreational use projects that may be carried out under the CPA:***

Acquisition

- Purchase of land to create new athletic fields
- Purchase of existing, privately owned recreational facilities for municipal use, such as a tennis court
- Purchase of rights-of-ways for historic walking paths
- Purchase of rights-of-ways to existing trail networks
- Purchase of property or conservation restriction to link existing open spaces

Creation

- Convert existing structures such as a railroad bed to a recreational use such as walking, biking, or inline skating trails
- Convert underutilized municipal lots to community gardens
- Create new athletic fields, tennis courts or playgrounds

Preservation

- Install new drainage at an existing athletic field to prevent flooding and water damage. However, CPA funding cannot be used for routine maintenance or capital improvements for which municipal funding has already been committed

Rehabilitation and Restoration of Recreational Lands Using CPA Funds

- Provide new recreational opportunities such as a new outdoor park, tennis courts or other athletic facilities
- Rehabilitate walking trails in forest land acquired with CPA funds
- Resurface tennis courts created with CPA funds on municipally owned property
- Make capital improvements, or extraordinary repairs to make assets functional for intended use, including improvements to comply with federal, state or local building or access codes.

Note: The Act prohibits using CPA funds to acquire, create or preserve facilities for horse or dog racing; or land for a stadium, gymnasium, or similar structure.

CATEGORY SPECIFIC CRITERIA*

In addition to the General Evaluation Criteria outlined in the Overview section, recreation proposals will be evaluated with the following criteria:

- Addresses a need or objective identified in a City Plan
- Serves a significant number of residents
- Preserves and expands the range of recreational opportunities available to city residents of all ages and abilities, including those at-risk of obesity as identified through the Get Fit Gloucester! Community Action Plan
- Promotes recreational activities
- Maximizes the utility of existing City property
- Promotes the creative use of railway and other corridors to create safe and healthful bicycle/ pedestrian transportation opportunities
- Preserves and enhances the natural wildlife habitat functions and values of open space

*Criteria are listed in no particular order.

SOME POSSIBILITIES FOR GLOUCESTER

An Open Space and Recreation Committee (OSRC) has recently been established by the City in order to assess current open space and recreation needs and to help establish a framework of project priorities for Community Preservation Act funding and other initiatives. The Committee is developing the 2010 Open Space and Recreation Plan for the City as an update to the 1998-2003 Open Space Plan.

USEFUL REFERENCE MATERIALS

On the City of Gloucester website at www.gloucester-ma.gov :

- 1) "A Comprehensive Plan, the Community Development Plan for the City of Gloucester, 2001" especially the sections on Natural Resources and the Environment, Open Space, and Harbor and the Waterfront.
- 2) The City of Gloucester's Open Space Plan, 1998 – 2003.
- 3) The City of Gloucester's 2009 Harbor Plan.

For general Community Preservation Act information: www.communitypreservation.org

APPENDIX III: ALLOWABLE USE TABLE

COMMUNITY PRESERVATION FUND ALLOWABLE SPENDING PURPOSE (G.L. c. 44B, § 5)

	OPEN SPACE	HISTORIC RESOURCES	RECREATIONAL LAND	COMMUNITY HOUSING
DEFINITIONS (G.L. c. 44B, § 2)	Land to protect existing and future well fields, aquifers and recharge areas, watershed land, agricultural land, grass lands, fields, forest land, fresh and salt water marshes and other wetlands, ocean, river, stream, lake and pond frontage, beaches, dunes and other coastal lands, lands to protect scenic vistas, land for wildlife or nature preserve and land for recreational use	Building, structure, vessel, real property, document or artifact listed on the state register of historic places or determined by the local historic preservation commission to be significant in the history, archeology, architecture or culture of the city or town	Land for active or passive recreational use including, but not limited to, the use of land for noncommercial youth and adult sports, and the use of land as a park, playground or athletic field Does <u>not</u> include horse or dog racing or the use of land for a stadium, gymnasium or similar structure	Housing for low and moderate income individuals and families, including low or moderate income seniors Moderate income is less than 100% and low income is less than 80%, of US HUD Area Wide Median Income
ACQUISITION 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
CREATION To bring into being or cause to exist. <i>Seiderman v. City of Newton</i> , 452 Mass. 472 (2008)	Yes	NA	Yes	Yes
PRESERVATION Protect personal or real property from injury, harm or destruction	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	NA	NA	NA	Yes, includes funding for community's affordable housing trust
REHABILITATION AND RESTORATION Make capital improvements, or extraordinary repairs to make assets functional for intended use, including improvements to comply with federal, state or local building or access codes or federal standards for rehabilitation of historic properties	Yes, if acquired or created with CP funds	Yes	Yes	Yes, if acquired or created with CP funds



City of Gloucester Community Preservation Act

APPLICATION AND PROJECT REVIEW INFORMATION

APPLICATION AND REVIEW SCHEDULE

In 2014, the Committee will follow this schedule:

Project Eligibility Forms due	January 31, 2014
Completed Applications due	March 14, 2014
Estimated Project Award	October 1, 2014

CPC recommendations are reviewed by the Mayor and approved by the City Council. The City Council approval process takes a **minimum** of two meetings of the Council. This timeframe cannot be accurately predicted; therefore the project award date above is only the committee's best estimate and subject to change.

The CPC may, under highly extraordinary circumstances, vote to accept applications that, because of market opportunities or other deadlines, require consideration outside of the normal funding cycles. Potential applicants who believe that their circumstances call for such unusual action may contact the CPC Chair to discuss the possible submission of an off-cycle submission.

APPLICATION AND REVIEW PROCESS

The following describes the CPC's procedures for reviewing and recommending proposals, and the City's procedures for final approval and funding.

This section also details the precise information that the CPC needs in order to evaluate projects fully and to set priorities among them. Applicants who submit a late or incomplete application should expect the CPC to return the application for completion and resubmission at a future funding round.

The CPC supports the spirit and intent of state procurement and equal opportunity laws. All applicants will be evaluated in the same manner in accordance with the goals of the Community Preservation Act.

Step 1- Determine Project Eligibility

Due to the complexity of the CPA, the CPC requires all project applicants to begin the application process by submitting a one-page **Project Eligibility Determination Form**. Do not submit the full application until the Project Eligibility Determination Form has been submitted and approved.

Applicants should refer to the Community Preservation Fund Allowable Spending Purpose when filling out the Project Eligibility Determination Form. This information is available from the Department of Revenue and contains the most up-to-date information on both the definitions of the four CPA program areas (Open Space, Historical Preservation, Community Housing, and Recreation), and the allowed uses of CPA funds in the four areas.

Project Eligibility Determination Forms must be submitted at least 45 days in advance of the application deadline. Please submit one paper or one electronic copy to:

Community Preservation Committee
c/o The Community Development Department
3 Pond Road
Gloucester MA 01930
dlaurie@gloucester-ma.gov

The CPC will review Project Eligibility Determination Forms. Applicants will be notified as soon as possible whether their project is eligible for CPA funds.

Applicants with questions may contact the Community Development Department, Grants Division, at their office at 3 Pond Road, Gloucester (978-282-3027, ext #2). Information is also available on the City of Gloucester website at www.gloucester-ma.gov.

Step 2 - Submit Completed Application.

Please review both the **Requirements for Submission** and **Application Instructions** before beginning an application. Once submitted, an application may not be amended without a vote of the committee.

- Each project funding application must be submitted using the "Project Application Cover Sheet." Additional pages should be added as necessary.
- Applicants should **submit 12 paper copies of the application, double-sided, plus an electronic copy.**
- Submit applications to:

Community Preservation Committee
c/o The Community Development Department
3 Pond Road
Gloucester MA 01930
dlaurie@gloucester-ma.gov

Step 3 - Community Preservation Committee Review and Public Comment

1. Application Review: The CPC will review submitted applications on the basis of the General Evaluation Criteria and the Category Specific Evaluation Criteria for funding included in the Community Preservation Plan. All applicants should review the General Evaluation and Category Specific Criteria.

The CPC may request additional or more detailed information, and further clarifications to the submitted proposals. The CPC may request a legal opinion to help it assess CPA project eligibility and to provide answers to any other questions that the Committee may have.

2. Project Review Meetings: The CPC may ask applicants or their representatives to meet with the CPC to discuss questions that members might have regarding their applications.

3. Public Comment Session: Although members of the public may attend and speak at all meetings of the committee, the date of a formal Public Comment Session will be specified during each funding round. Applicants are encouraged to invite their supporters to attend this session.

4. Notification: The CPC will notify applicants of its decisions concerning recommendations.

5. Committee Recommendations:

- a. The CPC will make its final recommendations for funding to the Mayor for submission to the City Council.
- b. The CPC reserves the right to attach conditions and to require additional agreements, such as preservation guarantees, as part of a funding recommendation.
- c. The CPC may recommend a project as proposed by the applicant, or may modify the project, or it may recommend partial funding or funding for only a portion or phase of the proposed project. The CPC's recommendations may include detailed project scopes, conditions, and other specifications, as the CPC deems appropriate to ensure CPA compliance and project performance.

Step 4 - Mayoral Recommendation and City Council Vote

The Mayor will send the CPC's recommendations to the City Council. City Council has the final authority to award funds from Gloucester's Community Preservation Act Fund. The City Council may approve; approve with a lower level of funding; or reject recommendations. Members of the public may speak in favor of or against specific recommendations at the public session preceding each Council meeting.

Step 5 - Award Letter

The CPC will issue award letters for projects approved by City Council, with information on the funding amount, funding conditions, project modification as voted by City Council (if any), Community Preservation staff contact information, and guidelines for project execution. Projects receiving CPA funding will be required to credit this source of funding in promotional materials and, whenever appropriate, at the project location. Signs indicating CPA support will be made available through the CPC.

Step 6 - Disbursement and Monitoring of Funds

CPA monies are public funds raised from dedicated Gloucester tax revenues and from State subsidies. Projects financed with CPA funds must comply with all applicable State and municipal requirements. Funds are administered and disbursed by the City of Gloucester.

For questions about procurements and other financial requirements and procedures applicants should contact the Purchasing Agent, Donna Compton, at 978- 281-9710.

Project oversight, monitoring, and financial control are the responsibility of the CPC or its designee. Questions in these areas should be directed to Debbie Laurie, Community Preservation Act Senior Project Manager via email at dlaurie@gloucester-ma.gov or by calling 978-282-8004.

The CPC will require quarterly project status updates from CPA Fund recipients. The purpose of such updates is to track the progress of funded projects, and identify issues that may assist future applicants.

REQUIREMENTS FOR SUBMISSION

The following requirements should be followed in preparing an application for CPA funding.

- Application packages are available at the Community Development Department, Grants Office, 3 Pond Road, Gloucester, and online at www.gloucester-ma.gov then select "Government", then select "Boards & Commissions" then "Community Preservation Committee."
- All applicants must complete a **Project Eligibility Determination Form** no later than 45 days prior to the project application filing deadline.
- Project funding applications should specify the funding period, not to exceed three years.
- If submitting multiple applications, the applicant should indicate a priority ranking of the projects.
- An application for support of a project that requires preservation guarantees should specifically address how such a guarantee will be secured. CPC is available as a resource.
- For Historic Resources, documentation that the building, structure, vessel, real property, document or artifact is listed on the state register of historic places or has been determined by the local historic commission to be significant in the history, archeology, architecture or culture of a city or town. You may contact: Debbie Laurie for further information or questions.
- Applicants should include itemized project budgets, with details describing each item and its estimated cost.
- Applicants should obtain at least two professionally prepared detailed quotes for project costs whenever possible. If such quotes are not available, detailed cost estimates prepared by a qualified professional may be used provided the basis of the estimates is fully explained.
- The property owner, when applicable, should sign applications.
- If the funding application is part of a larger project, the applicant should include the total project cost.

THE COMMUNITY PRESERVATION COMMITTEE

Members of the Committee are available to guide you with further information regarding the Community Preservation Act, the Community Preservation Plan priorities, and the funding process.

<u>Member</u>	<u>Representing</u>	<u>Contact information</u>
Sandy Dahl Ronan	Co-Chair At-large	famtherapy@verizon.net
J.J. Bell	Co-Chair At-large	j.j.bell@hotmail.com
Tom O'Keefe	Historical Commission	tomokeefe3@comcast.net
John Feener	Conservation Commission	thetreedoc@me.com
Bill Dugan	Housing Authority	wdugan4@yahoo.com
Karen Gallagher	Planning Board	kag1107@comcast.net
Charles Crowley	Open Space & Recreation	charlie@topdogstudio.com
Scott Smith	Community At-large	scott.smith@nemoves.com
Stacy Randell	Community At-large	srandell1@verizon.net

You may also contact the Community Development Department, Grants Office at 978-282-3027.



CITY OF GLOUCESTER COMMUNITY PRESERVATION ACT ELIGIBILITY DETERMINATION FORM

The purpose of this form is to make sure that all project applications applying for Community Preservation Act funding meet basic requirements of CPA. **This form must be approved in order for an application to be accepted.**

Project Title:	
Project Sponsor/Organization:	
Contact Name:	
Mailing Address:	
Daytime phone #:	Fax #:
E-mail address:	

CPA Program Area: <input type="checkbox"/> Open Space <input type="checkbox"/> Historic Preservation <input type="checkbox"/> Community Housing <input type="checkbox"/> Recreation
Project Purpose: <input type="checkbox"/> Acquisition <input type="checkbox"/> Creation <input type="checkbox"/> Preservation <input type="checkbox"/> Support <input type="checkbox"/> Rehabilitation/Restoration

Project Summary: Please provide a brief description of the project.

Estimated total budget for project:
Estimated CPA funding request:

For CPC Use Eligible: _____ Not Eligible: _____ Date: _____ Reviewer: _____



CITY OF GLOUCESTER COMMUNITY PRESERVATION COMMITTEE PROJECT APPLICATION COVER SHEET

I: Project Information	
Project Title:	
Project Summary:	
Estimated start date: _____ Estimated completion date: _____	
CPA Program Area:	
<input type="checkbox"/> Open Space	<input type="checkbox"/> Historic Preservation
<input type="checkbox"/> Community Housing	<input type="checkbox"/> Recreation

II: Applicant/Developer Information	
Contact Person with primary responsibility for project:	
Organization (if applicable):	
Mailing Address:	
Daytime phone #:	Fax #:
E-mail address:	

III: Budget Summary
Total budget for project:
CPA funding request:
CPA request as percentage of total budget:

Applicant's Signature: _____

Printed name and Position: _____

CPA APPLICATION INSTRUCTIONS

1. Please read the entire CPA Application & Review Process before beginning.
2. Complete the Application Cover Sheet.
3. Include the following information:
 - **Narrative:** A description of the project and, when applicable, of the property involved and its proposed use. Include responses to the following questions:
 - What Community Preservation criteria – both general and category specific – does this project meet?
 - What community need(s) does this project serve? If the project serves multiple needs and populations, please describe them. If the project serves a population that is currently underserved, please describe.
 - What specific guarantees will assure the long-term preservation of the project? Describe the nature and level of community support for the project.
 - How will the success of this project be measured?
 - Is ongoing maintenance and upkeep required? If yes, please explain how this will be accomplished.
 - **Project Budget:** Please provide the total budget for this project, including detailed costs and specifically how CPA funds will be spent (See Budget Form). All items of expenditure must be clearly identified. Include project quotes, or show why this is not appropriate or feasible. List any additional funding sources, either committed or under consideration. Include commitment letters if available.

If the application submission is for a community housing project, please submit a development budget and a sources and uses budget. Also, community housing home ownership projects shall include an affordability analysis, and community housing rental projects shall include a five-year operating budget.

- **Multi-Year Funding:** If the project is expected to continue over more than one year, or if bonding the project is anticipated, please provide annual funding requirements.
- **Project Timeline:** Explain the various steps of the project and when they will be completed. (See Project Schedule Form).
- **Feasibility:** List and explain all further actions or steps that will be required for completion of the project, such as environmental assessments, zoning or other permits and approvals, agreement on terms of any required conservation, affordability or historic preservation agreements, subordination agreements, and any known or potential barriers or impediments to project implementation.
- **Maps:** USGS topographical map, assessors map, or other map as appropriate, showing location of the project.
- **Visual materials:** Photographs, renderings or design plans of the site, building, structure or other subject for which the application is made.
- **Applicant Qualifications:** Explain your ability to carry out the project.

Any questions, feel free to contact us.

4. Include the following attachments, if applicable and available:

- Record plans of the property
- Natural resource features. (Please include resources subject to the Wetlands Protection Act.)
- Zoning (district, dimensional and use regulations as applies to the land)
- Inspection reports
- 21E Reports and other environmental assessment reports
- For historic properties or artifacts, Massachusetts Historic Commission Historic inventory sheet indicating a National Register designation or a determination made by the Gloucester Historical Commission.
- Historic structure report or existing condition reports
- Names and addresses of project architects, contractors, and consultants
- Evidence that appropriate professional standards will be followed if construction, restoration or rehabilitation is proposed
- Proof of specific site control, or plan to obtain site control such as Purchase and Sale Agreement, option, or deed
- Evidence that the proposed site is free of hazardous materials or that there is a remediation plan in place. CPA funds can be used for mitigation
- Letters of support sufficient to document clear endorsement by community members and groups, and where appropriate, by municipal boards, committees and commissions, and departments
- Any other information useful for the Committee in considering the project



CITY OF GLOUCESTER COMMUNITY PRESERVATION COMMITTEE APPLICATION EVALUATION CRITERIA

GENERAL EVALUATION CRITERIA

All projects must be eligible for the Community Preservation Act (CPA) funding according to the requirements described in the CPA legislation (Chapter 44B of Massachusetts General Laws). The Gloucester Community Preservation Committee gives preference to proposals which address as many of the following general criteria as possible:

1. Consistent with various plans which are relevant to and utilized by the City regarding Open Space, Recreation, Historic Resources and Affordable Housing.
2. Preserve and enhance the essential character of the City.
3. Protect resources that would otherwise be threatened.
4. Serve more than one CPA purpose or demonstrate why serving multiple needs are not feasible.
5. Demonstrate practicality and feasibility, and that the project can be implemented within budget and on schedule.
6. Produce an advantageous cost/benefit value.
7. Leverage additional public and/or private funds (e.g. qualify the project for additional grants from other sources) or receive partial funding from other sources and/or voluntary contributions of goods or services.
8. Preserve or improve use or intended purpose of City-owned city assets.
9. Receive endorsement by other municipal boards, committees and commissions or departments and broad-based support from community members.

CATEGORY SPECIFIC CRITERIA

In addition to the general evaluation criteria outlined in the overview section, the Community Preservation Act funds the community preservation interests in Open Space, Historic Preservation, Affordable Housing and Recreation.

1. **Open Space** proposals will be evaluated according to the following specific criteria:
 - Permanently protect important wildlife habitat, particularly areas that include:
 - locally significant biodiversity;
 - variety of habitats with a diversity of geologic features and types of native and noninvasive vegetation;
 - Threatened or endangered habitat or species of plant or animal.
 - Preserve active agricultural use.
 - Provide opportunities for passive recreation and environmental education.
 - Protect or enhance wildlife corridors, promote connectivity of habitat or prevent fragmentation of habitats.
 - Provide connections with existing trails or protected open space.
 - Acquire land or easements for potential trail linkages.
 - Preserve scenic views.
 - Border a scenic road.

- Protect drinking water quantity and quality.
- Provide flood control/storage.
- Preserve and protect important surface water bodies, including streams, wetlands, vernal pools, riparian zones or Areas of Critical Environmental Concern (ACEC).
- Buffer for protected open space, or historic resources.

2. Historic Preservation proposals which address as many of the following criteria as possible will receive preference for funding:

- Protect, preserve, enhance, restore and/or rehabilitate historic, cultural, architectural or archaeological resources of significance, especially those that are threatened.
- Protect, preserve, enhance, restore and/or rehabilitate city-owned properties, features or resources of historical significance.
- Protect, preserve, enhance, restore and/or rehabilitate the historical function of a property or site.
- Demonstrates a public benefit.
- Ability to provide permanent protection for the historic resource.

3. Affordable Housing proposals which address as many of the following criteria as possible will receive preference for funding:

- Contribute to the goal of 10% affordability as defined by chapter 40B of Massachusetts General Laws.
- Promote a socioeconomic environment that encourages a diversity of income.
- Provide housing that is harmonious in design and scale with the surrounding community.
- Intermingle affordable and market rate housing at levels that exceed state requirements for percentage of affordable units pursuant to chapter 40B.
- Ensure long-term affordability.
- Address the needs of a range of qualified households, including very low, low and low-to moderate income families and individuals.
- Provide for individuals with special needs and who require assisted living.
- Provide affordable rental and affordable ownership opportunities.
- Promote use of existing buildings or construction on previously-developed or city-owned sites.
-

4. Recreation proposals will be evaluated with the following criteria:

- Address a need or objective identified in a City Plan
- Serve a significant number of residents
- Preserve and expand the range of recreational opportunities available to city residents of all ages and abilities, including those at-risk of obesity as identified through the Get Fit Gloucester! Community Action Plan.
- Promote recreational activities.
- Maximize the use of land already owned by city
- Promote the creative use of railway and other corridors to create safe and healthful non-motorized transportation opportunities.
- Preserve and enhance the natural wildlife habitat functions and values of open space for wildlife.

CITY OF GLOUCESTER

COMMUNITY PRESERVATION COMMITTEE

PROJECT SCHEDULE

Please provide a project timeline below, noting all project milestones. Please note that because the City Council must approve all appropriations, CPA funds may not be available until up to two months following Committee approval.

	Activity	Estimated Date
Project Start Date:		
Project Milestone:		
50% Completion Stage:		
Project Milestone:		
Project Completion Date:		

Please note: If the project is approved, the recipient must provide progress reports to the Committee on a quarterly basis (by the 15th of January, April, July and October) depending on the length of the project. The recipient shall also provide an interim report at the 50% Completion Stage, along with budget documentation.

Please feel free to photocopy or re-create this form if more room is needed.

CITY OF GLOUCESTER

COMMUNITY PRESERVATION COMMITTEE

BUDGET FORM

Project Name: _____

Applicant: _____

SOURCES OF FUNDING		
Source	Amount	
Community Preservation Act Fund	\$	
Total Project Funding	\$	
PROJECT EXPENSES		
Expense	Amount	Please indicate which expenses will be funded by CPA Funds:
Community Preservation Sign	\$150.00	CPA
Total Project Expenses	\$	

Please feel free to photocopy or re-create this form if more room is needed.

APPENDIX I: CPA INFORMATION GUIDE

- As part of the Community Preservation Act in Gloucester, the City Council created the Community Preservation Committee. The ordinance which the Council approved can be found on the City's website, www.gloucester-ma.gov
- The Community Preservation Coalition, of which the Gloucester CPC is a member, is an alliance of open space, affordable housing, and preservation organizations that works with municipalities to help them understand, adopt, and implement the CPA. The Coalition website has a wide variety of information, including links to the other CPA communities. See <http://www.communitypreservation.org/index.cfm>. Furthermore, the "Links" page offers helpful CPA related connections to many agencies and organizations - <http://www.communitypreservation.org/links.cfm>
- It is important for every applicant, and useful for anyone else interested in the Community Preservation Act, to read the actual legislation. (Chapter 44B, Commonwealth of Massachusetts General Laws.)
<http://www.mass.gov/legis/laws/mgl/gl-44b-toc.htm>
- There are a number of relevant Planning documents that provide guidance on values and priorities that have been identified by the citizens of Gloucester. These include:
 - "A Comprehensive Plan, the Community Development Plan for the City of Gloucester, 2001"
 - "The City of Gloucester's Open Space Plan, 2010"
 - "The Harbor Plan/Designate Port Area Master Plan 2009"
 - "City of Gloucester Housing Element 2004"
 - "City of Gloucester Consolidated Plan/ Annual Action Plan, 2010 – 2015"
 - "A Preservation Plan for the City of Gloucester, 1990"

These Plans can be found on the City's website, www.gloucester-ma.gov, **and/or** at the City's Community Development Department, 3 Pond Road.

APPENDIX II: GLOSSARY OF TERMS

TERMS FROM THE MASSACHUSETTS COMMUNITY PRESERVATION ACT

As used in this act, 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. "Acquire" 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.

"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", 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", the committee established by the legislative body of a city or town to make recommendations for community preservation, as provided in section 5.

"Community Preservation Fund", the municipal fund established under section 7.

"CP", community preservation.

"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", 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. The area wide median income shall be the area wide median income as determined by the United States Department of Housing and Urban Development.

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

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

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

"Open space", shall include, but not be limited to, land to protect existing and future well fields, aquifers and recharge areas, watershed land, agricultural land, grasslands, fields, forest land, fresh and salt water marshes and other wetlands, ocean, river, stream, lake and pond frontage, beaches, dunes and other coastal lands, lands to protect scenic vistas, land for wildlife or nature preserve and land for recreational use.

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

"Real property", land, buildings, appurtenant structures and fixtures attached to buildings or land, including, where applicable, real property 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 recreational use including, but not limited to, the use of land for community gardens, trails, and noncommercial youth and adult sports, and the use of land as a park, playground or athletic field. "Recreational use" shall not include horse or dog racing or the use of land for a stadium, gymnasium or similar structure.

"Rehabilitation", capital improvements, or the making of extraordinary repairs to historic resources, open spaces, lands for recreational use and community housing for the purpose of making such historic resources, open spaces, lands for recreational use and community housing functional for their intended uses, including, but not limited to improvements to comply with the Americans with Disabilities Act and other federal, state or local building or access codes; provided that with respect to historic resources, "rehabilitation" shall comply with the Standards for Rehabilitation stated in the United States Secretary of the Interior's Standards for the Treatment of Historic Properties codified in 36 C.F.R. Part 68; and provided further, that with respect to land for recreational use, "rehabilitation" shall include the replacement of playground equipment and other capital improvements to the land or 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 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 manages such housing, for the purpose of making housing affordable.

APPENDIX III: ALLOWABLE USE TABLE

COMMUNITY PRESERVATION FUND ALLOWABLE SPENDING PURPOSE (G.L. c. 44B, § 5)

DEFINITIONS (G.L. c. 44B, § 2)	OPEN SPACE	HISTORIC RESOURCES	RECREATIONAL LAND	COMMUNITY HOUSING
ACQUISITION Obtain property interest by gift, purchase, devise, grant, rental, lease or otherwise. Only includes eminent domain taking as provided by G.L. c. 44B	Land to protect existing and future well fields, aquifers and recharge areas, watershed land, agricultural land, grass lands, 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 Yes	Building, structure, vessel, real property, document or artifact listed on the state register of historic places or determined by the local historic preservation commission to be significant in the history, archeology, architecture or culture of the city or town Yes	Land for active or passive recreational use including, but not limited to, the use of land for community gardens, trails and noncommercial youth and adult sports, and the use of land as a park, playground or athletic field Does <u>not</u> include horse or dog racing or the use of land for a stadium, gymnasium or similar structure Yes	Housing for low and moderate income individuals and families, including low or moderate income seniors Moderate income is less than 100% and low income is less than 80%, of US HUD Area Wide Median Income Yes
CREATION To bring into being or cause to exist. <i>Seiderman v. City of Newton</i> , 452 Mass. 472 (2008)	Yes	NA	Yes	Yes
PRESERVATION Protect personal or real property from injury, harm or destruction	Yes	Yes	Yes	Yes
SUPPORT Provide grants, loans, rental assistance, security deposits, interest-free 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	NA	NA	NA	Yes, includes funding for community's affordable housing trust
REHABILITATION AND RESTORATION Make capital improvements, or extraordinary repairs to make assets functional for intended use, including improvements to comply with federal, state or local building or access codes or federal standards for rehabilitation of historic properties	Yes, if acquired or created with CP funds	Yes	Yes	Yes, if acquired or created with CP funds

