

# TOWN OF TEWKSBURY

FY 2013

Community Preservation Committee

Annual Report



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## **The Community Preservation Act: A Brief Overview for Tewksbury, 2013**

The Community Preservation Act (CPA), MGL Chapter 44B, enables communities to establish, through a ballot referendum, a local Community Preservation Fund dedicated to historic preservation, low and moderate income housing, and open space including active and passive recreational uses.

As Massachusetts continues to grow, each of its 351 cities and towns face the challenge of meeting critical community needs. Affordable housing, historic character, vital land and water resources, and recreational amenities are essential quality of life issues for residents. Passed in 2000 by the State, the Community Preservation Act (CPA) is a critical tool to enable communities to meet these needs.

CPA also helps strengthen the state and local economies by expanding housing opportunities to meet the needs of residents and employers, adding construction jobs for the Commonwealth's workforce, and by supporting the tourism industry through preservation of the Commonwealth's historic and natural resources.

The Town of Tewksbury adopted the Community Preservation Act at Town Meeting and at the ballot in 2006.

Tewksbury's adopted surcharge rate is 1.5% out of the possible 3% maximum. With this rate, we also adopted the:

- Residential exemption of the first \$100,000 of the assessed value from the surcharge and
- Low income exemption.

The CPA statute also creates a statewide Community Preservation Trust Fund, administered by the Department of Revenue (DOR). The State's Community Preservation Trust is funded through fees at the Registry of Deeds and Land Court, as well as other dollars approved by the State from time to time.

While local adoption of the Act is optional, the Commonwealth is providing, as an incentive, state matching funds. This funding incentive will match up to 100% of the money raised annually by a community through its surcharge. The match percent varies depending on the total amount received from the Registry of Deeds and if so, the State.

The Act allows communities to spend the CPA funds for open space protection, historic preservation, affordable housing and outdoor recreation.

Each CPA community creates a local Community Preservation Committee (CPC) upon adoption of the Act. Tewksbury's 7 member board as provided in the Statute and as adopted is comprised of:

- 1 Member of the Board of Selectmen
- 1 Member of the Planning Board
- 1 Member of the Historic Commission
- 1 Member of the Conservation Commission
- 1 Member of the Tewksbury Housing Authority
- 1 Representative of the Parks Department, the Town Manager
- 1 Citizen-at large, appointed by the Selectmen

The CPC makes recommendations on CPA projects to the Tewksbury's legislative body, Town Meeting as required in the Act.

The following are examples of CPA fund uses.

#### Open Space

CPA funds can be used to purchase land or easements in order to protect existing and future water supply areas, agricultural and forest lands, frontage to water bodies, habitats, nature preserves, and scenic vistas.

#### Recreation

CPA funds can be allotted for recreational uses. Lands can be purchased for active and passive recreational uses, including land for community gardens, trails, and non-commercial youth and adult sports such as parks, playgrounds, or athletic fields. New legislation, passed in 2012, allows CPA to be used for rehabilitation of existing Recreational Facilities.

#### Historic Preservation

CPA funds may be used to purchase, restore, and rehabilitate historic structures and landscapes identified by the local historic preservation commission or state register of historic places.

#### Affordable Housing

CPA funds may be used to create and preserve affordable housing for low and moderate income individuals and families, including low or moderate income senior housing.

#### Requirements- Summarized

The CPA is designed to maximize spending flexibility to enable each community to meet its unique needs. A minimum of 10% of annual funds must be spent for each category of historic preservation, affordable housing, and open space. The remaining 70% of funds may be spent in any category. A community may reserve these funds to be spent in later years.

#### The Local Spending Procedure- Summarized

Proposals for CPA funded projects are submitted to the CPC for their review, approval and submission to the Town Meeting Warrant.

## 2012 ANNUAL REPORT

The Community Preservation Committee (“CPC”) includes representatives from town boards and committees and one at large citizen member. In 2012, the CPC members were, Nancy Reed, Donna Pelczar, David Gay, Doug Sears, Tom Churchill, Corinne Delaney, Drew Vernalia, Steve Deackoff and Richard Montuori.

The Community Preservation Act (“CPA”, MGL Chapter 44B) is statewide enabling legislation allowing cities and towns in the Commonwealth of Massachusetts to adopt a property tax surcharge with revenues from this surcharge (plus state matching funds) to be used for open space preservation, creation of community housing, preservation of historic buildings and landscapes, and creation of recreation opportunities.

The CPC requires that all proposed projects be eligible for CPA funding according to the requirements described in the legislation. At least 10% of the funds received in any fiscal year must be spent or set aside for each of the first three of those areas (open space, historic preservation and community housing). The remaining 70% of each year’s funds can be spent or reserved in any of the four areas. In addition, up to 5% of the annual Community Preservation revenues can be spent on administrative and operating expenses of the CPC.

All CPA funding requests require the recommendation of the project by the CPC to Town Meeting, and a majority vote of Town Meeting.

The CPC is currently overseeing or saw completion of the following projects in 2012 that were awarded by previous Annual Town Meetings (ATM) and Special Town of Meetings (STM):

- Historic Survey – Awarded STM, May 9, 2007, Article 3 - \$28,000 The complete listing of all properties on the survey can be found on the Community Preservation Committee’s Town website page.
- Livingston Parks/Recreation, Drainage – Awarded STM, May 9, 2007 - \$150,000. Recreation sought funds to keep the park’s land areas from further harm by providing proper drainage to the Recreation areas that are threatened due to improper drainage. Costs also include Survey and Engineering. This project is currently pending land transfer from the State of Massachusetts. The State has agreed to transfer this land, as of this writing, the Town and the CPC await final deed transfer to move ahead with this project.
- Town Hall Rehabilitation Project – Awarded STM Oct. 5, 2010. The Town of Tewksbury sought funds to rehabilitate our historic Town Hall. CPA funds were approved at town meeting totaling \$6,103,303. This project honors the historic architectural significance of the structure and its surroundings, while serving future residents in a manner consistent with its original intended use. In 2011 a Project Management firm was selected, in 2012 an Architect was chosen. Continued design will proceed and construction is anticipated to begin in 2013.

- Long Pond Remedial Action Section 319 Grant Application Matching Funds – Awarded STM October 2009, \$120,000 from the Community Preservation Fund’s Open Space Reserve Account to be expended subject to a successful Clean Water Act, Section 319 Grant Award of up to \$225,000 for implementation of approximately 25 of the 164 restorative and protective action locations (BMPs) as described in the 2008 Long Pond Study. The Grant requires a 40% match and the set aside of these CPA funds will allow the Town to apply for the Grant. State approval of the grant award has been received as well as final approval from the EPA in 2011. The project is underway, including neighborhood outreach and High School student participation in the field and in class.
- Livingston Street State Cemetery Preservation, Clean-up and Fence - Awarded STM October 2009, \$15,000 to clean-up and fence-off an existing State Hospital Cemetery which is on a portion of the land to be transferred to the Town, subject to the Tewksbury State Hospital and State Division of Asset Management transfer of land known as the Saunders Recreational Facility to the Town of Tewksbury. May Town Meeting 2010 approved an additional \$27,000 for additional funding for the fence, which is proposed to be a wrought iron style rather than the previously approved funding for a chain link style fence. The State has agreed to transfer this land, as of this writing, the Town and the CPC await final deed transfer to move ahead with this project.
- Town Hall Records Preservation - Awarded STM October 2009, \$50,000 from the Community Preservation Fund’s Historic Preservation Reserve Account to be expended by the Town Clerk to recover, preserve and protect Town records and archives. Part of this project is to fund recovery of 225.5 cubic feet of damaged documents due to water damage and high humidity in the Town Hall. This effort will be coordinated with the renovation and preservation of the Town Hall. Also awarded are \$375,000 CPA funds at May Town Meeting 2010 to complete this project.

In 2011, the Town Clerk began the comprehensive project to digitize all of the 80,000+ vital records at the Town Hall, to be completed in early 2012. In addition to the preservation of the records, this digitalization will increase efficiency at the Town Clerk’s office by enabling staff to retrieve records directly from their desktop computers.

- In May 2011 an application was submitted and subsequently in November 2011, the U.S. Department of Housing and Urban Development announced its 5.3 million dollar grant award for the HUD Section 202 Senior Housing in Tewksbury. In May 2008, Town Meeting approved Tewksbury Community Preservation Funds of \$150,000 which were attached in support of the grant application for construction of 32 Affordable Senior Supportive Services Housing units off Livingston Street, near Saunders Circle. Construction could begin late Spring 2013.
- In May 2012, the School Department was awarded \$275,000 in CPA funds to rehabilitate the historic Ella Flemmings School, 1503 Andover Street, including expenses as necessary for replacement of the boiler and exterior rehabilitation including roof, trim boards, doors, windows, siding, exterior paint and the like.

- In October 2012, the Town voted to appropriate the sum of \$375,000 to create a new recreational use through construction of 5 new tennis courts and associated fence on the campus of Tewksbury Memorial High School, at the request of the Town Manager and the Friends of Tewksbury Tennis. Construction is expected to begin Summer 2013.

In 2012, the Tewksbury CPC continued to supported Senate Bill 90 legislation at the Statehouse. This bill would allow communities to combine a traditional 1% CPA property tax surcharge with up to 2% of other municipal revenue in order to fund their local Community Preservation account. Also, this bill would increase the allowable uses for CPA funds so that communities can rehabilitate existing outdoor parks and other recreational resources. This legislation was passed in July 2012. The CPC will study the implications of the new legislation for our town.

The Community Preservation Committee welcomes project proposals that may contribute to preservation in Tewksbury.

Respectfully submitted,

Nancy Reed, Chair

Community Preservation Committee

## **HIGH SCHOOL TENNIS COURTS**

**Special Town Meeting, October 2012**

### **ARTICLE 11**

To see if the Town of Tewksbury will vote to appropriate the sum of \$375,000 to create a new recreational use through construction of 5 new tennis courts and associated fence on the campus of Tewksbury Memorial High School, 320 Pleasant Street, including allowed costs incidental and related thereto;

To fund such creation, \$375,000 shall be transferred from the Tewksbury Community Preservation Fund Budgeted Reserve.

Pursuant to Massachusetts General Laws, Chapter 44B or any other enabling authority, said funds to be expended under the direction of the Community Preservation Committee and the Tewksbury Town Manager or to take any other action thereon.

Community Preservation Committee

#### Executive Summary

The Tewksbury Town Manager and the Friends of Tewksbury Tennis propose the use of CPA funds for construction of 5 new tennis courts on our High School campus. The use of CPA funds is allowed under MGL Chapter 44B, Section 5.b.2 as creation of a new recreational use. This project will increase the number of public tennis courts in town from 3, located on Livingston Street, to a total of 8, with these 5 being at the High School. There is an expressed need for the additional community tennis courts for players of all ages and abilities. For comparison, surrounding towns have a range of 13 to 18 public courts. The 5 new courts will also benefit existing and expanding high school team matches and practices, as well as public tournaments. This proposal is endorsed by the Board of Selectmen and the School Committee.

## **CPA BUDGET ARTICLE**

**May 2013, Annual Town Meeting:**

### **Article 20**

To see if the Town will vote to appropriate or reserve from the Community Preservation Fund annual revenues in the amounts recommended by the Community Preservation Committee for committee administrative expenses, community preservation projects and other expenses in fiscal year 2014, with each item to be considered a separate appropriation:

Appropriations:

Administrative Costs \$ 38,776

Reserves:

Open Space \$ 77,553  
Community Housing \$ 77,553  
Historic Preservation \$ 77,553  
FY2014 Budgeted Reserve \$ 500,000  
Or take any other action related thereto.

Community Preservation Committee

Executive Summary: Massachusetts General Law, Chapter 44B requires that the Town appropriate for spending, or reserve for future spending, from the fund balance at least 10% for open space, 10% for historic preservation, and 10% for community housing.

The total CPA Estimated FY14 revenue is \$775,531.

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**WAMESIT INDIAN STATUE RESTORATION ARTICLE**

**Annual Town Meeting, May 2013**

**ARTICLE 19**

To see if the Town of Tewksbury will vote to appropriate the sum of \$7,500 for the restoration and preservation of the Wamesit Indian Statue, including allowed costs incidental and related thereto; said historic restoration expenses as necessary for removal of corrosion and resurfacing the Statue.

To fund such restoration, \$7,500 shall be transferred from the Tewksbury Community Preservation Historic Reserve Fund.

Pursuant to Massachusetts General Laws, Chapter 44B or any other enabling authority, said funds to be expended under the direction of the Planning Board and the Community Preservation Committee or to take any other action thereon.

Community Preservation Committee

Executive Summary

The Tewksbury Planning Board requests CPA funds to restore and preserve the Wamesit Indian Statue, constructed in 1989, a historic landmark and resource on Tewksbury's Main Street, in the area known as Wamesit. This Statue is one of several Sculptures in Tewksbury by the distinguished artist Mico Kaufman. This process is proposed to include a soft walnut shell blast

removal of corrosion, replacement of bronze patina and the addition of protective coating. This restoration of a historic Town resource has the support of the Tewksbury Historic Commission.

This program is supported in part by a grant from the Tewksbury Cultural Council, a local agency which is supported by the Massachusetts Cultural Council, a state agency, in the amount of \$500.00.



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## **TEWKSBURY RAIL TRAIL ARTICLE**

### **Annual Town Meeting, May 2013**

#### **ARTICLE 18**

To see if the Town of Tewksbury will vote to appropriate and transfer the sum of \$35,000 for the purpose of developing bicycle and walking trails feasibility Study and phased development Plan, within the Town of Tewksbury's open space areas: including, but not limited to, abandoned rail lines, preserved open space lands and other connection ways. Said Study and Plan shall be developed by an experienced professional consultant in this field and shall include allowed costs incidental and related thereto.

To fund such Study and Plan, \$35,000 shall be transferred from the Tewksbury Community Preservation Fund Open Space Reserve.

Pursuant to Massachusetts General Laws, Chapter 44B or any other enabling authority, said funds to be expended under the direction of the Community Preservation Committee or to take any other action thereon.

Community Preservation Committee

#### Executive Summary

The Tewksbury Rail Trails citizen group has applied for Community Preservation Funds to begin the process of discovering possibilities and best next steps for developing biking and/or walking trails for the enjoyment and connection of Tewksbury's open spaces. This proposed project serves to begin a process expressed by Town citizens as a top goal of the Tewksbury 2009 Open Space and Recreation Plan. This Study will take into consideration the feasibility of the use of abandoned rail lines, connections and pathways of the Bay Circuit Trail and other connections to open space, as well as to surrounding towns' trails.

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**Special Town Meeting, May 8, 2013**

**ARTICLE 3 with Amendment:**

**To change the amount of \$450,000 to \$600,000 in the first line and fifth line of the article.**

**ARTICLE 3** to then read:

To see if the Town of Tewksbury will vote to appropriate the sum of ~~\$450,000~~ \$600,000 to assist in the creation of a new proposed recreational Athletic Field, not including turf field costs, on the campus of Tewksbury Memorial High School, 320 Pleasant Street, including allowed costs incidental and related thereto;

To fund such creation, ~~\$450,000~~ \$600,000 shall be transferred from the Tewksbury Community Preservation Undesignated Fund Balance.

Pursuant to Massachusetts General Laws, Chapter 44B or any other enabling authority, said funds to be expended under the direction of the Community Preservation Committee and the Tewksbury Town Manager or to take any other action thereon.

Community Preservation Committee

**Executive Summary, record change request:**

**Line 2 and Line 6 change the word ‘Complex’ to ‘Field’**

Executive Summary to then read:

The Tewksbury Town Manager and the Friends of Tewksbury Athletic Complex propose the use of CPA funds to assist in the construction of the new Athletic ~~Complex~~ **Field** on our High School campus. This use of CPA funds is allowed under MGL Chapter 44B, Section 5.b.2 as creation of a new recreational use. CPA funds will not be used to fund the turf field portion, as prohibited in MGL, but will be used to fund other costs related to the construction of this ~~Complex~~ **Field** .