



Historic – Paine Estate



Open Space – Lot 1

**City of Waltham Massachusetts
Community Preservation Plan
For Fiscal Year 2012
(July 1 2011 – June 30 2012)
Adopted November 15, 2011**



Housing – 82-84 Orange Street



Recreation – In the future...

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ARTICLE I ORGANIZATION

Section 1 Organization

The Waltham Community Preservation Committee is established and organized under authority of Article XXXI, Community Preservation Committee Ordinance No. 30452, Chapter 2 of the General Ordinance of the City of Waltham as amended.

Section 2 Chairperson

The Committee Members shall annually at the first meeting in each fiscal year elect a Chairperson by majority vote.

Section 3 Committee Members

- A. In the event that a Committee Member is unable for any reason to complete serving a term, whether by failure of reappointment or otherwise, the board, commission or authorized body responsible for designating said Committee Member shall within 90 days designate another of its members to complete the remainder of the term.
- B. Any Committee Member may be removed for cause by his or her designating authorized body after a hearing.
- C. All Committee Members shall serve on the Committee without compensation.

Section 4 Clerk

- A. The Committee Members shall annually at the first meeting in each fiscal year elect a Clerk by majority vote who will call the roll and audit the notes of all meetings.
- B. In the absence of the Clerk, the CPA Program Manager shall act as Clerk.

Section 5 Vice-Chairperson

In addition to the election of the Chairperson and the Clerk the Committee at its annual meeting shall elect a Vice-Chairperson.

If the Chairperson is absent or unable to serve for any reason, the Vice-Chairperson shall preside over and carry on the affairs of the Committee with the same powers and duties as the Chairperson.

Section 6 Meetings

The Waltham Community Preservation Committee will schedule 8 regular meetings each fiscal year in the months of September, October, November, February, March, April, May and June. These regular meetings will be scheduled on the 2nd or 3rd Tuesday of the designated months at 7:00PM in the City Council Chamber unless otherwise changed by the Committee.

The meetings shall be open to the public. Meeting times, dates and locations shall be posted on the City Hall Bulletin Board forty-eight (48) hours or more prior to each meeting. They will also be posted on the City of Waltham Community Preservation Committee web site <http://www.city.waltham.ma.us/>.

Roberts Rules of Order shall be utilized for any contingency not covered by these regulations. For all meetings a quorum of the nine (9) member Waltham Community Preservation Committee shall be five (5).

Section 7 Special Meetings

Special meetings may be called by the Chairperson or at the request of any two members of the Board. Written notice thereof shall be given to each member at least forty-eight (48) hours before the time set. Special meetings shall be held in the Council Chamber or other suitable place within or out of City Hall at such time and place as designated.

Section 8 Order of Meeting

- A. Chairperson: Call the meeting to order
- B. Clerk: Call the roll.
- C. Clerk: Minutes of previous meeting
- D. Chairperson or staff: Announcements
- E. Chairperson or staff: Read or describe Correspondence
- F. New business
- G. Old business
- H. Chairperson: Public Meetings/Hearings
- I. Chairperson: For the good of the Committee

ARTICLE II STAFF

Section 1 CPA Program Manager Job Description

The CPA Program Manager is responsible for all aspects of managing the implementation of the Massachusetts Community Preservation Act (CPA) as it relates to the City of Waltham. The Manager organizes the activities of the nine-member Community Preservation Committee, including:

- creating short-term and long-range Program goals and performance objectives;
- monitoring and tracking legislation and local initiatives related to the Community Preservation Act;
- evaluating needs, possibilities, and resources of the City regarding community preservation;

- analyzing costs, performing project reviews, and recommending priorities for funding;
- developing reports and making presentations to elected and appointed officials and the general public;
- administering Waltham's Community Preservation Fund;
- monitoring projects that have been funded with Community Preservation funds;
- and monitoring compliance with the requirements of the Community Preservation Act and other pertinent state and local laws including procurement and contract procedures.

Other responsibilities and activities may be assigned by the Committee and Chairperson.

The salary of the Community Preservation Act Program Manager is determined by the City Council from recommendations by the Waltham Community Preservation Committee.

Section 2 Temporary Staff

Temporary staff will be under the direction of the Community Preservation Act Program Manager as assigned by the Chairperson and Committee.

ARTICLE III APPLICATIONS FOR COMMUNITY PRESERVATION ACT FUNDS

Section 1 Application Forms

The City of Waltham's Community Preservation Committee (CPC) has two Application forms:

- A. Historic, Open Space and Recreation Funding Application WCPA-1
- B. Community Housing Funding Application WCPA-2

Application forms will be available at CPC office, and on line at the CPC area of the city's website.

Section 2 Submission Requirements

Proposals for Community Preservation Act funding must be submitted using the City of Waltham's Application forms WCPA-1 and WCPA-2.

If the proposal is exclusively a community housing project, applicants must submit WCPA-2. If the proposal combines community housing with any other funding category, both WCPA-2 and the WCPA-1 must be submitted. Otherwise applicants can submit just WCPA-1.

All information requested on the application forms must be included with the proposal at the time of submission or it will not be accepted for consideration. Applications may not include any handwritten information.

Applications and all supporting documentation must be submitted as hardcopy with eleven (11) copies (including one unbound for reproduction) to the official mailing address as specified in Article VI.

Applicants are encouraged to include any maps, diagrams, and/or photographs pertaining to the project. Letters of support for the project from community organizations or other sources may also be submitted.

Applicants should include actual quotes for project costs whenever possible. If not available, estimates may be used, provided the basis of the estimate is fully explained.

Applicants should pursue matching or supplemental funds from state, federal and/or private sources when available.

Applicants should detail who will be responsible for project implementation and management. Their relevant experience should be included in the narrative. Please be sure that project management costs have been included in the overall project budget.

Section 3 Application Submission Acceptance Process

An Application may be filed at any time to the CPC. Each Application will be acknowledged in writing as it is received.

Any Application submitted more than a week before a regularly scheduled CPC meeting will be reviewed by the CPC at the next regularly scheduled meeting to determine if it should be accepted for consideration or returned to the applicant.

The CPC will review the details of the Application to see if all aspects of the Application have been complied with. The Application will also be reviewed for acceptability under the terms of the CPA legislation. The Application will also be evaluated to see if it is sufficiently developed in terms of the work plan and ripe in terms of timing for further consideration.

The CPC can decide to send the Application back to the applicant for missing information, incomplete information, desired information, or for any matter the committee may deem would keep the Application from moving through the remaining Application process in an orderly fashion. If satisfied with the Application's completeness, the CPC can decide to accept it for consideration which will take place at subsequent meetings.

The CPC will decide by vote if to accept the Application for consideration or return the Application to the applicant. All Applications accepted for consideration will be available as public information for review at the CPC office.

In either case if an Application is or is not accepted for consideration by the CPC, the applicant will be notified within 2 business days by the Program Manager. If not accepted for consideration, a list of reasons will be compiled by the CPC and supplied to the applicant.

An application may come before the CPC more than once before it is accepted for consideration.

Section 4 Application Consideration Process

After an Application has been accepted for consideration, the Application will follow a minimum of a two meeting consideration process. At the first regularly scheduled meeting following the meeting at which the Application was accepted for consideration, there will be

a Public Hearing scheduled for the proposal. At that Public Hearing the applicant will be given an opportunity to present the scope and details of their project, and answer questions from the CPC members. At the Public Hearing, input from interested parties and the general public will also be heard.

Following the Public Hearing on the Application but within the same meeting, the CPC will discuss the merits of the Application and evaluate it based on the criteria and goals as specified in this Plan. In applying the criteria and goals to the Application, the CPC needs to find that the Application meets or exceeds a sufficient confluence of the criteria and goals to consider recommending it for funding.

Discussion may generate requests of the applicant for more information or possible changes to the proposal. Discussion may include requested comments from pertinent boards and committees. No decision can be made at this meeting to recommend the Application for funding.

At the regularly scheduled meeting following the meeting where an Application has had its Public Hearing, the CPC will discuss the Application again as needed. After any further discussion, the CPC will decide whether to recommend or not recommend the Application be funded. If an Application is recommended for funding by the CPC, the CPC must also decide which CPA account(s) should be used. The Project Manager will submit Applications with recommendation for funding to the City Council within 2 business days.

During the Application consideration process and up until the City Council approves funding to a Application recommended to it for funding by the CPC, further information will be accepted upon request from the Committee, City Councilors, or other interested parties. Further public meetings may be held to obtain information and elicit responses to questions from the CPC, members of the City Council, interested parties and the public.

If the CPC in their wisdom perceives that a significant community preservation opportunity for the city would be lost if an application was not considered in less time than the minimum two meeting process based on regularly scheduled meetings, the CPC can decide to hold a Special Meeting for the sole purpose of addressing a particular application which will count as one of the two meetings specified in the consideration process.

Section 5 Application Funding Process

Following a City Council vote to appropriate for a project recommended by the CPC, the City Clerk will issue the appropriation Order, within 20 business days.

Projects on City owned land will be administered by the City department that is responsible for that land. Public bidding under applicable statutes (MGL c. 30, 30B, and 149) may be required. Approved project funds will be appropriated to the relevant City department head in charge of project oversight and implementation.

Projects on private land will require a signed funding agreement between the City and the applicant. The CPC will monitor all projects and will require the applicant to provide a complete project timeline prior to the project start and quarterly status reports until project completion.

ARTICLE IV HEARINGS

Section 1 Time Of Hearings

A minimum of one (1) annual public hearing will be held by the Community Preservation Committee. The date and time of all public hearings will be announced by the Committee, published in a local newspaper for each of at least two weeks prior, posted on the City Clerk's Bulletin Board and on the CPC/CPA website with a minimum of 48 hours notice. All State statutes, regulations and City Ordinances governing public hearings will apply.

Section 2 Legal Notices

All legal notices issued by the CPC will follow the dictates of the state's open meeting law, conflict of interest law and the Waltham City Ordinance #30452. Notice of hearings shall be posted publicly and published for each of two weeks preceding a hearing in a newspaper of general circulation in the city, and published electronically on the city's web site.

Section 3 Location Of Hearings

All Public hearings will take place in the Waltham City Council Chambers unless otherwise designated by the Community Preservation Committee.

Section 4 Quorum

A quorum of the nine (9) Member Waltham Preservation Committee shall be five (5). Any action taken by the Committee requires five (5) votes to pass or deny.

Section 5 Methodology

At the discretion of the Committee, public hearings shall follow the normal procedures of Roberts Rules of Order.

ARTICLE V BUDGET

Section 1 Required Annual CPC Set-Asides

The Waltham CPC will make its annual recommendations to City Council for the required 10% set-asides for open space, historic resources, and community housing before the city sets its tax rate for the subsequent fiscal year. This means that CPC set aside recommendations for a given fiscal year should be presented to the Waltham City Council on or before November 1 of the previous fiscal year. The required minimum set-asides are 10% for open space (but not for active recreation), 10% for community housing, 10% for historical resources, with the balance going to to the CPA undesignated account or to a CPA budgeted reserve.

Section 2 Budget

The Waltham Community Preservation Committee's operating budget may not exceed 5% of the city's annual CPA revenues (including both locally raised CPA revenues and the annual distribution from the state's Community Preservation Trust Fund).

Section 3 Other

In accordance with state statutes, the City Treasurer and Collector of Taxes have established the Community Preservation Fund from which appropriations for all CPA projects will be drawn. Any other state regulations or DOR directives pertaining to the Community Preservation Act and or its local implementation not mentioned here shall be in full force and effect.

The CPC reserves the right to modify the CPC Plan or Applications at any time. Changes will be published and the CPC Plan or Applications updated immediately following a CPC vote.

**ARTICLE VI
OFFICES AND CONTACT INFORMATION****Section 1 Program Manager Office**

The office of the CPC and Community Preservation Act Program Manager is located at 11 Carter Street.

Section 2 Official Mailing Address And Phone

The Waltham Community Preservation Committee official address and phone number are:

Waltham City Hall
610 Main Street
Waltham, MA 02452
781-893-3117.

**ARTICLE VII
CRITERIA AND GOALS****Section 1 Use of Criteria and Goals**

The criteria and goals presented below exist to aid the CPC in evaluating projects requesting CPA funding. The CPC will give preference to a proposal that meets or exceeds the most general criteria. The CPC will give preference to a proposal that meets or exceeds the most category criteria, furthers the most category goals and meets or exceeds the most category needs. Together, a proposal must meet or exceed a sufficient confluence of criteria and goals to be recommended for funding.

Section 2 General Criteria

Each project proposed should try to meet as many of the following general criteria:

- Are consistent with current planning documents that have received wide scrutiny and input and have been adopted by the city;
- Preserve the essential character of the city as described in the Comprehensive Plan;
- Save resources that would otherwise be threatened;
- Benefit a currently under-served population;
- Either serve more than one CPA purpose (especially in linking open space, recreation and community housing) or demonstrate why serving multiple needs is not feasible;
- Demonstrate practicality and feasibility, and demonstrate that they can be implemented expeditiously and within budget;
- Produce an advantageous cost/benefit value;
- Leverage additional public and/or private funds;
- Preserve or utilize currently owned city assets; and
- Receive endorsement by other municipal boards or departments.

Section 3 Community Housing Criteria and Goals

Background

(To be added).

Current Resources

(To be added).

Category Criteria

- Contribute to the goal of 10% affordability as defined by chapter 40B of the Massachusetts General Laws
- Promote a socio-economic environment that encourages a diversity of incomes
- Provide housing that is harmonious in design and scale with the surrounding community
- Intermingle affordable and market rate housing at levels that exceed state requirements for percentage of affordable units pursuant to Chapter 40B
- Ensure long-term affordability
- Address the needs of qualified households, including very low; low; and low-to-moderate income families and individuals
- Provide affordable rental and affordable ownership opportunities
- Promote use of existing buildings or construction on previously developed or city-owned sites

Needs and Goals

(To be added).

Section 4 Historic Criteria and Goals**Background**

(To be added).

Current Resources

(To be added).

Category Criteria

- Protect, preserve, enhance, restore and/or rehabilitate historical, cultural, architectural or archaeological resources of significance, especially those that are threatened
- Protect, preserve, enhance, restore and/or rehabilitate city-owned properties, features or resources of historical significance
- Protect, preserve, enhance, restore and/or rehabilitate the historical function of a property or site
- Demonstrate a public benefit
- Ability to provide permanent protection for the historic resource

Needs and Goals

(To be added).

Section 5 Open Space Criteria and Goals**Background**

(To be added).

Current Resources

(To be added).

Category Criteria

- Permanently protect important wildlife habitat, particularly areas that include:
 - Locally significant biodiversity
 - A variety of habitats with a diversity of geologic features and types of native and non-native vegetation
 - Threatened or endangered habitat or species of plant or animal
- Preserve active agricultural use
- Provide opportunities for passive recreation and environmental education.

- Protect or enhance wildlife corridors, promote habitat connectivity or prevent fragmentation of habitats
- Provide connections with existing trails or protected open space
- Acquire land or easements for potential trail linkages
- Preserve scenic and historic views
- Protect drinking water quantity and quality
- Provide flood control/storage
- Preserve and protect important surface water bodies, including streams, wetlands, vernal pools, riparian zones or Areas of Critical Environmental Concern (ACEC)
- Provide buffer for protected open space, or historic resources

Needs and Goals

(To be added).

Section 6 Recreation Criteria and Goals

Background

(To be added).

Current Resources

(To be added).

Category Criteria

- Addresses a need or objective identified in a City Plan
- Serves a significant number of residents
- Preserves and expands the range of recreational opportunities available to city residents of all ages and abilities, including those at-risk of obesity
- Promotes recreational activities
- Maximizes the utility of CPA purchased City property
- Promotes the creative use of railway and other corridors to create safe and healthful bicycle/ pedestrian transportation opportunities
- Preserves and enhances the natural wildlife habitat functions and values of open space

Needs and Goals

(To be added).

APPENDIX A REVISION HISTORY

Version 1

The original CPC Plan including the application Forms CPA-1 and CPA-2 were introduced for FY 2007.

Version 2

The changes for FY 2012 CPC Plan were adopted at the annual Plan hearing meeting on November 15, 2011 as well as renaming the application Forms to WCPA-1 and WCPA-2.

Version 3

More changes for FY 2012 CPC Plan were adopted at a special meeting on November 29, 2011.

APPENDIX B ALLOWABLE SPENDING PURPOSES

The following chart is a summary from M.G.L. chapter 44B, section 5, of the allowable uses that community preservation funds may be spent on as of November 29th, 2011.

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 or eligible for listing 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 Protection from injury, harm or destruction, but not maintenance, which is upkeep of property	Yes	Yes	Yes	Yes
SUPPORT (not defined)	X	X	X	Yes, includes funding for community's affordable housing trust
REHABILITATION AND RESTORATION Remodeling, reconstruction or making 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 if acquired or created with CP funds	Yes if acquired or created with CP funds