

## **TOWN OF DRACUT, MA**

### **Community Preservation Committee**

### **PROCEDURES MANUAL**

## FOR APPLICANTS

The Community Preservation Act (CPA) helps communities preserve open space and historic resources, create affordable housing, and develop outdoor recreational facilities to benefit the public. As one of 200 communities in the Commonwealth to adopt CPA, Dracut typically distributes its funds for CPA-eligible projects in the form of quasi-grants. This is done, primarily, once per year and coincides with Dracut's Annual General Fund Budget development and submission and is ratified by Town Meeting.

The Community Preservation Committee (CPC) accepts applications for projects starting late Summer for the distribution of funds the following July. In extraordinary special circumstances, as further described herein, the CPC may consider 'out of cycle' funding.

### ***Where Should a Potential Applicant Begin?***

*Q. Is your project eligible for Community Preservation Act Funds?*

*A. Please read the Project Eligibility Requirements carefully.*

*Q. Does your project meet the Dracut community's needs and goals?*

*A. The project should meet the Town's General Selection Criteria and the specific high priority needs and goals of the Town relative to community housing, open space, recreation and historic preservation as identified in Dracut's 2020 Master Plan.*

*Q. Does your organization or individual have a federal tax identification number?*

*A. This is a legal requirement for all government funding; funds cannot be distributed without one.*

*Q. Do you have the consent of the property owner?*

*A. Properties not belonging to the Town must have written authorization of the property owner to be considered eligible for funding.*

*Q. Does the grant schedule meet your project schedule needs?*

*A. This should be outlined in your funding request.*

***If you are not certain whether your project fits the criteria, please contact the Chair of the Community Preservation Committee for clarity.***

## PROJECT ELIGIBILITY REQUIREMENTS

Community Preservation Act funds must be used for community preservation purposes that have a public benefit. **Community Preservation** is defined by M.G.L Ch.44B §2 as, “...*the acquisition, creation and preservation of open space, the acquisition, creation and preservation of historic resources and the creation and preservation of community housing.*” In addition, a portion of the funds may be used for recreation purposes.

Fund monies may be spent to undertake the following community preservation purposes:

**The acquisition, creation and preservation of open space.** Open space, as defined by the CPA, “...*shall include, but not be limited to, 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.*”

**The acquisition, creation, preservation and support of community housing.** The CPA defines community housing as “...*low- and moderate-income housing for individuals and families, including low and moderate income seniors.*” Under Section 5(b)(2), funds may be used for the acquisition, creation, preservation and support of community housing and for the rehabilitation or restoration of such housing that is acquired or created. That section also requires the Community Preservation Committee to recommend, wherever possible, the reuse of existing buildings or the construction of new buildings on previously developed sites.


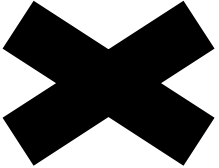
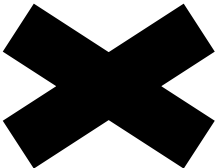
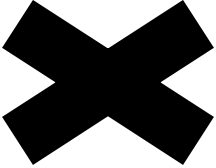
**The acquisition, preservation, rehabilitation and restoration of historic resources.** Historic resources are historical structures and landscapes including “...*a building, structure, vessel or real property, document or artifact that is listed or eligible for listing on the state register of historic places or has been determined by the Historical Commission to be significant in the history, archeology, architecture or culture of the town.*”

**The acquisition, creation, preservation, rehabilitation and restoration of land for recreational use.** Recreational use is defined in the CPA 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, artificial turf field, gymnasium or similar structure.”

Recreational uses do, however, include open air structures and park-like amenities such as pergolas, walkways and playground equipment so long as those activities take place on land dedicated to recreation.

**Reserve Funds.** Each year, the CPC will consider setting aside, for future spending, a portion of the annual receipts of the Dracut Community Preservation Act Fund in order to build a reserve to be used primarily for future real property acquisitions, and/or other large-scale building projects, rehabilitation efforts or other capital needs. The amount of such set-aside is not based upon a formula but is determined by the CPC each year. The Committee shall balance the Town’s current priorities with any perceived potential or future opportunities when making their determinations.

## COMMUNITY PRESERVATION FUND ALLOWABLE SPENDING PURPOSES (G.L. c. 44B, § 5)

	OPEN SPACE	HISTORIC RESOURCES	RECREATIONAL LAND	COMMUNITY HOUSING
<b>DEFINITIONS</b> (G.Lc.4413. §2)	Land to protect existing and future well fields, aquifers and recharge areas, watershed land, agricultural land, grasslands, fields, forest land, fresh and saltwater marshes and other wetlands, oceans, rivers, streams, lakes and pond frontages, breaches, dunes, and other coastal lands, lands to protect scenic vistas, land for wildlife or nature preserve and land for recreational use.	Buildings, structures, vessels, real property, document or artifact listed on the state register of historic places or determined by the local historical commission to be significant in 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 not 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- and moderate-income seniors. Moderate income is less than 100%, and low income is less than 80% of the US HUD Area Wide Median Income.
<b>ACQUISITION</b> Obtain property interest by gift, purchase, devise, grant, rental, rental purchase, lease or otherwise. Only includes eminent domain taking as provided by G.L. Ch.44B	YES	YES	YES	YES
<b>CREATION</b> To bring into being or cause to exist. <i>Seideman v. City of Newton, 452 Mass. 472 (2008)</i>	YES		YES	YES
<b>PRESERVATION</b> Protect personal or real property from injury, hard or destruction	YES	YES	YES	YES
<b>SUPPORT</b> 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 an entity that owns, operates or manages such housing, for the purpose of making housing affordable.				YES, includes funding for community's affordable housing trust.
<b>REHABILITATION &amp; RESTORATION</b> 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 or historic properties.	YES, if acquired or created with Community Preservation Funds.	YES	YES	YES, if acquired or created with Community Preservation Funds.

## GENERAL SELECTION CRITERIA

The Community Preservation Committee (CPC) is responsible for reviewing all projects proposed for Community Preservation Act funding and for making recommendations to Town Meeting. In order to be considered eligible for review by the CPC, a project must at a minimum meet the statutory requirements of the CPA.

If a submitted project is deemed to be eligible for consideration by the CPC, it will be evaluated in relation to the General Selection Criteria and the specific criteria identified in the Needs Assessment for the appropriate use category (Community Housing, Historic Preservation, Open Space and Recreation).

Recommendations for funding will be based on how well the projects meet the criteria. The Committee recognizes that all criteria may not apply to every project.

The CPC will also consider the urgency of the project, especially those projects whose successful implementation is constrained by scheduling factors not under the control of the applicant. In these special situations, such as the imminent placing of land on the market or an indication of an intention to do so, the CPC will consider an application outside of the normal schedule outlined in this document.

**The following factors will be considered (*not in order of priority/weight*):**

- a. The project's eligibility for CPA funding under the CPA legislation.
- b. The project's consistency with the current Town of Dracut Master Plan and/or Town-wide efforts and reports which have received broad-based scrutiny and input such as the Open Space and Recreation or the Housing Production Plans.
- c. The project's support by relevant Town boards, committees, and/or community groups and its consistency with recent Town policy actions.
- d. The extent to which the project preserves, protects or enhances existing Town-owned open space, recreation, historic and/or housing assets.
- e. The extent to which the project serves multiple or underserved populations and/or is open to the public.
- f. Whether or not the project fulfills more than one purpose of the defining legislation: housing, historic preservation, open space or recreation.
- g. Administrative and financial management capabilities of the applicant. Applicants who have previously received CPC funds should be prepared to demonstrate that they are in good standing with all paperwork and project conditions or requirements from the previous allocation period. Applicants should be prepared to provide status reports on any open or outstanding projects and to include information on expenditures, key project milestones, and the anticipated project completion dates.
- h. The extent to which the applicant has successfully implemented projects of a similar type and scale or otherwise demonstrated the ability and competency to implement such a project.
- i. Whenever possible, prior applicants should seek to expend all previous CPC funds and complete the project or project phase before requesting additional funds. When it is not advisable or possible to complete a previous phase first, applicants should be prepared to explain why an expedited process is advantageous or necessary.
- j. Whether or not the applicant has site control or written consent by the property owner (must be submitted with the application.)
- k. Demonstrated financial need.
- l. Whether or not there will be multiple sources of funding for the project, including leveraging of other public and/or private funding.
- m. The feasibility of the project plan and whether or not the most reasonable approach for implementing

the project has been selected.

- n. The urgency of the project, the flexibility of the schedule and the impact of any delay in initiating the project.
- o. The provision for maintenance of the project.
- p. The inclusion of appropriate permanent deed restrictions, preservation restrictions, or conservation restrictions, if applicable.
- q. The project incorporates design features that reduce the impact on the environment including but not limited to reduced energy consumption, enhanced energy and water conservation and the use of recyclable materials.

### COMMITTEE BUSINESS & FUNDING TIMELINE

Committee Meetings, Application Prep & Budget Discussions	July – September
Application Deadline	By November 30 <sup>th</sup>
Applicant Interviews, Site Visits, Committee Due Diligence	December - February
Committee Recommendations for Project Appropriations	By March 31 <sup>st</sup>
Committee Preparations for Town Meeting Presentations	April - May
Annual Town Meeting	1 <sup>st</sup> Monday in June
Funding Letters & Instructions Out	By July 1 <sup>st</sup>
Previous FY Recipient Project Reports to Committee	By September 15 <sup>th</sup>

### STANDARD APPLICATION & REVIEW PROCESS

The Dracut Community Preservation Committee invites proposals for CPC funding throughout the Summer and Fall months. The CPC is responsible for reviewing all applications and making recommendations to Town Meeting as to which applications should be funded.

#### STANDARD APPLICATION PROCESS:

1. While community organizations and Town residents may generate ideas for projects and approach property owners to provide authorized signatures on applications, the existence of any signature presumes that a robust communication with the property owner has already taken place. Please keep in mind that projects involving Town property require sufficient notice and planning with Town boards and staff well in advance of the application deadline.
2. First-time applicants, who have never applied before are highly advised to attend a meeting of the CPC to gather information about the Committee's process and goals.
3. Applicants should submit two (2) hard copies of the completed application *by* 12:00 p.m. November 30<sup>th</sup> (or the next business day thereafter should 11/30 fall on a weekend) to the [Which Town Office?] A .pdf copy of all application materials should also be sent by the same date and time to the Chairperson of the Commission.

#### STANDARD REVIEW PROCESS:

Work with the Community Preservation Committee through the Review and Public Comment process.

This process includes the following steps:

1. Each application is reviewed by the CPC to determine its eligibility, whether the project is sufficiently developed in terms of work plan and timing, whether it is consistent with the goals set forth herein, and that it has signed by the property owner or, for Town-owned properties, either the Select Board or Town Manager.
2. Meetings are held with applicants to review the proposals and address any questions. Where appropriate, a site visit may also need to be scheduled.
3. Throughout the review period, the CPC shall maintain open communication with all applicants and may request supplemental information to inform their funding recommendations and project decisions.
3. Multiple public meetings are held by the Committee and the subject and substance of the applications will be discussed. Applicants are not expected to attend every meeting of the Committee but should plan to be in attendance when their project is being discussed.
4. The CPC shall provide a project funding recommendation to the Town Manager in advance of any Town Warrant Review session to ensure inclusion in the Town Meeting warrant. Town Meeting is scheduled for the first Monday in June of each year. Generally speaking, the warrant review meeting is about one month prior to the Town Meeting.
5. CPC Warrant articles shall be voted upon by Town Meeting. The CPC may recommend a project as proposed by the applicant, may modify the project, or may recommend partial funding or funding for only a portion or phase of the proposed project. The CPC's recommendation to Town Meeting may include detailed project scopes, conditions, and other specifications as the CPC, in its sole discretion, deems appropriate to ensure CPA compliance and project performance.
6. Please note that the CPC's recommendation may be modified at any time prior to Town Meeting, especially following any Finance Committee or Select Board public forums or hearings. Thus, the CPC can alter or withdraw its Town Meeting Warrant Article(s) should additional information become available.
7. Applicants are encouraged to attend the public warrant review session to hear community feedback and questions on their proposed project(s) prior to Town Meeting.
8. Applicants are strongly encouraged to attend Town Meeting, which determines whether to accept, reduce, or reject the CPC's recommendations.

**For Historic Preservation Projects Only:** Historic Preservation Project Applicants should provide a copy of the Historic Resource Inventory Form for the property in question with their application materials. Further, the Committee strongly encourages all Historic Preservation applicants to have an affirmative vote of support by and through the Dracut Historical Commission before requesting any CPC funds for restoration or rehabilitation projects.

The Committee may require the completion of a Historic Structure Report prior to the use of any CPC funding at historic sites and may recommend the reallocation of some or all of the requested funds for this purpose.

Under the Community Preservation Act, Historic Preservation projects must meet the *Secretary of the Interior's Standards for the Treatment of Historic Properties*.

**For Land Acquisition Projects:** Applicants for the acquisition of real property or real property interests in any of the four funding categories should be aware that a permanent deed restriction is required if all or a portion of the land is purchased with CPC funds as specified in Section 12(a) of the Community Preservation Act.

The type of restriction required will vary depending on the funding category and may require the review of a State or other government entity. Applicants should identify the holder of the restriction as early in the process as possible and be prepared to submit a draft restriction as part of their CPC funding review.

While the Committee understands that land acquisition projects can be difficult to coordinate with a review schedule, it is important that the CPC have adequate time to consider the application and all associated materials. Decisions on the use and ownership of land should be made before an application is submitted.

## **SPECIAL APPLICATION PROCESS**

In special situations, such as the imminent placing of land on the market or an indication of an intention to do so, that the CPC will consider an application ‘outside’ of the normal schedule outlined herein.

### **Purpose**

For any use eligible for CPA funding, under special circumstances as determined by the CPC, the CPC will consider a special application outside of the Standard Application Process if it meets the criteria listed below. The principle warranting special consideration outside of the Standard Application Process is that a unique opportunity is presented that, if missed, is likely to remove or make unavailable to the Town and its citizens a valuable resource within the Town. By way of example, the most common of these circumstances might be the imminent placing of real property on the market, but they could include time-sensitive stabilization or restoration of an historic asset damaged by flood or fire, or other emergency situations.

### **Process**

In all cases, the CPC will adhere to the procedures applicable under the Standard Application Process, except for the submission and other deadlines outlined in that process.

If the timing of the application is such that the CPC cannot meet the deadline for the Annual Town Meeting, the CPC will consider such an application only if the applicant or the Selectmen have committed to calling a Special Town Meeting, one of the purposes of which will be to consider the appropriation of CPC funds for the project described in the application.

The CPC will consider such an application as expeditiously as possible but will not recommend holding a Special Town Meeting or any other changes in the Town’s calendar. The proponents and supporters of such an application will be responsible for calling a Special Town Meeting or securing other necessary changes in the Town’s calendar.

### **Criteria**

The CPC will consider a proposal under the Special Application Process only if the project meets the General Selection Criteria outlined herein and:

- The proponents were unaware of the opportunity to undertake the project; or the proponents did not have authority to identify such opportunity prior to the Standard Application Deadline (for example, the potential sale was still confidential).



- The proponents have 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 Town Boards with responsibility for projects of a similar nature.
- Failure to secure CPC funding would create a higher likelihood that the project would not be carried out to the benefit of the Town.
- Appropriation of CPC funding shall contribute to the likelihood of the project's success.
- The project holds a high priority outline within the Town's most recent Comprehensive Master Plan or is detailed within the Town's Open Space & Recreation or Housing Production Plans.

## GUIDELINES FOR SUBMISSION

The following guidelines should be used in preparing an application for CPC funding. Applicants are advised to read this document thoroughly and to address all the submission requirements and Selection Criteria outlined herein.

1. Each project's funding application must be submitted using the Town of Dracut Community Preservation Committee Application. Additional pages should be added as necessary.
2. Requests must include a statement of need as documented with appropriate supporting information. This information should include the project scope, a detailed description of each item or step of the project, and its estimated cost. Any existing restrictions (deed, preservation, conservation, or other) should be clearly noted. The use of maps, visual aids and other supplemental information is encouraged.
3. Applications must include a brief summary of the project stating the funding category, project goals, key steps to be taken to reach these goals, and a budget summary.
4. Applicants should obtain professionally prepared quotes for project costs where possible. If such quotes are not available, a detailed cost estimate may be used provided the basis of the estimates is fully explained. The budget should also include any administrative expenses (appraisals, copying, closing costs, registering the deed, legal notices, etc.) associated with the project. Such expenses *may* account for up to 10% of the total budget.
5. If the funding application is part of a multi-year project, the applicant should include the total project cost and how it will be distributed over each fiscal year period. Fiscal years should align with the Town's working calendar, running from July to June.
6. For applicants with multiple applications, it is important to prioritize projects.
7. Applications must be unbound – Applications and supporting materials will not be accepted in any form of binding except 3-ring binding. Materials must be photocopier ready. All pages should be numbered and double sided when possible. Copies may be paper clipped or arranged in their own folders. One (1) electronic .pdf copy of all the application materials must be emailed to the Chairperson of the Committee.

Please keep in mind that there are legal limitations on the use of CPA funds. Additional information about the CPA and the Community Preservation Committee can be found on the State's website.

## APPLICATION REQUIREMENTS AND ATTACHMENTS

### **Submit Two (2) copies of the application and any attachments.**

*(The application must be submitted unbound. Copies should be double-sided whenever possible.)*

1. CPC Cover Sheet – Complete form. Please note that the applicant must be a legally recognized entity, with a Federal Tax Identification Number. Except in the case of acquisition projects, an authorized signature of the property owner must be provided.
2. Brief Project Summary – Introduce the project with a brief summary which identified the CPA category and well as the project goals, scope, and budget at the start of each application packet.
3. Map – Where applicable, indicate the location(s) of the project using a Town GIS map. Include additional maps as helpful including aerial, zoning, vegetation, and abutting buildings.
4. Narrative – Expand upon the information presented in the project summary (#2) by providing a complete description of the project and its proposed use relative to CPA's goals and objectives. Describe what agency or organization will be responsible, what kind of community support has been given for/to the project, and why Town Meeting should support it. Include an implementation plan describing the steps or phases for completion and the processes needed for approval. Summarize the goals of the project and how they will be measured.
5. CPC's Selection Criteria and Needs Assessment – Please include responses as to how your project (where applicable) addresses issues raised by the CPC in its General Selection Criteria Guidelines.
6. Budget – Outline the total budget for the project and how CPC funds will be spent. Break the project down by year of expenditure if necessary. Describe all funding sources. Where applicable, describe how much of the proposed CPC funding should be credited to each of the four CPA purposes.<sup>1</sup>
7. Feasibility – Summarize and attach any feasibility reports that may have been prepared. Explain all further actions that will be required for completion of the project such as zoning, environmental assessment, permits, restrictions, agreements or other potential impediments to implementation.
8. Statement of Sustainability – If the project incorporates sustainable design features, explain how it will reduce impacts on the environment including, but not limited to, reducing energy consumption, enhancing energy and water conservation, and the use of recyclable materials.
9. Outreach Strategy – Briefly describe how you have consulted with, or how and when you plan to consult with, abutters or other interested parties about the project. How has that consultation impacted your project? If so, please describe how.
10. Timeline – Describe any major milestones and when you reasonably anticipate the project will be completed. Include an estimate of when the CPC funds requested will be needed.
11. Architectural plans, site plans, photographs, if appropriate.
12. Letters of Support are welcome from the public or other appropriate organizations.

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<sup>1</sup> Applications received from local Non-Profit Organizations must include a current 501(c)(3) Certificate and an audited financial statement from the previous Fiscal Year.

*Please note, if the CPC recommends the project, additional documentation may be required such as verification of ownership, plans, title verification, purchase and sale agreements and zoning compliance information. If this is readily available, it may be attached at any stage in the allocation process but must be received before an award can be made.*

## AWARD PROCESS

1. Following the conclusion of Dracut's Annual Town Meeting (and in the case of a Special Town Meeting involving Community Preservation funds), each successful applicant will receive an award letter from the Community Preservation Committee confirming its funding award. The letter will be accompanied by either a Grant Agreement (for non-Town Projects) or a Memorandum of Understanding (MOU) for Town Projects that outlines the agreed upon Project and the Terms and Conditions of the funding. Grant Agreements must be returned to the Town Manager with an Authorized Signature of the grant recipient (Awardee) as soon as possible. The Town Manager, as the legal signatory for the Town, will sign the agreement and send a fully executed copy to the Commission Chair, or their designee and the Finance Director.
2. The Town Manager's Office, with input from the CPC, may prepare other contracts related to approved CPC projects that may be required for their execution. These include but are not limited to: documents to ensure compliance with MA Procurement Law, Releases of Liability or funding and/or preservation restrictions.
3. Award letters will request that the grant recipient notify the CPC when work on the project has commenced and when it is completed. Recipients shall provide periodic updates concerning the progress of their projects. Awardees must also provide an annual Status Reports which is due upon the project's completion, that will be included the Town's Annual Report the following year.
4. Grant recipients are expected to implement the approved project work in accordance with the Grant Agreement or MOU. Material changes to the project from what was represented at Town Meeting shall require prior approval from the CPC to ensure that such changes are CPA-eligible and are within the scope of the project as approved by Town Meeting.
5. To be reimbursed by CPC funds, the Awardee must submit documentation to the Finance Director as specified in the Reimbursement Process found in the Appendix herein. Submissions can be done incrementally over the course of the project or as a single submission at the end of the project. Please check your Grant Agreement or MOU for any additional requirements that must be met to receive payment. The CPC may conduct one or more site visits to confirm that the work has been completed.

The project manager for each grantee shall approve payment by either:

- (1) delivering a signed invoice (indicating the work has been done and the payment is authorized) to the Finance Director's Office at Town Hall or,
- (2) Emailing the Finance Director a copy of the invoice in which the email states the work has been done and the project manager is authorizing payment.

The Town will then issue a check to the vendor in accordance with its Financial Policies and Procedures. Copies of all invoices which have been paid shall be forwarded to the CPC Chair, or their designee, upon payment processing.

6. Unless there is a compelling and documented reason, projects receiving CPC funds must be completed within twenty-four 24 months following Town Meeting's approval.
  - (1) CPC may recommend at a subsequent Town Meeting a rescission of any authorized CPC funds remaining unexpended or undocumented after the 24-month period has lapsed.

- (2) All extension requests must be accompanied by a detailed Status Report.
7. Projects for which 50% (or other fraction) of costs are paid via awarded CPC funds shall be reimbursed based on 50% (or that other fraction) of actual expenditures up to the amount of the total CPC grant allocation.
  8. Any appropriated CPC project funds not expended at the completion of the approved work will be returned to the CPC fund for possible re-appropriation unless a specific approval has been voted by the CPC for the completion of additional specific and related tasks for the original project.
    - (1) In doing so, such approval will depend upon whether the proposed tasks are within the general scope and intent of the original application.
    - (2) Any project savings should be returned in the same proportion that it was used in the project. The CPC will work with the Finance Director to determine the correct number.
  9. CPC 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 CPC funds.
  10. CPC funding for projects involving properties or artifacts which are owned by nonprofit organizations is conditioned on the public benefit received from the completed work. The sale or gift of these properties or artifacts within ten (10) years from the date of the award letter shall require the reimbursement of the entire amount awarded unless the CPC waives this requirement in part, or in its entirety, at the time the grant is awarded. Such waiver must be accepted by the Select Board and verified by Town Counsel, in writing, before it may be offered.
  11. For construction projects, CPC funding recipients may be asked to instruct their general liability insurer to add the Town of Dracut as an additional insured (as related to this specific CPC funded project) and to require that all contractors on the project do the same.
    - (1) Proof of coverage must be submitted to the Executive Assistant for the Town Manager, to keep in the Town's insurance liability files, prior to any requests for reimbursement begin received by the Finance Director.
    - (2) Projects on Town owned properties that are already required to indemnify the Town may be asked to reconfirm the notion before the first funding distribution is released.

## **TOWN POLICY ON CPC-FUNDED TOWN PROJECTS**

A Memorandum of Understanding (MOU) will be drafted by the Community Preservation Committee and provided to the Town Manager and Project Manager/Department for review and comment as part of the project review process prior to Town Meeting.

It is the general policy of the Town of Dracut that all Town staff and departments who receive CPC project funding will adhere to the terms and recommendations included in the Final Executed MOU in administering the project as signed by the Committee and Select Board Chair, or their designee.

## **REQUESTING AWARDED FUNDS - REIMBURSEMENT PROCESS FOR AWARDEES (For Non-profit Organizations & Others Non-Town Entities)**

CPC funds are distributed as reimbursements for allowable project costs through the Town. Materials submitted for payment must meet both the Town's requirements for payment as well as any conditions specified in the Grant Agreement when CPC funds are awarded.

Grant Agreements typically include the condition that Grantees forward RFP's, bid documents, contracts and/or quotes to the Town for review prior to spending CPC funds. This review ensures that the purchase is allowable under the State's Procurement regulations.

In general, the following materials are required for the reimbursement of funds:

Cover Letter - Each request for reimbursement should be accompanied by a letter stating how and when the conditions for funding were satisfied. This letter should clearly outline both the expenses incurred and the total reimbursement requested.

Paid invoices for materials or labor - These invoices should be signed as appropriate to pay by either the Awardee or its project manager. If the vendor was required to pay prevailing wage, the appropriate certified payroll sheets must be attached to the invoice.

Canceled Checks - These must be attached to the individual invoice(s) for which the checks were written. If canceled checks are not available, bank statements which identify the payee and appropriate project budget category will also be accepted.

Project Budget Spreadsheet - Payment requests should also include the project's up to date budget information in spreadsheet form.

## **REQUESTING AWARDED FUNDS - TOWN OF DRACUT PROJECTS**

Dracut's Town Departments typically do not follow the reimbursement process described in the previous section. The Memoranda of Understanding includes all the conditions which Awardees must forward including any procurement and prevailing wage documents. Departments receiving CPC funding shall follow all municipal procurement processes to select vendors for projects.

Once a Purchase Order is in place, all invoices associated with that Purchase Order may then be paid without further review by the CPC. These all receive review from the Finance Director and after those reviews, CPC is notified of the charges and payments.

Town Departments also have the option of:

- (1) Submitting individual invoices as they arrive, or
- (2) Paying directly for goods or services, then requesting reimbursement.

If the Department chooses to submit individual invoices, the standard reimbursement process for Town Projects shall apply.

## **STATUS REPORTS**

With a typical 24-month project window, the need for periodic Status Reports may arise. At a minimum, the completion of any CPC project shall be accompanied by a Final Report. Status Report should include a narrative and a detailed Expenditure Report summarizing all expenses utilized to date.

- Status Report Narrative. See Appendix for Status Report Form.
- Project Budget Spreadsheet - A Project Budget Spreadsheet must contain a detailed summary of the CPC-funded portion of the project including: the overall CPC project budget; CPC expenses; CPC receipts; and remaining balance of CPC funds. If the CPC funds help support a larger project, the CPC may request information on the financial status of the larger project.

## **FINAL REPORTING & CLOSING PROCESS**

Once a project has been completed or all CPC funds have been expended, the Grantee must notify the CPC in writing and submit a Final Report. Then, the CPC will begin the process of officially closing the project file. The Closing Process ensures that all the project conditions and requirements have been met, and the project file is complete.

Final Report. The Awardee must complete a detailed Final Project Status Report to the Community Preservation Committee. The Final Report must include a Narrative, a detailed Project Budget Expenditure Report including all expenses funded by the CPC grant, as well as representative Before, During and After Photographs of the project (if applicable).

Once this notification and final report is received, CPC will review the Final Report with the Finance Director and the Town Manager to ensure all processes and payment have been made in accordance with policy and state law. If required documentation is missing, the CPC will contact the Awardee to request what is needed. CPC may choose to contact the Grantee to schedule a final site visit to review the completed work; this would be done at a duly called meeting of the Committee.

## APPENDIXES



**Town of Dracut  
Community Preservation Committee  
701 Main Street Dracut, MA 01523**

**Application for CPC Funding**

*\*Denotes Required Field*

Applicant\*: \_\_\_\_\_

Federal Tax Id. No.\*: \_\_\_\_\_

Co-Applicant (if applicable): \_\_\_\_\_

Project Name\*: \_\_\_\_\_

Project Location/Address (if applicable): \_\_\_\_\_

Purpose\*: (Select all that apply)

☐ Open Space

☐ Community Housing

☐ Historic Preservation

☐ Recreation

Project Budget\*:

Amount of CPC Funds Requested: \$ \_\_\_\_\_

Amount from Other Funding Sources: \$ \_\_\_\_\_

Total Project Budget: \$ \_\_\_\_\_

(If multi-year project, note current phase only)

Please check which of the following is included with this Application:

\_\_\_\_ Project Summary \*

\_\_\_\_ Map (if applicable)

\_\_\_\_ Narrative \*

\_\_\_\_ Selection Criteria and Needs Assessment

\_\_\_\_ Detailed Project Budget \*

\_\_\_\_ Feasibility Assessment

\_\_\_\_ Statement of Sustainability (if applicable)

\_\_\_\_ Timeline \*

\_\_\_\_ Architectural plans, site plans, photographs  
(if appropriate)

\_\_\_\_ Copy of IRS determination letter (Non-profit  
Organizations only)\*

\_\_\_\_ Completed W-9 Form (Non-profits only)\*

\_\_\_\_ Copy of Audit or most recent Financial  
Information (Non-profits only)\*

\_\_\_\_ Letters of Support (if any)

Project Contact Person\*: \_\_\_\_\_

Project Contact Address\*: \_\_\_\_\_

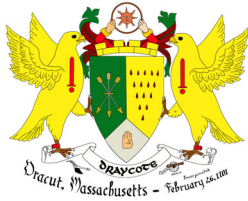
Project Contact Phone\*: \_\_\_\_\_ Email\*: \_\_\_\_\_

Authorized Signature of Applicant\*: \_\_\_\_\_

Authorized Signature of Property Owner\* (if different): \_\_\_\_\_

**For Historic Preservation Projects Only** – please check the box below left and acknowledge:

- ☐ I/We have read the **U.S. Secretary of the Interior's Standards for the Treatment of Historic Properties** and understand that planning for and execution of this project must meet these standards.



## PROJECT STATUS REPORT for the Community Preservation Committee

Project Name: \_\_\_\_\_ Project Number: \_\_\_\_\_

Today's Date: \_\_\_\_\_ ☐ Interim Status Report ☐ Final Status Report\*

**1. What percentage of the project has been completed?**

**2. Describe work completed to date:**

**3. What key project milestones have been reached?**

**4. Expenditure Report:**

- a. What is the date your project began or will begin spending CPC funds?
- b. Attach a detailed Expenditure Report.
- c. In a brief narrative, account for the amount of CPC funds expended to date:



**5. Describe remaining work and projected timeline:**

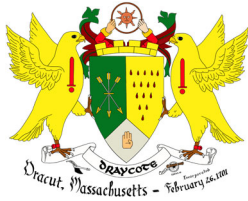
**6. Describe your outreach efforts.**

**7. What is the expected project completion date?**

Form Completed By: \_\_\_\_\_ Date: \_\_\_\_\_

Contact Information /Email Address: \_\_\_\_\_

***\*Final Status Reports must include before, during, and after Photographs of the project (where applicable).***



## SAMPLE FUNDING AWARD NOTIFICATION LETTER

DATE

ADDRESSEE

Dear \_\_\_\_\_:

We are pleased to confirm that Dracut's 20XX Annual Town Meeting approved the recommendation of the Community Preservation Committee (CPC) to appropriate \$XX of Community Preservation Act (CPC) funds under the direction of the Town Manager for Project Name. The funding appropriations are contingent upon the Applicant Name/Department meeting the requirements noted in the Grant Agreement. Please see the attached Grant Agreement for further information on any requirements specific to your project.

The Community Preservation Committee appreciates notice when work on a project has commenced and periodic updates, if relevant, concerning the project's progress. The Committee requests that the completion of all CPC funding projects be followed by a written notice to the CPC for its files. This information on the project and its progress assists the Committee to better understand the needs of different types of projects and to further refine the CPC funding process.

Good publicity is also very important to your project. It is exciting for Dracut citizens to know where their CPC funds are being spent and essential that the CPA remains strong at the State level. Therefore, the CPC asks that you make every effort to credit the source of this funding in promotional materials by stating **"This project has been generously supported by the Town of Dracut Community Preservation Fund."** If possible, please also submit a letter to one of Dracut's local newspapers detailing how the funds have benefited your project.

All funding recipients are responsible for ensuring that their projects comply with all applicable State and local laws, particularly those involving the procurement of goods and services. Please make sure that you are aware of any such laws before soliciting proposals or bids for this project.

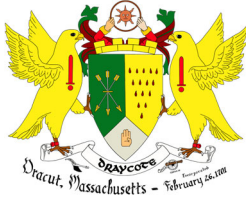
The CPC funds will officially be available for distribution beginning July 1<sup>st</sup>. However, the Finance Department has requested that applicants wait until after July 15 to request reimbursement. If this is an issue, please let us know as soon as possible so that alternate arrangements can be made.

Thank you for working in partnership with the CPC to make a significant and lasting difference in our town.

Sincerely,

XXXX, Chair  
Community Preservation Committee

CC: Town Manager  
Finance Director



## SAMPLE GRANT AGREEMENT FOR NON-TOWN PROJECTS

Grant Agreement dated \_\_\_\_\_, 20XX, by and between \_\_\_\_\_, a private non-profit organization duly organized under the laws of the Commonwealth of Massachusetts and having a principal office at [Address], Dracut, Middlesex County, Massachusetts 01826 (the “Grantee”), and the Town of Dracut, a municipal corporation with its principal offices at 701 Main Street, Dracut, Middlesex County, Massachusetts 01826, acting by and through its Town Manager (the “Town”):

WHEREAS, the Grantee has sought funding from the Town pursuant to the Community Preservation Act, G.L. c. 44B, to complete [brief project description] located at [address of property]; and

WHEREAS, at the 20XX Annual Town Meeting the Town voted to appropriate the sum of [Spell out Amount] Dollars (\$XX) under Article XX from the FYXX anticipated fund revenues (or undesignated reserve, previous funds, etc.) of the Community Preservation Fund (the “Funds”) for that purpose, and authorized the Town Manager to enter into an agreement with the Grantee requiring that said amount may be used solely for the purposes outlined in the application and Town Meeting materials; and

WHEREAS, the Town and the Grantee wish to memorialize herein the terms governing the disbursement of the Funds appropriated by the Town at the 20XX Annual Town Meeting, and the repayment of the Funds with interest in the event that the funds are not used for the project goals as approved for funding by the Town;

NOW, THEREFORE, in consideration of the mutual covenants herein set forth, the parties agree as follows:

1. The Grantee agrees that the Funds shall be used solely for [list project specifics]. The Grantee represents that the Project is [state goal of project and funding category] and that the Project is therefore fundable under the Community Preservation Act, G.L. c. 44B, § 5(b)(2). The Grantee shall make no other use of the Funds.
2. The Grantee will meet the requirements of the following conditions which are specific to this project and have been previously discussed and agreed upon:  
[List agreed upon conditions here]
3. The Grantee agrees to submit a copy of the signed contract, or contracts, for the work to be completed with CPC funds to the CPC prior to the start of any work.
4. The Grantee agrees to make copies of any drawings or other proposed bid documents available for inspection by the Town at the Town’s request. Any documentation procured with the Funds shall be limited to work necessary or appropriate to carry out the Project and shall be consistent with the [creation or support] and [preservation, rehabilitation or restoration dependent on category] of [CPA funding category].

5. The Grantee agrees that the Town shall have the right to require written confirmation by the Grantee that the Funds were used solely for the intended purpose.
6. The Grantee agrees that as recipients of CPC funds they will conform to all relevant Federal, State, and local laws and regulations, including the Americans with Disabilities Act, State Building Code and other relevant regulations. It is the responsibility of the Grantee to ensure that all their project's relevant requirements are met, and to attain any required approvals or permits before any CPC funding is received.
7. The Grantee agrees to acknowledge the "Dracut Community Preservation Fund " support for this project on any websites and in all press releases, publicity materials, news and written or oral announcements.
8. The Grantee will install a temporary sign acknowledging the Dracut Community Preservation Fund support for the project in a visible location on the site while the CPC-funded project (or portion thereof) is being carried out. If permanent signage is installed, the CPC will require that the CPC funding contribution be noted.
9. The Grantee acknowledges that any material changes to the project from what was approved at Town Meeting and represented in the Town Meeting materials and during the project selection process must be approved in advance by the CPC. Work which is outside of the scope of Town Meeting's CPC funding approval for the project will not be reimbursed.
10. CPC may contact the Grantee periodically to check on the status of a project or schedule a site visit to document any completed work. The CPC appreciates notification by email or in writing when a project has commenced and again when it is complete. Project Status Reports shall be submitted at least once a year, and more often as requested by the Committee, until the completion of the project.
11. The Grantee will contact the CPC upon completion of the project, or the portion of the project completed, with CPC funds and will notify the CPC in writing that the work for which the CPC funds were allocated has been completed in accordance with the application (as modified with CPC approval). The Grantee will submit a Final Report to document the project.
12. The Grantee agrees to complete the portions of the project for which CPC funding has been allocated within **24 months** following Town Meeting approval unless the CPC grants an extension for good cause. If the Grantee anticipates that the CPC-funded portion of the project will extend beyond the 24-month period, the Grantee will provide an extension request and detailed status report with an explanation for the need for an extension to the CPC.
12. If the total cost of the Project is less than the budgeted amount, or if the project is terminated prior to its completion, any unexpended portion of the Funds that have been allocated to the Grantee shall be refunded to the Town and returned to the general CPC fund. Funds shall be returned in the proportion that they were used to make up the entire project budget. The Grantee may also ask to use the excess funds to complete additional Project work so long as that work is within the scope of the project as approved by Town Meeting. This use of excess funds must be approved in advance and in writing by the CPC.
13. The Grantee shall draw on the Funds only as necessary to meet its current and imminent payment obligations, which it shall certify in the form outlined within the CPC Procedures Manual. The

Grantee will follow the reimbursement process as outlined in the Procedures Manual. All documentation shall be submitted to the appropriate Town staff for review and processing.

14. In the event of a sale of the Property to another party within ten (10) years of the date of the delivery of the Funds (the "Disbursement Date"), then the Community Preservation Committee shall order the Grantee to repay the Town no later than the time of any such sale the principal amount of the grant (\$XX), less any amount refunded pursuant to paragraph 12 herein. At the CPC's option, a charge of no more than three percent (3%) interest, per annum, commencing on the Disbursement Date, may be added to the repayment amount. Repaid funds will be returned to the Town's general Community Preservation Act fund. Should the CPC vote to have interest added to the repayment amount, said interest shall be compounded annually on the anniversary of the Disbursement Date for the period of five years. On the fifth anniversary of the Disbursement Date, interest shall cease to accrue, but shall remain due and payable, together with the principal amount, until the tenth anniversary of the Disbursement Date, or until the outstanding principal and interest is repaid as provided herein. [ This clause shall not apply to the Property so long as a permanent deed restriction upholding the purpose of the original CPC funding grant is executed for the Property and filed with the Registry of Deeds.]
15. So long as the Property has not been sold so that the principal and interest were paid as provided above, the Grantee's obligation to pay the principal and interest on the grant shall terminate on the tenth anniversary of the Disbursement Date.
16. The Town's grant of funds to the Grantee is made with the understanding that the Town has no other obligation to provide any other or additional support to the Grantee for the Project or otherwise.
17. The Town hereby certifies that the Funds have been duly appropriated and will be available as of July 1, 20XX to meet the Town's obligations as stated in this Agreement.

Executed under seal as of the date first set forth above.

**TOWN OF Dracut**  
**By its Town Manager**

(Applicant)

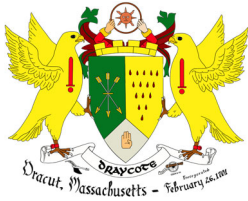
BY: \_\_\_\_\_  
 Authorized Signer, duly authorized

**AND**

\_\_\_\_\_  
**By its Community Preservation Chair**

Confirmation as to Availability of Funds

\_\_\_\_\_  
 Dracut Finance Director Date: \_\_\_\_\_



## SAMPLE MEMORANDUM OF UNDERSTANDING TOWN PROJECTS

Date: May X, 20XX

To: [Applicant]

XX, Town Manager

XX, Finance Director

From: XX, Chair Community Preservation Committee

Cc: Select Board

Finance Committee

Re: 20XX CPC Funding for [Project Name]

The Community Preservation Committee is pleased to confirm that your application for Community Preservation Act funding of the [Project Name] was approved by Dracut's 20XX Annual Town Meeting. The intent of this memo is to memorialize the approved project details and review the CPC funding process.

**Amount:** \$[Amount]

**Category:** [Community Housing, Historic Preservation,  
Open Space and/or Recreation]

**Project Objective as Approved by Town Meeting:** The Town of Dracut will use the funds to [Brief Project Explanation]

**Accessing CPC Funds:** The Town project reimbursement process is outlined in the Community Preservation Procedures Manual. While the CPC relies on the Finance Director to review and process all Town project requests for CPC funding, applicants are asked to keep the CPC informed of the status of the CPC funded work. Please forward copies of any invoices for CPC funded work to CPC staff for inclusion in the CPC's project files consistent with the steps outlined in the Manual.

**Project Updates:** CPC may contact you periodically to check on the status of a project or schedule a site visit. Please Provide annual Status Reports and your project's Final Report via email to the CPC Chair with a copy to the Town Manager and Finance Director. Electronic Submission of reports is preferred. Extension Requests for projects over 24-months should also be submitted in the same way.

**Project Changes:** Town Meeting has allocated these CPC funds only for the use specified in the Town Meeting Motion and Presentation. Any material changes to the project from what was represented during the project selection process in relationship to the use of CPC funds must be approved in advance and in writing by the CPC. In making its decision, the CPC will determine whether the new CPC funding

use is consistent with the Town Meeting approval. Any project work funded from other (non-CPC) sources is not subject to this process.

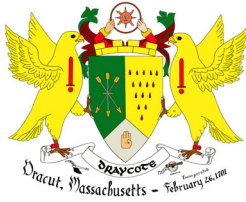
**Signage:** If the project involves construction or restoration work, the CPC will provide a temporary sign recognizing that Community Preservation Funds have been used to complete this work. The sign may be installed on an existing fence or wall, or using posts, and should remain in a visible location while the CPC funded work is underway. Any articles, website postings, or project announcements should also note the "Dracut Community Preservation Fund " support for this project. If permanent signage is installed, the CPC may also require that the CPC's funding contribution be noted.

**Project Completion:** Once the project is complete, you must submit a Final Report documenting the project narrative, photographs, and expenditure reports to the CPC Chair with a copy to the Town Manager and Finance Director. The CPC may request copies of any completed studies or materials for its files. Whenever possible, projects should be completed within 24-months following Town Meeting's approval of the appropriation.

**Unused Project Funds:** In the event that the total cost of the project is less than the budgeted amount, or if the project is terminated prior to its completion, any unexpended funds which had been allocated to the Grantee shall be refunded to the Town to be credited back to the CPC funds. Funds shall be returned in the proportion that they were used to make up the entire project budget.

**Conditions Specific to This Project:** The following conditions specific to this project are required to be met:

- [\[List of Project Conditions/Materials Requested\]](#)



### **CPA Historic Preservation Projects and the U.S. Secretary of the Interior's Standards for the Treatment of Historic Properties**

The CPA Statute states that Historic Preservation projects funded through CPA must comply with the

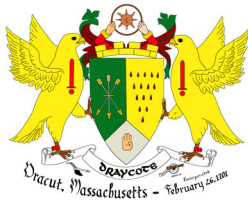
U.S. Secretary of the Interior's *Standards for the Treatment of Historic Properties* codified in 36 C.F.R. Part 68. (Section 2, Definitions, "Rehabilitation")

For information on the four "treatments" codified in the *Standards* (Preservation, Rehabilitation, Restoration, and Reconstruction), please explore this website: [The Secretary of the Interior's Standards for the Treatment of Historic Properties - Technical Preservation Services \(U.S. National Park Service\) \(nps.gov\)](https://www.nps.gov/tps/standards/index.htm)

Since the vast majority of projects Rehabilitate historic properties, preserving historic building materials and character-defining features while also accommodating the structure for contemporary use, the *Standards* for Rehabilitating Historic Properties is provided here for your convenience:

1. A property will be used as it was historically or be given a new use that requires minimal change to its distinctive materials, features, spaces and spatial relationships.
2. The historic character of a property will be retained and preserved. The removal of distinctive materials or alteration of features, spaces and spatial relationships that characterize a property will be avoided.
3. Each property will be recognized as a physical record of its time, place and use. Changes that create a false sense of historical development, such as adding conjectural features or elements from other historic properties, will not be undertaken.
4. Changes to a property that have acquired historic significance in their own right will be retained and preserved.
5. Distinctive materials, features, finishes, and construction techniques or examples of craftsmanship that characterize a property will be preserved.
6. Deteriorated historic features will be repaired rather than replaced. Where the severity of deterioration requires replacement of a distinctive feature, the new feature will match the old in design, color, texture and, where possible, materials. Replacement of missing features will be substantiated by documentary and physical evidence.
7. Chemical or physical treatments, if appropriate, will be undertaken using the gentlest means possible. Treatments that cause damage to historic materials will not be used.
8. Archeological resources will be protected and preserved in place. If such resources must be disturbed, mitigation measures will be undertaken.
9. New additions, exterior alterations, or related new construction will not destroy historic materials, features, and spatial relationships that characterize the property. The new work will be differentiated from the old and will be compatible with the historic materials, features, size, scale and proportion, and massing to protect the integrity of the property and its environment.
10. New additions and adjacent or related new construction will be undertaken in such a manner that, if removed in the future, the essential form and integrity of the historic property and its environment would be unimpaired.





## HISTORIC STRUCTURE REPORT ADDITIONAL INFORMATION

Historic Structure Reports provide valuable foundations for the rehabilitation, restoration, stabilization or reconstruction of historic buildings. They are particularly important if the proposed work involves fabricating significant missing architectural or landscape features, recapturing the appearance of a property at one particular period of its history, removing later additions, or substantially modifying existing historic fabrics. This document provides a project architect with the information necessary to make appropriate decisions on whether to restore or remove fabrics, and on the period of restoration as recommended in the *“Secretary of the Interior’s Standards for the Treatment of Historic Properties.”* The report provides a clear description of the building’s architectural history including its original appearance, what changes were made and when and its present condition. In addition, it should provide guidance with respect to any proposed new work.

The following is a suggested format for Historic Structure Reports:

### Table of Contents

#### Forward or Introduction (when appropriate)

- Purpose of the report
- Preservation objectives

#### Brief History of the Property

- Significance and historic events, local and regional, persons associated, ownership history, etc. (Much of this information should be available in existing local/national nomination forms.)

#### Construction History (original and subsequent alterations)

- Chronology
- Historical documentation (letters, diaries, vouchers, newspaper articles, etc.)
- Site work (including ordering of materials, construction, unusual craft work, etc.)
- Reference to craftsmen/builders/architects associated with the property
- Early views, photographs, etc., showing appearance at different periods
- Physical investigation (e.g. analysis of paint layers relative to construction events) may be necessary to clarify which construction events are historic

#### Architectural Evaluation

- Assessment of all exterior and interior features and finishes
- Identification of those architectural features, materials and finishes that are character defining and therefore significant, and which must be preserved in the course of project work
- Prioritization of these features (premiere, important, contributing, non-contributing)

- Room-by-room evaluation, including identification of materials, construction techniques, features (lighting, paneling, wainscoting, radiators, glazing, cabinetwork, fireplaces) and finishes
- Prioritization of architectural significance of spaces (premiere, important, contributing, non-contributing).
- Description and evaluation of building mechanical systems (heating, lighting, plumbing, electrical, etc.)

**Existing Conditions**

- Analyze existing conditions, damage, structural problems, materials deterioration, etc.
- Prioritize repair/stabilization work
- Assess the need for materials conservation

**Maintenance Requirements**

- Outline the need for a plan and program for general and periodic maintenance, recognizing that deferred maintenance is not an option for historic resources

**Archeology**

- Depending on the nature of the property, its site and setting, and on potential funding sources, it may be desirable or necessary to include this section to address any archeological concerns associated with any proposed stabilization plans or project work

**Proposed Work**

- Recommendations for any proposed work based on existing conditions and preservation objectives (this might include a list of work priorities, phasing, and estimated costs)
- Categories of work: Architectural, Structural, Mechanical, Electrical, Archeological, Conservation, etc.

**Drawings and Photographs**

- Copies of original drawings and specifications, along with similar documentation of subsequent alterations are of great importance. Drawings of the existing facility are also important.
- Historic and current photographs are of critical importance. A good, clear set of current photographs for both the exterior and interior, including overviews and details. As complete a package as possible of this type of documentation should be provided.

**Bibliography (as needed)****References (as needed)****Appendices (as needed)**