

TOWN OF TEWKSBURY

2016

Community Preservation Committee

Annual Report



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The Community Preservation Act: A Brief Overview for Tewksbury

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.

COMMUNITY PRESERVATION COMMITTEE

2015 ANNUAL REPORT

The Community Preservation Committee (“CPC”) includes representatives from town boards and committees and one at large citizen member. In 2015, the CPC members were: Nancy Reed, James Wentworth, Tom Churchill, John Deputat, Steve Deackoff, Christina Nawn 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 2014 that were awarded by previous Annual Town Meetings (ATM) and Special Town of Meetings (STM):

- 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. The project saw 1.4M dollars voted at May ATM 2014 and work began August 2014. The Town Hall Rehabilitation Project was completed in November 2015.

- 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. Kyle Boyd, the Town’s Conservation Agent is overseeing this project. Completion of the project is expected in the Spring of 2015. This project was completed in 2015.
- 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. In August 2014, the Governor signed the final legislation for this deed transfer to occur. We await progress at the DCAM level.
- 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 2013, the Town Clerk oversaw the temporary relocation of the Town Hall to the Pike House. The awarded 2009 damaged archives project was completed and the 2010 awarded project has begun. The Town Clerk continues to manage this ongoing project. With the completion of the Town Hall in 2015, the Town Clerk continues this project. With storage now available in the new vaults, remediation of damaged records can begin.

- Ella Flemmings School: 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 2013 the Town and the School Department sought an architect to oversee this project. In 2013 the Town and the School Department sought an architect to oversee this project. The Town now has architects retained to complete these types of projects. We anticipate news of progress shortly.

- **Tewksbury Rail Trails Study:** At May Annual Town Meeting 2013, the Town voted to approve \$35,000 for the purpose of developing a bicycle and walking trails feasibility study. A Bicycle & Pedestrian Advisory Committee has been established by the Selectmen and work progresses. The Study has been completed and in May 2015 Town Meeting approved \$45,000 for the next steps in the title search and consultant processes.
- **Marshall Homestead Preservation:** At May 2015 Town Meeting voters approved \$32,000 to place a Historic Preservation restriction on the Marshall Homestead on Pleasant Street. The Historic Commission has worked with the owner and this initiative is still in process of being completed.
- **Playground Rehabilitation:** At October Special Town Meeting 2013, the Town voted to approve \$350,000 to rehabilitate existing playgrounds at the Town's Elementary Schools, the playground site at Livingston Street Recreation Area, including and surrounding Funway Park. Funway Park design and construction is completed as of this writing. Plans for the School playgrounds are underway with construction anticipated to begin in the Spring of 2016.
- **Wamesit Indian Park Rehabilitation and Muster Park Rehabilitation:**
At May 2014 ATM 70K was approved for the Rehabilitation of the Wamesit Indian Park. These funds are in addition to 25K that was previously awarded to the town through the Planning Board permitting process for the addition to Walmart. The Planning Board engaged a Landscape Architect to design a plan for the park and it was found that more funds were needed and a fix to the drainage problem on Old Main Street needed to be addressed as well. The Planning Board has asked for the bid process to be started in order that work can begin in the Spring of 2015. The bid process in 2015 revealed that the cost was more than the approved amount for the Wamesit Island.
- At May 2014 ATM 50K was approved for the rehabilitation of Muster Park at South and Main Street. These funds will remain in place until the next steps on the possible movement of the cell tower takes place, to be determined by the Town Manager and cell provider. The term of lease contract is almost up, negotiations will determine the outcome. Once the contract and the location of the cell tower are finalized, the plan for rehabbing the park can take place.
- In 2015, the CPC commissioned a Study of Long Pond in order to assess the current level of needed remedial actions and produce a Management Plan that is suitable for use in requesting various State and Federal Grants. The Study revealed the need to address bacteria counts, algae growth and some invasive plant removal. Kyle Boyd, the Town's Conservation Agent is overseeing this project. The Committee will seek funds at May 2016 Town Meeting in accordance with the Management Plan to address the first phase of the Plan.

The Community Preservation Committee looks forward to working on these and future proposals that contribute to the overall community benefits inherent to the Act.

Respectfully submitted,

Nancy Reed, Chair

Community Preservation Committee

October 2015 - ARTICLE – Rehabilitate Strong Field

To see if the Town of Tewksbury will vote to appropriate and transfer the sum of \$202,125 from the Tewksbury Community Preservation Fund to Rehabilitate Strong Field at Tewksbury Memorial High School, 320 Pleasant Street. To fund this Rehabilitation of a Recreation Use, \$202,125 shall be transferred from the Tewksbury Community Preservation Undesignated Reserve Fund.

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

Executive Summary: The Tewksbury School Department and the CPC request approval of CPA funds to rehabilitate Strong Field, the High School baseball field, including replacing the fencing and back stop, improving the infield clay, grass and pitching mound, replacing the bleachers with ADA accessible seating and modifying the outfield for use by other sports programs, such as field hockey and lacrosse. The current condition of the site is unsafe and prohibits full use of the facility due to its condition. The proposed fencing will be the black vinyl-coated type similar to those in the other areas of the High School Complex.

October 2015 - ARTICLE – Rehabilitate Livingston Street Recreation Area

To see if the Town of Tewksbury will vote to appropriate and transfer the sum of \$200,000 from the Tewksbury Community Preservation Fund to Rehabilitate Livingston Street Recreation Area Fences.

To fund this Rehabilitation of a Recreation Use, \$100,000 shall be transferred from the Tewksbury Community Preservation Open Space Reserve Fund and \$100,000 shall be transferred from the Tewksbury Community Preservation Undesignated Reserve Fund.

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

Executive Summary: The Town Manager as the Parks Director and the CPC request approval of CPA funds to rehabilitate the Livingston Street Recreation Area by replacing fencing on the following athletic fields; Obdens, Antonelli, Memorial, Earnest, Millett and the Lacrosse Field, under the direction of the Town Manager, DPW and Town staff. These athletic fields serve several male and female town leagues and school teams. The current condition of the fences and backstops are in an unsafe condition. The proposed fencing will be the black vinyl-coated type similar to those at the existing tennis, basketball and Funway Park areas at Livingston Street.

FY 2017 CPA BUDGET ARTICLE:

Article

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 2017, with each item to be considered a separate appropriation:

Appropriations:

Administrative Costs \$ 43,925.78

Reserves:

Open Space \$ 87,851.55

Community Housing \$ 87,851.55

Historic Preservation -----

FY2015 Budgeted Reserve \$ 650,000.00

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. FY2017 Historic 10% Reserve will be achieved with the Town Hall Rehabilitation Bond payment.

The total CPA Estimated FY16 revenue is \$878,515.51

May 2016 - ARTICLE - Bay Circuit Trail

To see if the Town of Tewksbury will vote to appropriate and transfer from the Tewksbury Community Preservation Fund Open Space Reserve the sum of \$12,000 for Bay Circuit Trail Wetland Boardwalks; pursuant to Massachusetts General Laws, Chapter 44B or any other enabling authority, said funds are to be expended under the direction of the Community Preservation Committee; or to take any other action thereon.

Community Preservation Committee

Executive Summary: The CPC seeks approval for CPC funds, as submitted by the Town Conservation Agent, to complete 3 wetland boardwalks on Town owned open space to provide connection of 7 miles of walkable trails on the Bay Circuit Trail, running North to South in the Town, connecting the trail with Andover and Billerica’s existing Trail. The funds will also provide for 2 kiosks along the trail with information about the Trail’s location and history. Volunteers, such as scouts and trail users, will construct the boardwalks. Creation of this recreational use is sought in the Tewksbury Master Plan and Open Space Plan.

May 2016 - ARTICLE - Long Pond Quality Improvements

To see if the Town of Tewksbury will vote to appropriate and transfer from the Tewksbury Community Preservation Fund Open Space Reserve the sum of \$35,000 for Long Pond Water Quality Improvements; pursuant to Massachusetts General Laws, Chapter 44B or any other enabling authority, said funds are to be expended under the direction of the Community Preservation Committee; or to take any other action thereon.

Community Preservation Committee

Executive Summary: The CPC seeks approval for CPC funds, as submitted by the Town Conservation Agent, to restore Long Pond’s water quality in order that it be used for recreational purposes. A recent water quality report revealed the pond is not suitable for recreational activities, such as boating, due to the bacterial levels. These funds will be used to chemically treat the pond to correct nutrient and algae levels, for aquatic plant management and investigate remedies for long term health of the Pond. Long Pond is a designated Great Pond in Massachusetts and a recreational asset for residents.

May 2016 – ARTICLE – Wamesit Indian Park

To see if the Town of Tewksbury will vote to appropriate and transfer from the Tewksbury Community Preservation Fund Open Space Reserve the sum of \$38,000 for the completion of the Wamesit Indian Park Landscape Project; pursuant to Massachusetts General Laws, Chapter 44B or any other enabling authority, said funds are to be expended under the direction of the Community Preservation Committee; or to take any other action thereon.

Community Preservation Committee

Executive Summary: The CPC seeks approval for these CPC funds, as submitted by the Town Manager, in order to complete the Wamesit Indian Park Landscape Project. The Planning Board received \$25,000 from Walmart in 2010 and in 2015, \$70,000 in CPA Funds were approved at Town Meeting. The bids came in higher than anticipated. This request will close the funding gap. Project start is anticipated late Spring 2016.