



WALTHAM
MASSACHUSETTS
"The Watch City"

Community Preservation Committee

M. Justin Barrett, Jr., Chair
Board of Survey and Planning

Erika Oliver Jerram, Vice Chair
Member

Daniel Melnechuk, Clerk
Member

Tom Creonte
Recreation Board

Bill Doyle
Conservation Commission

Bob LeBlanc
Housing Authority

Loretta McClary
Member

Amanda Thibodeau
Member

Sean Wilson
Historical Commission

Government Center
119 School Street, Room 24
Waltham, MA 02451
(781) 314-3117
cpc@city.waltham.ma.us

Community Preservation Plan 2022



Paine Estate



McDonald Playground



Prospect Hill Terrace

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Girl Scouts: Camp Cedar Hill Fountain

ARTICLE I 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 1 Members

The CPC, formed in 2006, consists of four (4) city residents appointed by the City Council, and five (5) required members from each of the following boards and commissions: Board of Survey and Planning, Conservation Commission, Historical Commission, Housing Authority, and Recreation Board. Members serve 1-year terms.

In the event that a Committee Member is unable for any reason to complete serving a term, 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.

Any Committee Member may be removed for cause by their designating authorized body after a hearing.

All Committee Members shall serve on the Committee without compensation.

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

If the Chairperson is absent or unable to server 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.

In the absence of the Clerk, the CPA Program Manager shall act as Clerk.

Section 2 Staff

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 9-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
- 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.

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

Section 3 Meetings

The Waltham Community Preservation Committee will schedule eight (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 month at 7:00 p.m. in a site to be determined at least two (2) weeks prior to the meeting.

The meetings shall be open to the public. Meeting times, dates and locations shall be posted on the City Hall Bulletin Board at least forty-eight (48) hours prior to each meeting. They will also be posted on the City of Waltham Community Preservation Committee's website: <https://www.city.waltham.ma.us/community-preservation>.

Robert's 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). Any action taken by the Committee requires a minimum of five (5) votes to approve.

Special meetings may be called by the Chairperson or at the request of any two (2) members of the Committee. Written notice thereof shall be given to each member at least forty-eight (48) hours before the time set.

Section 4 Order of Meetings

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

ARTICLE II

APPLICATIONS FOR COMMUNITY PRESERVATION ACT FUNDS

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 are available at the CPC office, and online at the CPC City's website.

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 ten (10) copies (including one unbound for reproduction) to the mailing address as specified in Article V. Should an Application be recommended for funding by the CPC, then an additional twenty (20) copies must be provided for use by the City Council.

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 will also submit an electronic version of each and every document submitted in their application if available, either on CD or USB flash drive, preferably in Portable Document Format (PDF) or other commonly used file formats (e.g., .doc, .docx, .xls, .xlsx, .jpeg).

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.

An Application must be submitted at least seven (7) days prior to a meeting. Each Application will be acknowledged in writing as it is received.

The CPC Program Manager 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 Program Manager and Chair can decide to send the Application back to the applicant for incomplete information, desired information, or for any matter the committee may deem would keep the Application from moving through the Application process in an orderly fashion. If satisfied with the Application's completeness, the Application will be scheduled for a public hearing at the next available CPC meeting.

All Applications accepted for consideration will be available as public information for review at the CPC office.

If an Application is or is not accepted for consideration by the CPC Program Manager and Chair, the applicant will be notified within seven (7) business days by the Program Manager. If not accepted for consideration, a list of issues will be compiled by the CPC Program Manager and supplied to the applicant. Once the issues are worked through, the Application may come back to the CPC. There is no time limit for working through this process.

After an Application has been accepted for consideration by the Program Manager and Chair, the Application will normally follow a two (2) meeting consideration process. At the first regularly scheduled meeting following acceptance, there will be a Public Hearing scheduled for the proposal. At the 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, discussion by the CPC 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 is normally made to recommend the Application for funding at this meeting, but in the case of a straightforward proposal, the CPC can vote at the same meeting to approve the project.

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. The Project Manager will submit Applications with recommendation for funding to the City Council in time to meet the next City Council docket deadline.

Following a City Council vote to appropriate for a project recommended by the CPC, the City Clerk will issue the appropriation Order, within twenty (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 III

PUBLIC HEARINGS

Public hearings take place at a regularly scheduled or special CPC meeting. These hearings will conform to Massachusetts Open Meeting laws, and any Waltham ordinances pertaining to committee meetings. When possible, as much advanced notice will be given on the City's website calendar as well as posting on the City Clerk's Bulletin Board but must not be less than forty-eight (48) hours.

As per CPA statute, Public Input Hearings will have a minimum of two (2) weeks' notice on both the City's website calendar and published for each of two (2) weeks preceding said hearing in a newspaper of general circulation in the greater Waltham area. Other than the extra advanced notice, Public Input Hearings will conform to Massachusetts Open Meeting laws and any Waltham ordinances pertaining to committee meetings.

The CPC will hold an annual Public Input Hearing which may take place within a regularly scheduled CPC meeting or be a separately scheduled CPC meeting at the discretion of the CPC.

At an Application Public Hearing or Public Input Hearing any person may speak regarding the matters before the hearing.

If presenting printed input, presenter shall bring ten (10) copies to the meeting. If presenting electronic materials, presenter shall email or deliver these to the Program Manager at least one (1) week prior to the meeting.

All public input becomes public record under the Open Meeting Laws.

As both Application Public Hearings and Public Input Hearings take place within CPC meetings, location, quorum and process are the same as specified in Article 1 Section 4 Meetings.

ARTICLE IV

BUDGET

Prior to the City setting its tax rate for the subsequent fiscal year, the Waltham CPC will make its annual recommendations to City Council for the required minimum set-asides at 10% for open space (but not for active recreation), 10% for community housing, and 10% for historical resources, with the balance going to the CPA undesignated account or to a CPA budgeted reserve. 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 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).

In accordance with state statutes, the City Treasurer and City Assessor have established the Community Preservation Fund from which appropriations for all CPA projects will be drawn. Any other state regulations or Department of Revenue 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 V

OFFICE CONTACT INFORMATION

The office of the CPC is located at:

Government Center
119 School Street, Room 24
Waltham MA 02451
781-314-3117
cpc@city.waltham.ma.us

ARTICLE VI

CPA PROJECT CATEGORIES

Open Space

The CPA defines recreational use as 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. Recreational use shall not include horse or dog racing or the use of land for a stadium, gymnasium, or similar structure.

Community Housing

The CPA defines community housing as low-and moderate- income housing for individuals and families, including low-or moderate- income senior housing. The term “support” includes expenditures such as development of a Housing Needs Assessment for the town, or creating a rental assistance program for income-eligible residents.

Historic

The CPA recognizes historic resources as historical structures and landscapes, including a building, structure, vessel, or real property that is listed or eligible for listing on the State Register of Historic Places or has been determined by the Waltham Historical Commission to be significant in the history, archeology, architecture, or culture of a city or town.

APPENDIX A

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.

ATTACHMENT V-2 - COMMUNITY PRESERVATION FUND ALLOWABLE PROJECT SPENDING PURPOSES (G.L. c. 44B, § 5)

| | OPEN SPACE | HISTORIC RESOURCES | RECREATIONAL LAND | COMMUNITY HOUSING |
|--|---|--|---|---|
| | Land to protect existing and future wetlands, watersheds, fields, 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 noncommercial youth and adult sports, and the use of land as a park, playground or athletic field. Does not include horse or dog racing or the use of land for a stadium, gymnasium or similar structure | Housing for low income individuals and families and 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, purchase, lease or otherwise. Only includes eminent domain taking as provided by G.L. c. 44B | Yes | Yes | Yes | Yes |
| CREATION - Bring into being or cause to exist. <i>Soldman v. City of Newton</i> , 452 Mass. 472 (2008) | Yes | | Yes | Yes |
| PRESERVATION - Protect personal or real property from injury, harm or destruction | Yes | Yes | Yes | Yes |
| SUPPORT - Programs providing grants, loans, rental assistance, security deposits, interest-free 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 it, for the purpose of making the housing affordable | | | | Yes, provided the housing asset itself is made affordable by the expenditure |
| REHABILITATION AND RESTORATION - 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 open space asset acquired or created with CP funds | Yes, provided that rehabilitation complies with Secretary of Interior's Standards for Treatment of Historic Properties | Yes (includes replacement of playground equipment) | Yes, if housing asset acquired or created with CP funds |
| APPROPRIATIONS TO AFFORDABLE HOUSING TRUST G.L. c. 44, § 55C | | | | Yes; however, trust is required to spend CPA funds for CPA community housing purposes. |
| Maintenance expenditures are prohibited for all assets even if they could otherwise be considered acquisition, creation, preservation, support, rehabilitation or restoration. Maintenance means incidental repairs that do not materially add to value of property or appreciably prolong property's life, but keep property in condition of fitness, efficiency or readiness | | | | |