

**Town of Hamilton
Community Preservation Committee
Frequently Asked Questions (FAQ's)**

Overview

1. What is the Community Preservation Act (CPA)?

The Community Preservation Act, M.G.L. Chapter 44B, was adopted by the Legislature and signed into law by Governor Paul Cellucci in September 2000. The CPA allows any city or town in the Commonwealth of Massachusetts to adopt a property tax surcharge of up to 3%, the revenues from which are matched to the extent of available funding by State funds collected from fees on documents recorded in the County Registry of Deeds. The combined money from these two sources is used for the following purposes:

- Acquire, create and preserve open space
- Acquire, create, preserve and rehabilitate recreational land
- Acquire, preserve and rehabilitate historic resources
- Acquire, create, preserve, rehabilitate and support community housing

2. What is the Community Preservation Committee (CPC), and how are its members appointed?

The Community Preservation Act requires that each town that accepts the CPA, also establish by ordinance or bylaw a Community Preservation Committee. At Hamilton's Annual Town Meeting on May 2, 2005, voters approved a bylaw creating the nine member Hamilton Community Preservation Committee. The composition of the Committee includes one member of the Conservation Commission, one member of the Historic District Commission, one member of the Planning Board, one member of the Board of Selectmen acting as a Parks Commissioner, one member of the Housing Authority and four citizens at large appointed by the Board of Selectmen. Each member's length of term is three years with staggered terms. These nine residents with a range of expertise across the project areas are charged with studying the Town's needs, possibilities and resources with respect to community preservation and with making

recommendations to Town Meeting with respect to the allocation and expenditure of CPA funds.

Funds

3. When did Hamilton first embrace CPA, and with what percent surcharge on property taxes?

The citizens of Hamilton voted to adopt the Community Preservation Act during a Town Election on May 12, 2005. The program created a 2% surcharge on real estate taxes for all residences and businesses, with exemptions for the first \$100,000 of residential property value and for property owned and occupied by any person who qualifies for low-income housing or low- or moderate-income senior housing.

4. Can this surcharge ever be changed, i.e., increased to the maximum 3%, reduced or eliminated altogether?

Yes, the town may increase or reduce the surcharge, or revoke CPA. From the Department of Revenue:

“A city or town may amend the surcharge percentage and exemptions. Amendment is by majority vote of the legislative body and by referendum. G.L. Ch. 44B §16(a).

“Acceptance may be revoked, but the city or town must wait until at least five years after the referendum passes to do so. Revocation is by majority vote of the legislative body and by referendum. G.L. Ch. 44B §16(b). The surcharge continues to be assessed, however, until all obligations incurred and funded by the city or town from Community Preservation Fund revenues are paid.”

5. Are there any allowances for citizens to opt out of the surcharge?

Yes, residents that qualify for low-income housing or low- or moderate-income senior housing may opt out of the surcharge. Each year, beginning in September, applications for CPA exemption are available in the Town Assessor’s office. The short application must be returned by the end of March in order for the household to be exempted from the surcharge that year.

6. How is the state match determined, and approximately what percent of the local surcharge monies has the state matched?

Each year the state match is distributed in two rounds. In the first round, the state distributes 80% of the available funds to all of the communities that have adopted CPA as a percentage of what each community collected through the local surcharge in the previous year. It is the same percentage for each community in a given year.

In the second round the state distributes the remaining 20% of the available funds only to the communities that have adopted a 3% surcharge, so Hamilton does not qualify. In the second round, some communities receive a higher percentage match than others based on a formula that accounts for the population and property valuations of the eligible municipalities.

Since CPA was adopted in Hamilton, the state has matched approximately 34% of what the town has raised locally.

7. How much money does the CPC have to fund projects?

Each year CPA revenues from the local surcharge and the state match amount to approximately \$450,000. Additionally, as of July 1, 2015, approximately \$1.1 million are available in the fund balance.

8. Can the CPC recommend bonding of larger projects?

Yes, the CPC may recommend bonding of projects. Any recommendation for bonding requires a 2/3 approval of voters at Town Meeting, rather than a simple majority.

Projects

9. What types of projects may be funded by CPA monies?

CPA monies may be used for the following purposes:

- Acquire, create and preserve open space
- Acquire, create, preserve and rehabilitate recreational land
- Acquire, preserve and rehabilitate historic resources
- Acquire, create, preserve, rehabilitate and support community housing

10. Can CPA monies fund a turf recreation field?

The Community Preservation Act, as amended in 2012, states that “with respect to recreational use, the acquisition of artificial turf for athletic fields shall be prohibited.”

The Community Preservation Coalition summarizes this restriction, as follows:

“Another change ushered in by the 2012 amendment was a prohibition on the use of CPA funds for the acquisition of artificial turf for athletic fields. Communities may still use their CPA funds for other aspects of a field project, but must appropriate non-CPA funds to acquire the artificial turf surface.”

11. Can CPA monies fund sidewalks?

“Recreational use” is defined in the Community Preservation Act 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.” Thus, “trails” on open space “land for recreational use” are an eligible use of CPA funds.

12. In the area of grants for historic preservation, do the buildings or structures need to be part of the National Historic Register?

Structures do not need to be part of the National Historic Register to receive CPA funding. However, properties that are listed there, or are eligible for listing, will receive priority, as described in the criteria for historic preservation projects in the 2015 Community Preservation Plan. Determinations of eligibility can be made by the Town’s Historic District Commission.

13. Who may apply for a CPC grant, and where can they find an application with associated instructions?

Anyone may apply for a CPC grant, though they must demonstrate that they have the authority to pursue the given project. The guidelines and applications can be found on the CPC’s website: www.hamiltonma.gov/CPC.

14. What is the typical application process for a CPC grant?

Each year, the CPC will establish deadlines for submission of the applications and post them online on the CPC's website. The deadlines will be approximately two months before Special Town Meeting and five months before Annual Town Meeting. The application process is twofold. The "Application for Community Preservation Eligibility" introduces the project to the CPC so that it can determine the project's eligibility and offer guidance. If the Committee finds that the project is eligible, then an "Application for Community Preservation Funding" must be completed.

15. How are grants evaluated?

The CPC reviews the Application for Funding according to the town's general criteria for CPA projects and the specific criteria for the applicable project category (open space, recreation, historic preservation, or community housing). The criteria have recently been weighted and incorporated into an evaluation form for improved ease and transparency. The criteria and evaluation form can be found in the Community Preservation Plan and on the CPC's website.

16. Once the CPC approves a grant request, can the Selectmen, Finance Committee, or Town Manager disapprove the grant request prior to its being placed on the Town Meeting warrant for a vote?

No, the Selectmen, Finance Committee, and Town Manager cannot reject a grant decision that is made by the CPC. However, they and the general public may comment on the decision; and the CPC may reconsider an application and vote to amend their earlier decision before the warrant closes for Town Meeting. After the warrant closes, at the warrant hearing, the Selectmen and Finance Committee may vote to approve or disapprove of a proposed CPA project, but, regardless of their vote, the project will remain on the warrant for Town Meeting. At Town Meeting, any registered voter may move to amend a section of the CPA article.

17. Is the CPC responsible for determining town needs related to CPA and for developing grant requests?

The CPC is charged with studying the "needs, possibilities and resources of the town regarding community preservation" by consulting with other municipal boards and by holding one or more public hearings. Based on those comments and Town planning documents, the CPC updates the Community Preservation Plan, which can be found online. In that way,

the CPC clarifies CPA-eligible town needs. But, the CPC cannot develop or submit grant requests. Those must be submitted by the parties that will implement the grants.

18. Where can I find the list of past approved grants?

The list can be found on the CPC's website, www.hamiltonma.gov/CPC, and in the Community Preservation Plan.

For Further Information

19. How often does the CPC hold open meetings?

The CPC holds an open public meeting on the second Thursday of the month at 7:30 PM.

20. Does the CPC allow for citizen input at its meetings?

Yes, members of the public may speak at CPC meetings. The CPC's operating procedures describe under "conduct of meetings" that:
"Public comment will be taken for each agenda item. Before speaking, members of the public must be acknowledged by the Chair. The Chair may impose time limits on public comment when necessary. Order and decorum shall be observed by everyone present at the meeting. Committee members and members of the public are prohibited from interrupting others and from making personal, impertinent, threatening, or profane remarks."

21. Whom should I contact for information on the CPC and its grant process?

You may contact Dorr Fox, Community Projects Coordinator, at dfox@hamiltonma.gov or (978) 468-5516.