

ARTICLE 18
(Majority vote)

**COMMUNITY PRESERVATION PROGRAM –
DIRECT APPROPRIATIONS FROM FUND BALANCES**

To see if the Town will vote to appropriate or set aside for later appropriation, and to authorize and direct the Board of Selectmen and the Town Manager to expend or set aside, from the FY 2010 Community Preservation Fund balances as set forth herein, the amounts listed below for community preservation purposes, with such expenditures to be subject to conditions listed in the Article’s Summary and to be further specified in award letters from the Community Preservation Committee, with each item considered a separate appropriation;

And further, to see if the Town will vote to appropriate, set aside and re-appropriate the amount listed in Item H-2 below, to appropriate the amount listed in Item H-3 below, and to authorize and direct the Board of Selectmen and the Town Manager to expend up to these amounts from the current balance of the Set-Aside Fund for the Acquisition, Preservation, Rehabilitation and Restoration of Historic Resources, with such expenditure to be subject to conditions listed in the Article’s Summary and to be further specified in the award letter from the Community Preservation Committee:

FY 2010 COMMUNITY PRESERVATION FUND BALANCE	
FY 2010 Community Preservation Fund Revenues	
Community Preservation Fund Surcharge Collected in FY 2010	\$ 746,873.08
State Community Preservation Trust Fund Receipt, October 2010	\$ 202,879.00
Other FY 2010 Community Preservation Fund Components	
Interest Earned in FY 2010	\$ 30,321.49
Recapture of unspent previous years’ project appropriations (2004, 2005, 2007, and 2008)	\$ 101,055.48
Unencumbered FY 2010 Fund Balance	\$ 495,159.98
Total - FY 2010 Community Preservation Fund Balance	\$ 1,576,289.03
Current Set-Aside Fund Balance for the Acquisition, Creation, and Preservation of Open Space, and its Rehabilitation and Restoration	
	\$ 945,000.00
Current Set-Aside Fund Balance for the Acquisition, Preservation, Rehabilitation, and Restoration of Historic Resources (2009 Set-Aside)	
	\$ 44,000.00
APPROPRIATIONS	
Purposes	Recommended Amounts
Set Aside Appropriations for	
A. Acquisition, Creation, and Preservation of Open Space, and its Rehabilitation and Restoration	\$ 450,000.00
Spending Appropriations	
B. Community Housing Program Fund	\$ 150,000.00
C. Trail Trough Time (Phase III)	\$ 66,900.00
D. Memorial Library – Arch Window Restoration	\$ 15,000.00
E. Town Hall Windows (Phase II)	\$ 75,000.00
F. Asa Parlin House – Building Preservation and Restoration	\$ 100,000.00
G. Acton Woman’s Club – 504 Main Street, Building Preservation and Restoration	\$ 99,714.00

H. Theater III – Building Preservation & Restoration	
H-1. Direct Appropriation	\$ 145,500.00
H-2. Amount recaptured as unspent CPA appropriations from 2007 and re-appropriated hereunder after first being set aside hereunder to the set-aside fund for the Acquisition, Preservation, Rehabilitation and Restoration of Historic Resources to compensate for 2007 shortfall in historic preservation spending	\$ 40,000.00
H-3. Appropriation from the current Set-Aside Fund Balance for the Acquisition, Preservation, Rehabilitation, and Restoration of Historic Resources (2009 Set-Aside)	\$ 44,000.00
I. Acton Historical Society – Building Preservation and Restoration	\$ 62,095.00
Administrative Spending Appropriation	
J. A fund for CPC direct expenses and for reimbursing the Town of Acton for administrative services and operating expenses provided in support of the Community Preservation Committee	\$ 47,487.00
Total Recommended Appropriations from FY 2010 Community Preservation Fund Balance and Current Historic Set-Aside Fund	\$ 1,295,696.00
Remaining FY 2010 Community Preservation Fund Balance	\$ 324,593.03
Remaining Balance in the Set-Aside Fund for the Acquisition, Preservation, Rehabilitation, and Restoration of Historic Resources	\$ 0.00
Resulting Balance in the Set-Aside Fund for the Acquisition, Creation, and Preservation of Open Space, and its Rehabilitation and Restoration	\$ 1,395,000.00

, or take any other action relative thereto;

And, whereas Massachusetts General Law, Chapter 44B requires that the Town appropriate for spending, or set-aside for future spending, from the 2010 Community Preservation Fund Revenues at least 10% for open space, 10% for historic preservation, and 10% for community housing;

And, whereas the recommended appropriations for open space, historic preservation, and community housing each meet or exceed 10% of the 2010 Community Preservation Fund Revenues;

And, whereas Town Meeting may vote to delete or reduce any of the recommended amounts;

Therefore, in the event that recommended amounts are deleted or reduced, vote to appropriate as a set-aside for future spending from the FY 2010 Community Preservation Fund Balance the minimum necessary amounts to allocate not less than 10% of the FY 2010 Community Preservation Fund Revenues for open space (\$94,975.21), not less than 10% of the FY 2010 Community Preservation Fund Revenues for historic preservation (\$94,975.21), not less than 10% of the FY 2010 Community Preservation Fund Revenues (\$94,975.21) for community housing, or take any other action relative thereto.

SUMMARY

This article would make appropriations from the Town's Community Preservation Fund and from the Town's Set-Aside Fund for the Acquisition, Preservation, Rehabilitation and Restoration of Historic Resources. All items listed are recommended by the Community Preservation Committee.

In 2002, the Town adopted the Community Preservation Act, Massachusetts General Laws Chapter 44B (CPA). This established Acton's Community Preservation Fund through a 1.5% annual surcharge on real estate property tax bills with certain exemptions, and made the Town eligible to receive annually additional monies from the Massachusetts Community Preservation Trust Fund, which are added to the Town's Community Preservation Fund. Under the CPA, the Community Preservation Fund may be used to acquire, create and preserve open space; to acquire, preserve, rehabilitate, and restore historic resources; to acquire, create, preserve and support community housing; to acquire, create and preserve land for recreational use; to rehabilitate and restore open space, land for recreational use and community housing that were acquired or created with Community Preservation Funds; and for certain related expenses in support of the foregoing. Community housing is defined as housing for low- and moderate-income individuals and families. This is the seventh year of appropriations from Acton's Community Preservation Fund.

Local adoption of the CPA established the Acton Community Preservation Committee as a statutory committee under the Act (Chapter S of the Bylaws of the Town of Acton). The Community Preservation Committee's duties under the law are to study the needs, possibilities, resources, and preferences of the Town regarding community preservation; to engage in an open and public process of deliberation and consult with other Town Boards and Committees; and to make recommendations to Town Meeting for appropriations from the Community Preservation Fund.

In September 2010, the Community Preservation Committee published its 2011 Community Preservation Plan with guidelines for the submission of projects seeking funding. The Committee received ten proposals for funding of proposed projects and programs. The Committee reviewed all proposals, interviewed proponents, and solicited legal opinions on the proposals to help evaluate their eligibility under the Act. This article represents the Committee's recommendation for appropriations for all ten proposed projects and programs from the available Community Preservation Fund balance although the recommended funding levels may differ from the amounts requested by the projects' proponents. All recommended amounts are "up-to" spending limits. Savings, if any, will be available for future appropriations. As in previous years the recommended appropriations include a set-aside for open space. The recommended appropriations leave a remaining Community Preservation Fund balance of \$324,593.03 that is available for future Town Meeting appropriations in all eligible funding categories under the Act.

The Act states that Town Meeting may delete or reduce any of the recommended appropriations, but may not add new items or increase the recommended appropriations. The Act also requires that the Community Preservation Committee recommends and that Town Meeting appropriates in each fiscal year the spending of not less than 10% of the annual revenues in the Community Preservation Fund for each of the following: open space (not including land for active recreation purposes); historic resources; and community housing. The Committee may also recommend the eminent domain taking by the Town of interest in real property (not recommended this year), the borrowing of funds for Community Preservation (not recommended this year), and an appropriation of not more than 5% of the annual revenues of the Community Preservation Fund for the Committee's administrative and operating expenses.

In addition, in 2011, a total of \$101,055.48 has been recaptured as unspent Community Preservation appropriations from prior years and closed to the Community Preservation Fund. Of this total, \$75,500 has been recaptured as unspent Community Preservation appropriations from 2007 projects (East Acton Village Green and Historic Street Markers projects) and \$25,555.48 has been recaptured as unspent Community Preservation appropriations from projects in 2004 (T.J. O'Grady Skate Park - \$10,538.41), 2005 (Memorial Library Civil War Artifacts Display - \$17.07), and 2008 (Conant School Nature Trail - \$15,000).

The recapture of unspent CPA funds previously appropriated in 2007 for historic preservation, rehabilitation and restoration purposes would put the Town \$40,000 below the 10% statutory threshold for either spending or setting aside for later spending CPA funds for historic preservation purposes in that year. To make up this difference, this article would appropriate \$40,000 to the Set-Aside Fund for the Acquisition, Preservation, Rehabilitation, and Restoration of Historic Resources (Item H-2.) in addition to an already existing balance of \$44,000. The article then would appropriate this entire Historic Set-Aside fund balance (comprised of the existing \$44,000 and newly added \$40,000 totaling \$84,000) to one of the recommended historic preservation projects (Item H. - Theater III – Building Preservation & Restoration, bringing the total recommended appropriation for this project to \$229,500). This year, the Committee’s recommendations as contained in this article include a great number of historic preservation projects with their totals far exceeding the minimum 10% threshold. Therefore, the Committee recommends partially funding one of this year’s projects with the historic Set-Aside Fund Balance.

A. Open Space Set-Aside

This item adds \$450,000 to the existing set-aside fund from which Town Meeting, with the recommendation of the Community Preservation Committee, may appropriate spending in the future for the purpose of acquisition, creation, and preservation of open space. With this appropriation the balance in the open space set-aside fund will be \$1,395,000.

Recommendations:	<u>Board of Selectmen</u> Recommended	<u>Finance Committee</u> Recommended
-------------------------	--	---

B. Community Housing Program Fund

The Acton Community Housing Corporation (ACHC) has requested \$150,000 to replenish the existing Community Housing Program Fund for "the acquisition, creation, preservation, and support of community housing in the Town of Acton" consistent with the Community Housing purposes of the CPA. The Fund was first established with a CPA appropriation in 2004. It is used to finance a diversity of affordable housing initiatives and opportunities as they arise, for Acton residents and their adult children, for employees who work for and in the Town, as well as for new residents from outside of Acton. This fund is retained by the ACHC for Community Housing activities and projects that are allowable under the CPA and recommended by the ACHC or any other entity subject to approval by the Board of Selectmen.

As in previous years, the ACHC proposes to largely continue current programs and initiate new programs. Recent programs and projects include:

- Purchase of a unit at Lalli Terrace for the AHA’s low income rental program.
- Closing cost assistance to four first time homebuyers of affordable units.
- Funding the Housing Inventory for the Acton 2020 Comprehensive Community Plan.
- Providing funds to the Acton Housing Authority (AHA) in support of its project to expand low-income rental units at McCarthy Village on Sachem Way, including enhanced landscaping and screening.

Among proposed new programs are:

- A financial literacy course that the ACHC will co-sponsor with the Acton-Boxborough United Way.
- A capital improvement program for existing deed restricted low-income and affordable dwelling units.
- Facilitating and monitoring of resales of affordable units, including necessary inspections, repairs and improvements.
- Direct first-time homebuyer assistance to income eligible households.

The ACHC has access to privately funded affordable housing gifts that can be leveraged or supplemented with CPA appropriations to the Community Housing Program Fund.

Recommendations:	<u>Board of Selectmen</u> Recommended	<u>Finance Committee</u> Recommended
-------------------------	--	---

C. Trail Through Time (Phase III)

The Trail Through Time is a bi-cultural heritage trail through the North Acton conservation lands that provides access to Colonial and Native American sites. The Wheeler Farm and (Robbins) Mill complex and its surrounding area show evidence of the interaction between the Native American and the early Colonial cultures that to some extent existed concurrently. The area surrounding the Wheeler site harbors numerous stone rings and piles, a turtle effigy, and walls with significant astronomical alignments, all considered remnants of Native American culture.

This \$66,900 historic preservation project will focus on stonework restoration of the Grist Mill complex together with landscaping enhancements and information panels. Phase III includes the following:

- Restoration of the stonework remains of the Thomas Wheeler, Jr.'s Grist Mill foundation, two associated foundations, portions of the raceway, and the two sluices.
- Demolishing the derelict and structurally unsafe 1940s cabin currently resting above the mill foundation and installing in the same location a viewing platform with information panels.
- An archaeological survey with test pits of the mill foundation area.
- An archaeological GPS surface survey of the general area of the farm and mill complex.
- Further historical research.
- Tree removal and landscaping to open up vistas of the extent of the stonework, and continue the establishment, begun under Phase II, of a historic park-like ambience in a natural landscape with handicapped accessibility, benches, and picnic tables.

Two prior CPA appropriations in 2006 and 2008 totaling \$55,000 have been used to restore the nearby historic Nashoba Brook Stone Chamber and the farm portion of the Wheeler Farm and Mill complex. The Acton Historical Commission has previously determined that the site is significant in the history, archeology, architecture or culture of the Town of Acton. Phase III is designed with future enhancements to the Native American artifacts in mind.

Payments under this appropriation shall be made after completion of restoration work items and inspection by the Historical Commission or its agent certifying that the completed work meets the Secretary of the Interior's Standards for the Treatment of Historic Properties. This certification may be paid for from this appropriation if performed by a qualified outside professional agent.

Recommendations:	<u>Board of Selectmen</u> Recommended	<u>Finance Committee</u> Recommended
-------------------------	--	---

D. Memorial Library – Arch Window Restoration

The Acton Memorial Library is located at 486 Main Street in the Acton Center Local Historic District. It is also listed on the National Register of Historic Places. This \$15,000 appropriation would fund the restoration and rehabilitation of the large arch window on the mezzanine level at the north end of the original 1889 wing of the Memorial Library. The wing serves as Acton's Civil War Memorial. The window overlooks the Civil War exhibit area, which was funded through a prior CPA appropriation.

The window has a wood frame and consists of 128 separate glass panes separated by wood muntins. The wood is deteriorating. Prior roof leakage (since repaired) has caused deterioration and plaster damage on the building's interior surrounding the arch window. The project will restore and repair the window and

the surrounding interior areas. The weathered and yellowed protective exterior Plexiglas cover will be replaced.

Funding of this project is subject the issuance of a Certificate of Appropriateness or Determination of Non-Applicability from the Acton Historic District Commission.

Recommendations:	<u>Board of Selectmen</u> Recommended	<u>Finance Committee</u> Recommended
-------------------------	--	---

E. Town Hall Windows Restoration (Phase II)

Town Hall is located at 472 Main Street in the Acton Center Local Historic District. It is also listed on the National Register of Historic Places. Town Hall was built in 1864. The windows in the original 1864 portion of the building have never been restored or replaced, only painted. Many panes have the original wavy glass. The windows are still sound, but operate poorly or malfunction due to age, multiple paint layers, and problems with the weights and/or ropes. Aluminum storm windows were added around 1970. They are in poor condition, not functioning, and historically inappropriate.

This \$75,000 is the second part of the Town Hall window restoration project and will focus on the windows of the second floor, mezzanine, and belfry of the 1864 portion of the building, including replacement of aluminum storm windows with new historically appropriate and operable wooden storm windows. In 2010, Town Meeting approved \$50,000 of CPA funding for the first project phase, which was focused on the first floor of the building.

Funding of this project is subject the issuance of a Certificate of Appropriateness or Determination of Non-Applicability from the Acton Historic District Commission.

Recommendations:	<u>Board of Selectmen</u> Recommended	<u>Finance Committee</u> Recommended
-------------------------	--	---

F. Asa Parlin House – Building Preservation and Restoration

The Asa Parlin House at 17 Woodbury Lane is Town-owned property that was acquired in 1996 in connection with the Library expansion project in the 1990's. The house has been vacant ever since. It is located in the Acton Center Local Historic District and is listed on the National Register of Historic Places. The original two-story building stems from the early 1800's. Additions were constructed in the latter half of the 20th century. The Acton Historic District and Historical Commissions, jointly on behalf of the Town, submitted a \$388,787 CPA funding proposal for the restoration and rehabilitation of the original building, which would include the demolition of the more recent additions, and the conversion of the building into a public meeting space. A new addition, compatible with the original building portion would house an entry, a hallway, restrooms, and a kitchenette. Landscaping improvements would complement the building rehabilitation project. At this time, the Committee recommends funding for this project in the amount of \$100,000 for a structural evaluation, the architectural design, the demolition of the non-historic additions, and the work required to preserve and mothball the original building. Conversion of the building into meeting space, the service addition, and landscaping is a future project phase.

Funding of this project is subject to the issuance of a Certificate of Appropriateness or Determination of Non-Applicability from the Acton Historic District Commission. Payments under this appropriation shall be made after completion of restoration work items and inspection by the Historic District Commission or its agent certifying that the completed work meets the Secretary of the Interior's Standards for the Treatment of Historic Properties. This certification may be paid for from this appropriation if performed by a qualified outside professional agent. Furthermore, funding of this project shall be limited initially to the structural evaluation and preliminary architectural designs not exceeding \$20,000 in total. The results

of this work shall be presented in a report to the Community Preservation Committee. The Committee at its discretion will then decide whether or not the project is viable to release the remaining \$80,000 to perform the actual demolition and preservation work.

Recommendations:	<u>Board of Selectmen</u>	<u>Finance Committee</u>
	Recommended	Recommended

G. Acton Woman’s Club – Building Preservation & Restoration

The two-story house at 504 Main Street, known as the Chapel, is located on the Acton Common and in the Acton Center Local Historic District, and also listed on the National Register of Historic Places. The Federal Period was built in 1829 as a chapel for the Evangelical Society. The Acton Woman’s Club has owned it since 1922. The Acton Woman’s Club purpose is to maintain the building, and to promote benevolent, civic, and philanthropic activities of its members in the Acton community. The house is the location of regular public and private gatherings and events. For 57 years and ongoing, the Woman’s Club offers ballroom dance classes in the building.

The recommended appropriation of \$99,714 would fund the following significant preservation, rehabilitation and related improvement work on the building and on the property needed to maintain the building in functional condition for its intended use:

- Re-designing the walkways and entrances at the left and right sides of the building, including improvements to accommodate provisions of the Americans with Disabilities Act;
- Installation of brick courtyard or platform with bench seating at the right entrance;
- Replacing lighting around entryways;
- Landscaping and walkway/access improvements to the publicly accessible Mabel Jenks Rose Garden at the rear of the building;
- Updating the wiring from knob and tube;
- Insulating the attic, walls and cellar
- Replacing the bulkhead; and
- Repairing and repainting/repapering the interior walls to restore to proper historic period.

Funding of this project is subject to the issuance of a Certificate of Appropriateness or Determination of Non-Applicability from the Acton Historic District Commission for exterior work items as applicable under the Acton Historic District Bylaw. Payments under this appropriation shall be made after the completion of various work items and inspection by the Historic District Commission or its agent certifying that the completed work meets the Secretary of the Interior’s Standards for the Treatment of Historic Properties. This certification may be paid for from this appropriation if performed by a qualified outside professional agent. The release of the funds shall be contingent upon the conveyance to the Town and the recording of a historic preservation restriction on the building that is in form and substance acceptable to the Community Preservation Committee and Town Counsel.

Recommendations:	<u>Board of Selectmen</u>	<u>Finance Committee</u>
	Recommended	Recommended

H-1, H-2 and H-3. Theater III – Building Preservation and Restoration (\$229,500 Total)

The Acton Community Center, Inc. d/b/a Theatre III has applied for CPA funding to restore the exterior of their community theater building at 250 Central Street in West Acton. The building is the former Universalist Church built in 1868. It is situated in the West Acton Local Historic District. The proposed restoration work will include the exterior walls, gothic steeple, granite foundation, doors, decorative trim, roof trusses and replacement of non-historic windows. The total recommended appropriation comprises 90% of the proposed restoration costs, with Theatre III supplying the remainder. The need for this work

was determined by Gorman Richardson Lewis Architects, who were contracted to conduct a complete survey of the property for historic renovation purposes using the CPA funds received last year. The Theater III also received CPA funding in 2008 for the restoration of all historic windows. As a condition of the 2008 funding, the Town has obtained a recorded perpetual historic preservation restriction on the Theater III building.

The recommended appropriation consists of three parts: (1) \$145,500.00 from the general Community Preservation Funds Balance; (2) \$40,000 previously unspent CPA funds appropriated in 2007 for historic preservation, rehabilitation and restoration purposes (this item adds \$40,000 to the existing historic set-aside fund from which Town Meeting, with the recommendation of the Community Preservation Committee, may appropriate spending this year or in the future for the purpose of acquisition, preservation, rehabilitation, or restoration of Historic Resources); and (3) \$44,000 from the existing Set-Aside Fund Balance for the Acquisition, Preservation, Rehabilitation and Restoration of Historic Resources. This brings the total amount of appropriation for this project to \$229,500.

Payments under this appropriation shall be subject to the following conditions:

- Issuance by the Acton Historic District Commission of a Certificate of Appropriateness or Determination of Non-Applicability for the proposed exterior restoration work.
- Payments or partial payments shall be made after inspection and certification by the Historic District Commission or its agent certifying that the completed work meets the Secretary of the Interior’s Standards for the Treatment of Historic Properties. This certification may be paid for from this appropriation if performed by a qualified outside professional agent.
- Amendment, as needed in the opinion of the Community Preservation Committee and Town Counsel, of the existing historic preservation restriction to ensure that it is sufficiently comprehensive to encompass the exterior restoration and preservation work funded with this appropriation, and that the work will be consistent with the historic preservation restriction.

Recommendations:	<u>Board of Selectmen</u>	<u>Finance Committee</u>
	Recommended	Recommended

I. Acton Historical Society – Building Preservation and Restoration

The Acton Historical Society has applied for \$62,095 of CPA funding to perform restoration work on the Jonathan & Simon Hosmer House and other buildings at 300 Main Street at Kelley’s Corner. The Acton Historical Society received the 3-acre property from the Town in exchange for a Preservation Restriction requiring the Acton Historical Society to restore the exterior of the Hosmer House “in accordance with its original architecture using materials compatible with and as nearly similar to original materials as practicable.”

The Hosmer House dates from the 18th century. It is listed in the National Register of Historic Places. The adjacent Jenks Library originally was a stone garage built in 1922. There is also the 1985 Mowry Storage Shed. The property houses the Society’s historical collection, archives, and library. As a museum the property is open to the public from time to time and by appointment. The restoration work under this appropriation includes:

- Hosmer House: Restoration, rehabilitation and selective replacement of windows; restoration of exterior doors; and restoration or replacement of rotted sill board trim.
- Jenks Library: Roof replacement.
- Mowry Storage Shed: Roof replacement; rehabilitation of windows; and replacement of lower wood siding.

Payments under this appropriation shall be subject to an amendment, as needed in the opinion of the Community Preservation Committee and Town Counsel, of the existing historic preservation restriction to ensure that it is sufficiently comprehensive to encompass the exterior restoration and preservation work

funded with this appropriation, and that the work will be consistent with the historic preservation restriction.

Recommendations: **Board of Selectmen** **Finance Committee**
 Recommended **Recommended**

J. Administrative and Operating Expenses

The recommended appropriation in the amount of \$47,487 is 5% of the FY 2010 revenues in the Community Preservation Fund as provided in the Act (local surcharge and State trust fund receipts). The funding is to help the Town with administrative and legal expenses incurred in connection with the support of the Community Preservation Committee and Program, and to pay for the Community Preservation Committee’s direct expenses such as the annual membership in the Massachusetts Community Preservation Coalition.

Recommendations: **Board of Selectmen** **Finance Committee**
 Recommended **Recommended**

Direct inquiries to: Roland Bartl, AICP, Planning Director: planning@acton-ma.gov / (978) 929-6631

Selectman assigned: Janet K. Adachi: bos@acton-ma.gov / (978) 929-6611
