

The Community Preservation Act: A Brief Overview for Tewksbury, 2012

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.

The Community Preservation Committee welcomes all inquiries and submissions for projects that fall under these guidelines.

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.

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.

Note: This Brief Overview is only a summary of the significant highlights of the Community Preservation Act in the Town of Tewksbury. For direction to more specific information, please contact the Tewksbury Office of Community Development, 978-640-4370.