TOWN OF MARION
COMMUNITY PRESERVATION PLAN
January, 2009

BACKGROUND

The Community Preservation Act (CPA) is a Massachusetts Law that allows participating cities and towns to adopt a real estate tax surcharge of up to 3% in order to fund four community preservation purposes: open space, historic preservation, community housing and recreation. In addition to the community tax surcharge, the State provides matching funds that are not less than 5% or more than 100% of the funds raised by the community. Since CPA's enactment in 2000, the State had matched the city/town surcharge100% every year. FY09, however, saw a 67% State match. At this time the indications are that the State match will be significantly reduced going forward.

The CPA requires that the key purposes of open space, historic preservation and community housing receive not less than 10% each of the CPA funds available in each fiscal year (both town surcharge and state matching), or 30% in all. The remaining 70% of the funds may also be allocated to any one or a combination of the first three key purposes, or to public recreation purposes as well. CPA funds can also remain uncommitted pending a future decision of the community. Subject to certain restrictions, up to 5% of the CPA funds raised annually may be allocated for administrative expenses.

Once funds are allocated to one of the three key purposes and recreation, or appropriated to specific projects within one of the four purposes, they must ultimately be used for the purpose for which they were allocated. So for example, if a community housing project is approved for $10,000, then subsequently cancelled, the $10,000 must be used for some new community housing purpose.

In 2004, Marion formed a Community Preservation Act Organizing Committee to review the CPA requirements and make recommendations with respect to Marion's participation. The Organizing Committee recommended adoption of the CPA at the 2% tax surcharge level. The 2% level was chosen because Marion had an existing 2% surcharge for the Land Bank Fund and was comfortable with that level.

When Marion adopted the CPA in May 2005, the existing 2% surcharge was redeployed to the CPA fund instead of the Land Bank Fund. This made these funds eligible for the State CPA matching funds, thus increasing overall funding to Marion.

In Marion's first full year under the CPA (FY '07), $198,900 was collected from the 2% real estate surcharge, and $198,900 was provided as the State match, for a total of $397,800.

In FY 08 $ 222,120 was collected from the 2% real estate surcharge, and $ 222,120 was provided as the State match.

In FY09 $ 222,388 was billed as the 2% surcharge and $ 150,380, or approximately 67%, was provided as the State match.

As required by the CPA, the Marion Community Preservation Committee (CPC) was created in January 2006 to oversee the CPA effort in Marion. The Marion CPC consists of seven members appointed by and from the Conservation Committee, Historical Commission, Housing Trust, Planning Board, Parks Commission, and Open Space Commission (two members). Under the CPA, the Marion CPC is charged with recommending how to allocate and appropriate CPA funds to the Town's legislative body (Town Meeting).

In 2006, the Community Preservation Committee worked with established town boards and citizens to develop and adopt Community Preservation Act Goals for Marion. These goals are listed in Appendix A.

DISCUSSSION

The CPC does not initiate projects, but collects and reviews projects submitted from other individuals or groups. The CPC's role is to recommend how CPA funds should be allocated and appropriated, but under the CPA, the power to allocate and appropriate CPA funds is reserved solely for Town Meeting. Note that CPA articles presented at Town Meeting can only be accepted or rejected; by law modifications at Town Meeting are not permitted.

Town boards, committees, civic organizations, and residents may bring proposals for funding to the CPC. The proposals must be submitted via a CPA application form (see Appendix B). The CPC will give priority consideration to those proposals that are consistent with Marion's CPA Goals in the areas of open space, historic resources, community housing and recreation. Proposals that benefit more than one CPA purpose (e. g. open space & recreation) are looked upon with favor. Projects which combine CPA funds with other sources of funding are also appreciated.

It is important that applications contain complete, detailed information identifying the benefits of their proposed project. This will support decision-making and help the CPC develop a strong and consistent rationale for its recommendations.

The CPC intends to become a consistent and reliable funding source for community activities. To this end CPC may recommend that some or all CPA funds be "banked" or reserved for significant projects and opportunities in the future.

PROCESS FOR APPROVING THE ALLOCATION OR APPROPRIATION OF MARION CPA FUNDS

In the execution of the CPC's duties, certain actions are required by the CPA. The following is the process that will be followed for the distribution of FY 2010 funds:

1. The CPC is required to study the "needs, possibilities and resources" for community preservation in Marion and it is required to lay out the framework that the CPC will use in the formulation of recommendations it will bring to Town Meeting for the use of CPA funds. This framework can be found in the Marion Community Preservation Goals in Appendix A and the Marion CPA Project Evaluation Guidelines in Appendix C.

   - Marion is fortunate in that there are also a number of documents that directly address several of the CPA purposes:
     - May 31, 2005 *Open Space and Recreation Plan*
     - April, 2006 *Marion 2015: A Report to the Town of Marion Board of Selectmen*
     - February, *2005 Affordable Housing Plan, Marion, MA*
     - *The MA Historical Commission's 1998 Architectural Survey for Marion*

   - Applicants are encouraged to review these documents. The CPC will use them as resource data relative to the "needs, possibilities, and resources" for near term planning. In the longer term the CPC will evaluate the need for additional specific studies to support the Marion CPA Plan Goals.

2. The CPC is required to hold at least one CPA public hearing. The Marion CPC is sponsoring two public meetings. The overall schedule is:

   - December 16, 2008 -- A public hearing is being held to explain the process for submitting project proposals and answer questions. Application forms will be available at this meeting and thereafter (see Appendix B).

   - February 10, 2009 -- Applications submitted by this deadline will be evaluated as potential projects for consideration at the May 2009 annual Town Meeting.

   - February 24, 2009 – Deadline for submission of additional information to the CPC, if requested.

   - March 10, 2009-- A second public hearing will be held to review and discuss the proposed CPC recommendations. Article language for the 2009 Spring Town Meeting Warrant is due March 20, 2009.

3. Following the December 16, 2008 public hearing, the CPC will assist applicants in understanding the procedures for project application and the guidelines used in reviewing and recommending projects for funding. Please see the contact information listed on the back of the application form. One or more additional CPC meetings may be scheduled between December 16, 2008 and March 10, 2009 as needed.

4. The CPC is required to evaluate CPA applications with respect to the Marion CPA Goals (Appendix A), using fair and equitable decision guidelines, and present recommended

allocations and appropriations to Town Meeting for acceptance or rejection. Again, the CPC's Project Evaluation Guidelines are shown in Appendix C.

5. The CPC will be providing recommendations at the May 18, 2009 Town Meeting for the allocation and/or appropriation of FY 2010 and available CPA funds.

   FY 2010 estimated CPA funds available to be allocated or appropriated to projects are:

   - $236,000, which is comprised of the 2% collected town real estate surcharge ($176,800) and an anticipated State reimbursement of 25% ($44,200), plus $15,000 unreserved CPA funds.

   - Note that a minimum of 30% of the FY 2009 CPA funds must, by law, be allocated/appropriated to open space, historic resources and community housing, (10% to each).

Appendix A

Marion Community Preservation Plan

CPA GOALS

ACQUISITION AND PRESERVATION OF OPEN SPACE

- Permanently protect open space by outright purchase by the Town or other organization, by acquisition of development rights, by conservation restriction, by restructured zoning by-laws, or by other means.
- Achieve resource and habitat protection by acquisition or protection of agricultural and woodland resources, ponds and freshwater wetlands, wildlife habitats, ground water resources.
- Protect Marion's contiguous harbor and bays to support recreation, commercial fishing and shell fishing, by prevention of pollution of saltwater marsh, shellfish beds, by preserving water quality.

And Land for Recreational use

- Develop a network of walking, jogging, cross country skiing, and biking paths.
- Support development, and/or improvement of non-commercial parks, playgrounds, and athletic fields for youth and adult sports.
- Acquire and/or publicize neighborhood beaches.
- Contribute to non-damaging commercial and recreational use of Marion's waters.

CREATION AND PRESERVATION OF COMMUNITY HOUSING

- To promote a variety of community housing options for those with modest means, including young adults, families, long-time residents, the elderly downsizers, returning Marion natives, and municipal employees.
- To preserve the natural, historic, and seaside character of our town and to nurture our sense of a diverse, yet integrated community

ACQUISTION AND PRESERVATION OF HISTORIC BUILDINGS AND LANDSCAPES

- Recognize, preserve, and enhance the historic heritage of the Town of Marion in its entirety.
- Optimize the use and enjoyment of the Town's historic resources by residents and visitors and the contribution such resources make to the Town's fiscal stability.
- Preserve natural and man-made features that contribute to Marion's character such as open fields, cranberry bogs, country roads, scenic vistas, and stone walls.
- Restore those natural and man-made features that have been degraded or impaired.

  Keep and improve the "curb appeal" (character) of Marion through planting, noise control, and design criteria for commercial and residential development.

Appendix B

COMMUNITY PRESERVATION ACT PROJECT APPLICATION

Submission Date:_____

Project Title:_____

Applicant *(note if public or private)*:_____

Address:_____

Telephone:_____ **E-mail:**_____

Federal Tax Identification Number (if non-profit):_____

Contact Person (Name & Telephone):

Project purpose *(Check all that apply)*:

___ Open Space ___ Historic Preservation ___ Affordable Housing ___ Recreation

Project Location/Address:

Community Preservation Funding Request: $_____

Brief Project Summary:

_____

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Attach the following supporting information with all applications:

A. **Detailed Narrative:** A complete and detailed description of the project including goals and objectives, consistency with Community Preservation Act goals, compatibility with the Marion Community Preservation Plan, the Marion 2015 Report and the MA Historical Commission's 1998 Architectural Survey, and relevance to the community and its needs.

B. **Action Plan and Timeline:** Note the estimated dates for project commencement and completion and list (with an explanation) all action and steps that will be required for project completion, including any legal requirements or any impediments to implementation.

C. **Financial Data:** Provide financial information for the project including total cost, additional revenue sources (public, private or in-kind), basis for the fiscal estimates and any other fiscal details currently available.

Please submit 10 copies of the application materials to the Community Preservation Committee Chairman, Marion Town Hall, 2 Spring St., Marion, MA 02738 by Feb. 10, 2009.

GUIDELINES FOR PROJECT SUBMISSION

1. Applications must be received by February 10, 2009 to be considered for recommendation at the 2009 Spring Town Meeting.
2. Funds would be available following the appropriate Town Meeting vote.
3. Applicants may 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 (only one copy is necessary).
4. The Community Preservation Committee may require additional (or more detailed) information or further clarification to a submitted application.
5. Applicants should review the Community Preservation Act (Massachusetts General Laws, Chapter 44B) and the Marion Community Preservation Plan, copies of which are available in the Town Administrator's Office at the Marion Town Hall, prior to submission of funding applications. Call the CPC Chairman (Lori Schaefer 748-0955) or Town Administrator (Paul Dawson 748-3550) with any questions.
6. Eligible projects must address one or more of the uses outlined in the Community Preservation Act. The Community Preservation Act, in Sections 2 and 5 (2), defines, by category, the following uses for Community Preservation funds:

   Open Space -- Acquisition, creation and preservation of land to protect existing water supply/aquifer areas, agricultural and forest land, coastal lands, frontage to inland water bodies, wildlife habitat, nature preserves and scenic vistas.

   Community Housing --Creation, preservation and support of community housing defined as housing for low and moderate income individuals and families, including low and moderate income senior housing. The Community Preservation Committee is required to recommend, wherever possible, the reuse of existing buildings or construction of new buildings on previously developed sites.

   Historic Preservation -- Acquisition, restoration and rehabilitation of historic structures and landscapes that have been determined by the local historic preservation commission to be significant in the history, architecture or culture of the Town or that is listed, or eligible for listing, on the State Register of Historic Places.

   Recreation -- Acquisition, creation and preservation of land for active and passive recreational uses, including land for community gardens, trails and noncommercial youth and adult sports and the use of land as a park, playground or athletic field and for preservation and restoration of recreational facilities (Community Preservation funds cannot be used for a stadium, gymnasium or similar structure or for any maintenance purpose).

11/17/08

Appendix C

MARION CPA PROJECT
EVALUATION GUIDELINES

1. Consistency with Conservation goals, the Open Space and Recreation Plan, the February, 2005 Affordable Housing Plan, the Marion 2015 report and the MA Historical Commission's 1998 Architectural Survey as well as any other planning documents that have received wide scrutiny and input.
2. Preservation of the essential character of the Town of Marion.
3. Acquisition of, preservation of, or rehabilitation of threatened resources.
4. Serving currently under-served populations.
5. Meeting more than one CPA purpose (especially linking open space, historic preservation, recreation and community housing) or demonstrating why serving multiple needs is not feasible.
6. Feasibility and practicality.
7. Urgency.
8. Affordability and ability to be implemented expeditiously and within budget.
9. Advantageous cost/benefit value.
10. Leverage of additional or multiple sources of public and/or private funds.
11. Consistency with recent Town Meeting actions.
12. Preservation or utilization of currently owned Town assets.
13. Successful implementation by applicant of similar projects or demonstration by applicant of ability to implement project as proposed.
14. Endorsement by other Town boards, departments or non-profit organizations.
15. Creation of incentives for other public and/or private projects and/or collaborations to occur.
16. Provision for a dedicated source of funding for on-going maintenance – not from CPA funds.
17. Compliance with the current or proposed Marion Zoning Bylaw and/or the laws of the Commonwealth.