

Town of Arlington Community Preservation Act Committee

2022-2023 CPA Application Process

Summary

The Community Preservation Act Committee (CPAC) is pleased to invite project applications for funding under the Community Preservation Act (CPA) in the 2024 fiscal year budget cycle.

There are two phases in the CPA funding application process: a preliminary application and a final application. The purpose of the shorter preliminary application is to ensure that proposed projects are eligible for CPA funding consideration before the applicant completes the far more detailed final application.

Preliminary applications received by October 7, 2022 will be eligible for consideration by the CPAC for advancement to the final application phase. The CPAC will evaluate preliminary applications and invite eligible applicants to submit a full application due in December 2022.

Preliminary and final project applications will be reviewed by the CPAC at its regularly scheduled meetings, which are open to the public. Final applications voted upon favorably by the CPAC will be recommended to the Town Meeting for funding at Annual Town Meeting commencing in April 2023. CPA project funding appropriated by Town Meeting will be available on or after July 1, 2023, which is the start of fiscal year 2024.

Before submitting CPA funding applications, please carefully review the chart from the Massachusetts Department of Revenue at the end of this document. It summarizes allowable spending purposes under the CPA. Applications submitted to the CPAC for FY2024 funding must clearly fit one or more of these purposes to be considered for funding. The CPA legislation (www.communitypreservation.org/content/text-legislation) provides detailed definitions of the chart categories. Please also note that in accordance with state law, CPA funds may not be used for maintenance.

Additionally, the committee's annual reports about recent CPA projects and budgets will be especially helpful to applicants who are new to CPA in Arlington (see www.arlingtonma.gov/communitypreservation)

Applicants are invited and encouraged to contact the CPAC to ask any questions regarding the application process for FY2024 funding and to ensure their understanding of which projects meet allowable CPA spending purposes.

Contact: Julie Wayman, CPAC Liaison, JWayman@town.arlington.ma.us or 781-316-3005.

Step One

Applicants must submit one (1) electronic copy of the Preliminary Application (pages A1-A3 of this document) to the Community Preservation Act Committee (CPAC) **no later than October 7, 2022**, with the electronic copy sent to JWayman@town.arlington.ma.us.

Preliminary applications must contain a brief description of the project including critical dates, amount requested, total project cost, rationale for the qualifying CPA funding category, property owner information, and community benefit.

The CPAC will review submitted preliminary applications to ensure the proposed projects can be legally funded from Community Preservation funds. Applicants will be notified in October about eligibility to submit a final application based on this determination.

Step Two

If a project is determined to be eligible for CPA funding, the applicant will be asked to complete a Final Application due in December 2022 (date TBA).

Please note that being invited to submit a final application does not imply project approval or endorsement from the CPAC, only that the project is likely to meet the basic qualifications for CPA funding set forth by state law. Only after reviewing all Final Applications will the CPAC determine which projects to recommend to Town Meeting for funding.

The following information will be required to complete the Final Application:

- **Goals:** What are the goals of the proposed project?
- **Community Need:** Why is the project needed? Does it address needs identified in existing Town plans?
- **Community Support:** What is the nature and level of support for this project? Include any letters of support and petitions.
- **Project Documentation:** Attach any applicable engineering plans, architectural drawings, site plans, photographs, any other renderings, relevant studies or material.
- **Timeline:** What is the schedule for project implementation, including a timeline for all critical milestones?
- **Credentials:** How will the experience of the applicant contribute to the success of this project?
- **Budget:** What is the total budget for the project and how will funds be sourced and spent? All items of expenditure must be clearly identified. Distinguish between hard and soft costs and contingencies. (NOTE: CPA funds may not be used for maintenance.)
- **Other Funding:** What additional funding sources are available, committed, or under consideration? Include commitment letters, if available, and describe any other attempts to secure funding for this project.

- **Maintenance:** If ongoing maintenance is required for your project, how will it be funded?
- **Impact on Town Budget:** What, if any, potential secondary effects will your proposed project have on the Town's Operating Budget? Are there any capital projects that rely on the successful completion of your project?

Additional information, as applicable, may also be required. Such as:

- **Control of Site:** Documentation that you have control over the site, such as a Purchase and Sales Agreement, option or deed. If the applicant does not have site control, explain what communications have occurred with the bodies that have control and how public benefits will be protected in perpetuity or otherwise.
- **Deed Restrictions:** In order for funding to be distributed, an appropriate deed restriction, meeting the requirements of Chapter 184 of Mass General Laws pursuant to section 12 of the Community Preservation Act, must be filed with the CPAC. Provide a copy of the actual or proposed restrictions that will apply to this project.
- **Acquisitions:** For acquisition projects, attach appraisals and agreements if available. Attach a copy of the deed.
- **Feasibility:** Provide a list of all further actions or steps that will be required for completion of the project, such as environmental assessments, zoning approvals, and any other known barriers to moving forward.
- **Hazardous Materials:** Provide evidence that the proposed project site is free of hazardous materials or there is a plan for remediation in place.
- **Permitting:** Provide evidence that the project does not violate any zoning ordinances, covenants, restrictions or other laws or regulations. What permits, if any, are needed for this project? Provide the expected date of receipt for necessary permits, and copies of any permits already acquired.
- **Environmental Concerns:** Identify all known wetlands, floodplains, and/or any natural resource limitation that occur within the boundaries of your submission.
- **Professional Standards:** Evidence that appropriate professional standards will be followed if construction, restoration or rehabilitation is proposed. Evidence that the applicant and the project team have the proven or potential capacity to conduct the scope and scale of the proposed project, as evidenced by project leaders with appropriate qualifications and technical experience or access to technical expertise.
- **Further Attachments:** Assessor's map showing location of the project.

One (1) electronic copy [Final Application](#) must be submitted to the CPAC by the published deadline in order to be considered for the 2023 Annual Town Meeting.

The CPAC will review the Applications. Applicants will be contacted if additional information or an interview is required. The CPAC may also request to visit the site of the proposed project.

Applicants submitting Final Applications will present their projects at a [CPAC Public Meeting in January or February 2023](#) to address questions from the CPAC and Arlington

residents. Applicants will be required to provide summary information about the project for review at the Public Meeting. This is also an opportunity for applicants to ask the CPAC any questions regarding the application or funding process.

Unless an applicant can demonstrate that a significant opportunity would otherwise be lost, applications will not be accepted after the deadlines. **In order for the CPAC to consider a project proposal that cannot adhere to the deadlines as outlined in the [Application Process](#), the project must meet the additional selection criteria as outlined in the [Special Application Process](#)** (see page 7).

Applicants will be notified in February/March 2023 about whether or not the CPAC plans to recommend their project at the 2023 Annual Town Meeting.

Step Three

The CPAC will consult with the Select Board, the Capital Planning Committee, the Finance Committee, the Redevelopment Board and the Planning Department staff regarding the selected projects. The CPAC will then reassess each project in light of these advisory consultations, including an examination of whether or not sponsors have performed sufficient research to identify the secondary budgetary effects of their projects.

The CPAC reserves the right to withdraw its support for any proposed project at this CPAC Meeting or at any point prior to the 2023 Annual Town Meeting.

Step Four

The CPAC will present the recommended projects at [Annual Town Meeting](#) for discussion and vote. Selected applicants are expected to be available to attend Town Meeting on the night their proposal is presented, to answer questions from Town Meeting members. Town Meeting has the final authority to award the CPAC's recommended funds from Arlington's Community Preservation Act Fund.

Step Five

Funding for projects approved by Town Meeting will be available starting July 1 of the applicable fiscal year (July 1, 2023 for FY2024).

Projects financed with CPA funds must comply with all applicable state and municipal requirements, including the state procurement law, which requires special procedures for the selection of products, vendors, services, and consultants. Project sponsors are required to meet with Arlington's Town Manager or his designee before the Town will enter any into contracts or issue any purchase orders. However, this requirement can be waived if adherence to procurement procedures will be overseen by a Town Department Head or other MCPPO certified third party.

CPA funds may not be used to reimburse project expenses incurred prior to the start of the fiscal year to which they were appropriated by Town Meeting. For FY2024-funded projects, all CPA expenses must be incurred on or after July 1, 2023, the start of FY2024.

(continued)

All CPA funds are administered and disbursed by the Town of Arlington. Project management, oversight, execution, and financial control will be under the joint control of the CPAC and the Town Manager or his designee.

The CPAC requires periodic status updates from the recipients of CPAC funding. Updates will occur no less than annually and upon project completion. Written updates will be coordinated by the liaison to the CPAC. The purpose of such update is to aid the CPAC in refining the CPA Plan, in identifying issues that may assist future applicants, and in reporting progress to the Town.

For more information regarding the [Funding Process](#), refer to page 8 of this document.

2022-2023 CPA Timeline

August 2022	Preliminary Applications available
October 7, 2022	Preliminary Applications due
October 2022	CPAC invites Final Applications
December 2022	Final Applications due
January/February 2023	Public presentations by applicants
February 2023	CPAC selects recommended projects
February 2023	CPAC consults with other town bodies
February/March 2023	CPAC finalizes recommended projects
April 2023	Annual Town Meeting begins

If you have additional questions about this process, please contact:

Julie Wayman
CPAC Liaison
JWayman@town.arlington.ma.us
781-316-3005

Community Preservation Act Committee Town of Arlington

Special Application Process

Use of the **Special Application Process** is only granted by the CPAC under the unique circumstances that a significant opportunity would otherwise be lost if the application were to be processed using the standard timeline (as outlined in the **Standard Application**.)

The CPAC will allow an applicant to utilize the **Special Application Process** only if the project meets the General Selection Criteria of the Community Preservation Plan, the Specific Criteria for the affected community asset category, and the following additional criteria:

- The proponents were unaware of the opportunity to undertake the project; or the proponents did not have authority to identify the opportunity prior to the regular **Application Deadline**.
- The applicant has either: (a) a letter of intent signed by the current owner of the real property expressing an interest in selling to the applicant; or (b) legal control (an option, signed purchase and sale agreement or legal title) of the real property.
- The project is supported by one or more Boards with responsibility for projects of a similar nature.
- Failure to secure CPA funding will create a high likelihood that the project will not be able to be carried out to the benefit of the Town, because the opportunity is of very short duration.
- Appropriation of CPA funding will contribute materially to the likelihood of success for the project.
- The project holds a high priority in the Master Plan, the Housing Plan, the Open Space and Recreation Plan, or other planning documents currently accepted and utilized by the Town.

Should the CPAC grant use of the **Special Application Process**, the CPAC will continue to adhere to the applicable procedures as outlined in the **Standard Application Process**. Only the pertinent submission and hearing deadlines will be changed in order to accommodate the unique conditions surrounding the proposed project.

If the timing of the application is such that the CPAC cannot meet the deadline for the Annual Town Meeting, the applicant or the Selectmen must call a **Special Town Meeting** for the purpose of considering the appropriation of CPA funds for the proposed project. The CPAC will not be responsible for recommending a **Special Town Meeting** or any other changes in the Town's calendar.

Community Preservation Act Committee Town of Arlington

Funding Process

Initial Documentation

Following approval from Arlington's [Annual Town Meeting](#) or [Special Town Meeting](#), the Community Preservation Act Committee will notify grant recipients of the funding that has been awarded. This award letter will outline any terms, funding conditions, or additional instructions applicable to the approved CPA grant. A confirmation of receipt must be returned to the CPAC as proof that project sponsors received the procurement procedures and accepted the terms and conditions outlined in the award letter.

Projects financed with CPA funds must comply with all applicable state and municipal requirements, including the state procurement law, which requires special procedures for the selection of products, vendors, services, and consultants. Project sponsors are required to meet with the Town Manager's staff before the Town will enter into any contracts or issue any purchase orders. However, this requirement can be waived if adherence to procurement procedures will be overseen by a Town Department Head or other MCPPO certified third party.

Should a property or artifact that has benefitted from CPA funding be sold or given to a new owner within five years of the award letter's issuance date, the CPA fund must be reimbursed the entire amount awarded unless the CPAC waives this requirement in part or in its entirety.

Supplementary contracts may be required by the Town Manager's Office, depending on the details of the approved project. For construction projects, recipients of CPA funds and all contractors on the project may be asked to have their general liability insurer add the Town of Arlington as an additional insured. Proof of this coverage must be submitted to the CPAC before any invoices can be paid using CPA funds. Projects on Town owned properties that are already required to indemnify the Town may be asked to reconfirm coverage before any invoices can be paid.

Updates to the CPAC

Grant recipients will notify the CPAC when work on projects has commenced and submit periodic project status updates. Progress Reports will be submitted to the CPAC and incorporated into the Annual Town Meeting CPA package. Approved projects will be carried out in accordance with the terms outlined in the award letter and any supplementary contracts from the Town. Any significant deviations from the project as presented in the original [Application](#) must be approved by the CPAC to ensure that such changes are CPA-eligible expenditures and within the scope of the project as approved by Town Meeting.

Grant recipients should contact the [Community Preservation Act Committee Liaison, Julie Wayman](#), at JWayman@town.arlington.ma.us or 781-316-3005 to notify the CPAC of any significant changes to their projects.

Expenditures

Invoices will be submitted to the CPAC for their approval. Approved expenditures will be processed through the Town Comptroller's Office and paid through the Treasurer's Office. Any funds for a CPA project that remain at the completion of work will return to the general CPA fund once the project is officially closed. The remaining funds will then be reappropriated at the next Town Meeting, unless the CPAC votes to approve the use of remaining funds for the completion of additional related work. In such cases, approval will be dependent upon whether the additional proposed work is within the general scope and intent of the original **Application**.

Closing Process

CPA grant recipients will notify the CPAC in writing through a Final Progress Report when work is completed for their project. Once this notification is received, the CPAC will review the initial acceptance letter to make sure that all terms and conditions have been met. The CPAC will schedule a final site visit as appropriate with the CPA grant recipient to examine and photograph the completed work. If a final site visit is not appropriate for the project, the CPAC may accept photographs or hardcopies of the deliverable as additional proof that the CPA project has been completed. The CPAC will also generate a final summary of the CPA fund expenditures for the project. Once all tasks have been performed, the CPAC will vote to officially close the project file.

Once the project file is officially closed, the CPAC will work with the Town Comptroller to return any unexpended funds to the general CPA fund. **Projects must be officially closed before June 30 of the current year for the funds to be available for reappropriation at the following year's Town Meeting.**

Additional Requirements

CPA grant recipients are required to acknowledge the Community Preservation Act in all press releases, publicity materials, news, and written or oral announcements about work supported by CPA funds. When applicable and upon request, a sign acknowledging the contribution of CPA funds must be posted in a visible public location at the project worksite for the duration of the active work period. The sign will be furnished by the CPAC.

Projects receiving CPA funds must be completed within 30 months following the Town Meeting approval, unless the CPAC votes to approve an extension of time due to compelling and documented circumstances. Without such support, the CPAC may recommend to rescind any remaining CPA funds at a subsequent Town Meeting.

Community Preservation Act Committee Town of Arlington

CPA Funding – FY2024 Preliminary Application

One (1) electronic copy of the completed application must be submitted to the CPAC **no later than October 7, 2022** in order to be considered for advancement to the final application stage, with the electronic copy sent to JWayman@town.arlington.ma.us.

This PDF form may be completed on a computer using [Adobe Reader](#).

1. General Information

Project Title: _____

Applicant/Contact: _____

Organization: _____

Mailing Address: _____

Telephone: _____ E-mail: _____

2. CPA Eligibility (refer to the chart on page A-3)

CPA Category (select one):

Community Housing Historic Preservation Open Space Recreation

CPA Purpose (select one):

Acquisition Creation Preservation Support Rehabilitation & Restoration

3. Budget

Amount Requested: _____ Total Project Cost: _____

Signature _____ Date _____

Please complete the project description on the following page

Brief Project Description and Rationale

Include the address/location and current owner of the property, as well as any critical dates. Describe the benefit of the project to the community. Attach supplemental information (photographs, drawings, documents, etc.) as desired. Include a brief rationale for your responses to the CPA category and purpose checkboxes on the cover page.

Enter your response below this line

**Chart 1
COMMUNITY PRESERVATION FUND ALLOWABLE SPENDING PURPOSES (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, 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	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 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.	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>Seideman v. City of Newton</i> , 452 Mass. 472 (2008)	Yes	X	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	X	X	X	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

Source: Department of Revenue (DOR) 10-5-2012 conference, "Recent Developments in Municipal Law," Workshop B - Local Finances