

# City of Gloucester Community Preservation Act

## APPLICATION AND PROJECT REVIEW INFORMATION

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### APPLICATION AND REVIEW SCHEDULE

In 2019, Round 10 the Committee will follow this schedule:

Informational Meeting	February 26, 2019, at 7:00 pm, 1 <sup>st</sup> Floor Conference Room, City Hall, 9 Dale Avenue
Project Eligibility Forms due	March 1, 2019
Completed Applications due	April 19, 2019
<b>Estimated</b> Project Award	December 2019/January 2020

The mission of the Community Preservation Committee (CPC) is to study the needs of the City of Gloucester in cooperation with various city boards, departments, organizations and citizens and to solicit and evaluate proposals for the use of Community Preservation Act funds for the maximum benefit to the City of Gloucester. The CPC will recommend to the City Council those projects which it deems will best achieve the purpose of the Community Preservation Act legislation in the areas of open space, historic preservation, affordable housing, and recreation.

The CPC supports the spirit and intent of state procurement and equal opportunity laws. All applicants will be evaluated in the same manner in accordance with the goals of the Community Preservation Act.

CPA monies are public funds raised from dedicated Gloucester tax revenues and from State subsidies. Projects financed with CPA funds must comply with all applicable State and municipal requirements. Funds are administered and disbursed by the City of Gloucester.

Community Preservation Committee (CPC) recommendations are reviewed by the Mayor and approved by the City Council. The City Council approval process takes a **minimum** of two meetings of the Council. This time frame cannot be accurately predicted; therefore the project award date above is only the committee's best estimate and subject to change.

The CPC may, under highly extraordinary circumstances, vote to accept applications that, because of market opportunities or other deadlines, require consideration outside of the normal funding cycles. Potential applicants who believe that their circumstances call for such unusual action may contact the CPC Co-Chairs to discuss the possible submission of an off-cycle submission.

# APPLICATION AND REVIEW PROCESS

The following provides suggestions regarding the proposed project, describes the CPC's procedures for reviewing and recommending proposals, and outlines the City's procedures for final approval and funding.

This section also details the precise information that the CPC needs in order to evaluate projects fully and to set priorities among them. Applicants who submit a late or incomplete application should expect the CPC to return the application for completion and resubmission at a future funding round.

## Suggested questions to ask and answer before you begin the application process

1. What is the project? What will it include? What will not be included? What is the scope?
2. Is this a planning project or an implementation project? For more information, see below. (It is rare that the Committee will fund a project that includes both planning and implementation Phases.)
3. Does the project enhance the mission of the organization or individual?
4. Who is the beneficiary for this project? Will the beneficiary value the project? Will the beneficiary support it financially? What information or data do you have about the beneficiary that demonstrates interest in this project?
5. What are the funding sources that will support the project? What are the requirements and deadlines for other sources? (It is rare that the Committee will award all of the funds needed for a project). A competitive application will include and ideally secure other funds for the project in advance of submitting an application to CPC.
6. What is the timeline? How will this project impact other plans and programs? Does an individual, an entity or its representative, have experience in planning and implementing similar projects?
7. How will completing this project impact the beneficiary, public or community? Will it make a difference?
8. Does it meet the eligibility requirements for a Community Preservation Act grant? (See Appendix III)

## Information about Planning and Implementation Projects

**Planning projects** generally include budget requests for a consultant who will provide the expertise needed to determine the scope and content of the project, the project budget and the timeline. The deliverables or products of a planning project are generally reports, cost estimates and a timeline for the implementation phase of the project.

**Example of a Historic Preservation Planning Project:** Water is leaking into The Henry Logan Historic Home, presumably from the roof. The applicant believes it is time to replace the roof. A preservation architect, knowledgeable about preservation standards, should be called upon to determine exactly what is causing the leaks and to make recommendations for roof repair or replacement. The architect will review any previous roof repairs or replacements and any other pertinent studies like a Historic Structures Report or a Conservation Assessment. After reviewing these documents and determining the problem, the architect will prepare a study for the applicant. This study may include recommendations for a specific contractor and will include an estimated budget and timeline. Once the study is completed, the applicant should obtain estimates from two

(2) or more contractors, and include both in the submitted application, along with the architect's study.

**Example of a Historic Preservation Implementation Project:** According to the architect's study, The Henry Logan Historic Home does not need a new roof at this time, but does require several minor roof repairs and major plumbing repairs to the top floor bathroom. Using the study, the applicant will decide on appropriate contractors and obtain **current** estimates, revise the budget and timeline as needed and include the study, estimates, budget and timeline in the submitted application for implementation.

**Example of an Open Space Planning Project:** The Back Woods Conservation Trust wishes to acquire a 37-acre parcel of land located in West Gloucester for conservation purposes and proposes public use for passive recreation. Various maps indicate that there may be a series of gas lines dating from the late 19<sup>th</sup> century crisscrossing the property, while other maps portray major discrepancies of boundary lines. Neighbors believe that the property was used for dumping noxious chemicals and other environmentally hazardous materials during the late 20<sup>th</sup> century. Before purchasing the property and attaching a conservation restriction to it, the Back Woods Land Trust requests funding to hire an environmental engineer, a land surveyor, and a title lawyer to investigate these issues prior to purchase. These consultants would prepare reports and make recommendations about the feasibility of purchasing this parcel.

**Example of an Open Space Implementation Project:** The Residents of Clam Cove Association wanted to repair the seawall and beautify the area of the Clam Cove public landing. To that end, they engaged a landscape architect to survey the area and determine what might be feasible to do. Her report included specifications for fixing the seawall and for rerouting water that occasionally spills over the seawall. The report also includes recommendations for gardens, flowers, sculpture and benches that would improve the look of the area. The Residents of Clam Cove Association are requesting funding from the Community Preservation Committee to support 50% of this work. Additional funding will be made available through private donations.

## **Step 1- Determine Project Eligibility**

Due to the complexity of the CPA, the CPC requires all project applicants to begin the application process by submitting a one-page **Project Eligibility Determination Form**. Do not submit the full application until the Project Eligibility Determination Form has been submitted and approved.

Applicants should refer to the Community Preservation Fund Allowable Spending Purpose when filling out the Project Eligibility Determination Form. This information is available from the Department of Revenue and contains the most up-to-date information on both the definitions of the four CPA program areas (Open Space, Historical Preservation, Community Housing, and Recreation), and the allowed uses of CPA funds in the four areas.

Project Eligibility Determination Forms must be submitted at least 45 days in advance of the application deadline. Please submit one paper OR one electronic copy to:

Community Preservation Committee  
c/o The Community Development Department  
3 Pond Road  
Gloucester MA 01930  
[jcorliss@gloucester-ma.gov](mailto:jcorliss@gloucester-ma.gov)

The CPC will review Project Eligibility Determination Forms and notify applicants, as soon as possible, whether or not their project is eligible for CPA funds.

Applicants with questions may contact Jaimie Corliss, Grants Manager, Community Development Department, at 3 Pond Road, Gloucester or call 978 325 5239. Information is also available on the City of Gloucester website at [www.gloucester-ma.gov](http://www.gloucester-ma.gov).

If the applicant is a private individual or organization and the project involves working on City owned property, you will need the relevant City department to sign the application as a co-applicant. You will also need a solid maintenance plan, including the identification of funding sources for maintenance. **You must contact Mark Cole, Assistant DPW Director, to discuss project feasibility and obtain DPW's recommendation, approval, and signature on application. You may contact Mark at 978-325-5600 or [mcole@gloucester-ma.gov](mailto:mcole@gloucester-ma.gov). If approval is not granted, then you cannot apply.**

## **Step 2 - Submit Completed Application.**

Please review both the **Requirements for Submission** and **Application Instructions** before beginning an application. Once submitted, an application may not be amended without a vote of the Committee.

- Each project funding application must be submitted using the "Project Application Cover Sheet." Additional pages should be added as necessary.
- Applicants should **submit 2 paper copies of the application, double-sided, plus an electronic copy.**
- Submit applications to:

Community Preservation Committee  
c/o The Community Development Department  
3 Pond Road  
Gloucester, MA 01930  
[jcorliss@gloucester-ma.gov](mailto:jcorliss@gloucester-ma.gov)

## **Step 3 - Community Preservation Committee Review and Public Comment**

**1. Application Review:** The CPC will review submitted applications on the basis of the General Evaluation Criteria and the Category Specific Evaluation Criteria for funding included in the Community Preservation Plan. All applicants should review the General Evaluation and Category Specific Criteria.

The CPC may request additional or more detailed information and further clarifications to the submitted proposals. The CPC may request a legal opinion to help it assess CPA project eligibility and to provide answers to any other questions that the Committee may have.

**2. Project Review Meetings:** The CPC may ask applicants or their representatives to meet with the CPC to discuss questions that members might have regarding their applications.

**3. Public Comment Session:** Although members of the public may attend and speak at all meetings of the committee, the date of a formal Public Comment Session will be specified during each funding round. Applicants are encouraged to invite their supporters to attend this session.

**4. Notification:** The CPC will notify applicants of its decisions concerning recommendations.

**5. Committee Recommendations:**

- a. The CPC will make its final recommendations for funding to the Mayor for submission to the City Council.
- b. The CPC reserves the right to attach conditions and to require additional agreements, such as preservation restrictions (see attached sample), or a Conservation Restriction (CR) as part of a funding recommendation. **If a preservation restriction or a CR are required, it is the responsibility of the organization to record and pay for such recording.**
- c. The CPC may recommend a project as proposed by the applicant, or may recommend modifications of the project, or it may recommend partial funding or funding for only a portion or phase of the proposed project. The CPC's recommendations may include detailed project scopes, conditions, and other specifications, as the CPC deems appropriate to ensure CPA compliance and project performance.
- d. If the applicant is a private individual or organization proposing a project that involves working on City owned property, the CPA Committee will also include in its recommendation to the Mayor that the project must be accepted by the City Council to approve the acceptance of goods and services on city land for the proposed project. This will involve being referred by the City Council to their Planning and Development Committee. If the City Council does not approve the project work on City owned property, then the project cannot be awarded funds.
- e. If the project on City owned land includes construction, then prevailing wages will be required. You may contact Donna Compton, Purchasing Agent, at 978-281-9710 or [dcompton@gloucester-ma.gov](mailto:dcompton@gloucester-ma.gov).
- f. Applications from City Boards or Commissions will require a letter from the chair indicating the board/committee as a whole has discussed and approves the application as submitted.

**Step 4 - Mayoral Recommendation and City Council Vote**

The Mayor will send the CPC's recommendations to the City Council. City Council has the final authority to award funds from Gloucester's Community Preservation Act Fund. The City Council may take the following actions: approve with a lower level of funding or reject recommendations. Members of the public may speak in favor or against specific recommendations at the public hearings, in accordance with City Council rules of order.

**Step 5 - Award Letter**

The CPC will issue award letters for projects approved by City Council with information on the funding amount, funding conditions, project modification as voted by City Council (if any), Community Preservation staff contact information, and guidelines for project execution. Projects receiving CPA funding will be required to credit this source of funding in promotional materials and, whenever appropriate, at the project location. Signs indicating CPA support will be made available through the CPC.

## Step 6 - Disbursement and Monitoring of Funds

For questions about procurements and other financial requirements and procedures applicants should contact the Purchasing Agent, Donna Compton, at 978- 281-9710.

Project oversight, monitoring, and financial control are the responsibility of the CPC or its designee. Questions in these areas should be directed to Jaimie Corliss, Grants Manager via email at [jcorliss@gloucester-ma.gov](mailto:jcorliss@gloucester-ma.gov) or by calling 978-325 5239.

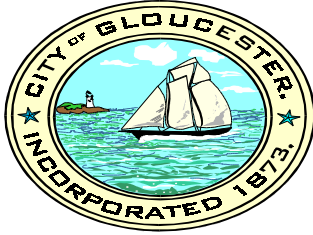
The CPC will require quarterly project status updates from CPA Fund recipients. The purpose of such updates is to track the progress of funded projects and help identify issues that may be addressed in order to assist future applicants.

## THE COMMUNITY PRESERVATION COMMITTEE

Members of the Committee are available to guide you with further information regarding the Community Preservation Act, the Community Preservation Plan priorities, and the funding process.

<u>Member</u>	<u>Representing</u>	<u>Contact information</u>
Catherine Schlichte Co-Chair	At Large	<a href="mailto:catherine@schlichtelawoffice.com">catherine@schlichtelawoffice.com</a>
Karen Carter	Housing Authority	<a href="mailto:kcarter@ghama.com">kcarter@ghama.com</a>
John Feener	Conservation Commission	<a href="mailto:thetreedoc@me.com">thetreedoc@me.com</a>
Henry McCarl	Planning Board	<a href="mailto:hmccarl@alum.mit.edu">hmccarl@alum.mit.edu</a>
Barbara Silberman Co-Chair	At Large	<a href="mailto:barbsilberman@gmail.com">barbsilberman@gmail.com</a>
Ellen Preston	At Large	<a href="mailto:egpreston74@gmail.com">egpreston74@gmail.com</a>
Heidi Wakeman	Open Space & Recreation	<a href="mailto:hwakewoman@hotmail.com">hwakewoman@hotmail.com</a>
Pamela Tobey	At-large	<a href="mailto:tobeym.pamela@gmail.com">tobeym.pamela@gmail.com</a>

You may also contact Jaimie Corliss, Grants Manager, Community Development Department, at 978-325-5239.



# CITY OF GLOUCESTER COMMUNITY PRESERVATION COMMITTEE APPLICATION EVALUATION CRITERIA

## GENERAL EVALUATION CRITERIA

All projects must be eligible for the Community Preservation Act (CPA) funding according to the requirements described in the CPA legislation (Chapter 44B of Massachusetts General Laws) (see Appendix III - Allowable Use Chart). The Gloucester Community Preservation Committee gives preference to proposals which address as many of the following general criteria as possible:

1. Consistent with various plans which are relevant to and utilized by the City regarding Open Space, Historic Resources, Affordable Housing, and Recreation.
2. Preserve and enhance the essential character of the City.
3. Protect resources that would otherwise be threatened.
4. Serve more than one CPA purpose or demonstrate why serving multiple needs is not feasible.
5. Demonstrate practicality, feasibility, and that the project can be implemented within budget and on schedule.
6. Produce an advantageous cost/benefit value.
7. Leverage additional public and/or private funds (e.g. qualify the project for additional grants from other sources) or receive partial funding from other sources and/or voluntary contributions of goods or services.
8. Preserve or improve use or intended purpose of City-owned assets.
9. Receive endorsement by other municipal boards, committees and commissions or departments and broad-based support from community members.

## CATEGORY SPECIFIC CRITERIA

In addition to the general evaluation criteria outlined in the overview section, the Community Preservation Act funds the community preservation interests in Open Space, Historic Preservation, Affordable Housing and Recreation.

1. **Open Space** proposals will be evaluated according to the following specific criteria:
  - Permanently protect important wildlife habitat, particularly areas that include:
    - locally significant biodiversity;
    - variety of habitats with a diversity of geologic features and types of native and noninvasive vegetation;
    - Threatened or endangered habitat or species of plant or animal.
  - Preserve active agricultural use.
  - Provide opportunities for passive recreation and environmental education.
  - Protect or enhance wildlife corridors, promote connectivity of habitat or prevent fragmentation of habitats.
  - Provide connections with existing trails or protected open space.
  - Acquire land or easements for potential trail linkages.
  - Preserve scenic views.

- Border a scenic road.
- Protect drinking water quantity and quality.
- Provide flood control/storage.
- Preserve and protect important surface water bodies, including streams, wetlands, vernal pools, riparian zones or Areas of Critical Environmental Concern (ACEC).
- Buffer for protected open space, or historic resources. Preserve and enhance the natural wildlife habitat functions and values of open space for wildlife.

**2. Historic Preservation** proposals which address as many of the following criteria as possible to receive preference for funding:

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

**3. Affordable Housing** proposals which address as many of the following criteria as possible will receive preference for funding:

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

**4. Recreation** proposals will be evaluated with the following criteria:

- Address a need or objective identified in a City Plan.
- Serve a significant number of residents.
- Preserve and expand the range of recreational opportunities available to city residents of all ages and abilities, including those at-risk of obesity as identified through the Get Fit Gloucester! Community Action Plan.
- Promote recreational activities.
- Maximize the use of land already owned by city.
- Promote the creative use of railway and other corridors to create safe and healthful non-motorized transportation opportunities.



## APPENDIX I: CPA INFORMATION GUIDE

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- As part of the Community Preservation Act in Gloucester, the City Council created the Community Preservation Committee. The ordinance which the Council approved can be found on the City’s website, [www.gloucester-ma.gov](http://www.gloucester-ma.gov)
- The Community Preservation Coalition, of which the Gloucester CPC is a member, is an alliance of open space, affordable housing, and preservation organizations that works with municipalities to help them understand, adopt, and implement the CPA. The Coalition website has a wide variety of information, including links to the other CPA communities. See <http://www.communitypreservation.org/index.cfm>. Furthermore, the “Links” page offers helpful CPA related connections to many agencies and organizations - <http://www.communitypreservation.org/links.cfm>
- It is important for every applicant, and useful for anyone else interested in the Community Preservation Act, to read the actual legislation. (Chapter 44B, Commonwealth of Massachusetts General Laws.)  
<http://www.mass.gov/legis/laws/mgl/gl-44b-toc.htm>
- Please note that all CPC funded historic preservation projects shall “comply with the Standards for Rehabilitation stated in the United States Secretary of the Interior’s Standards for the Treatment of Historic Properties codified in 36 C.F.R. Part 68.” (M.G.L. ch.44B). The Standards can be found at:  
<http://www.nps.gov/hps/tps/standguide/rehab/rehabapproach.htm>
- There are a number of relevant Planning documents that provide guidance on values and priorities that have been identified by the citizens of Gloucester. These include:
  - “A Comprehensive Plan, the Community Development Plan for the City of Gloucester, 2001”
  - “The City of Gloucester’s Open Space Plan, 2010”
  - “The Harbor Plan/Designate Port Area Master Plan 2009”
  - “City of Gloucester Housing Element 2004”
  - “City of Gloucester Consolidated Plan/ Annual Action Plan, 2010 – 2015”
  - “A Preservation Plan for the City of Gloucester, 1990”

These Plans can be found on the City’s website, [www.gloucester-ma.gov](http://www.gloucester-ma.gov), **and/or** at the City’s Community Development Department, 3 Pond Road.

## APPENDIX II: GLOSSARY OF TERMS

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### TERMS FROM THE MASSACHUSETTS COMMUNITY PRESERVATION ACT

As used in this act, the following words shall, unless the context clearly indicates a different meaning, have the following meanings:

**"Acquire"**, obtain by gift, purchase, devise, grant, rental, rental purchase, lease or otherwise. "Acquire" shall not include a taking by eminent domain, except as provided in this chapter.

**"Annual income"**, a family's or person's gross annual income less such reasonable allowances for dependents, other than a spouse, and for medical expenses as the housing authority or, in the event that there is no housing authority, the department of housing and community development, determines.

**"Capital Improvement"**, reconstruction or alteration of real property that: (1) materially adds to the value of the real property or appreciably prolongs the useful life of the real property; (2) becomes part of the real property or is permanently affixed to the real property so that removal would cause material damage to the property or article itself; and (3) is intended to become a permanent installation or is intended to remain there for an indefinite period of time.

**"Community housing"**, low and moderate income housing for individuals and families, including low or moderate income senior housing.

**"Community preservation"**, the acquisition, creation and preservation of open space, the acquisition, creation and preservation of historic resources and the creation and preservation of community housing.

**"Community preservation committee"**, the committee established by the legislative body of a city or town to make recommendations for community preservation, as provided in section 5.

**"Community Preservation Fund"**, the municipal fund established under section 7.

"CP", community preservation.

**"Historic resources"**, a building, structure, vessel, real property, document or artifact that is listed on the state register of historic places or has been determined by the local historic preservation commission to be significant in the history, archeology, architecture or culture of a city or town.

**"Legislative body"**, the agency of municipal government which is empowered to enact ordinances or by-laws, adopt an annual budget and other spending authorizations, loan orders, bond authorizations and other financial matters and whether styled as a city council, board of aldermen, town council, town meeting or by any other title.

**"Low income housing"**, housing for those persons and families whose annual income is less than 80 percent of the area wide median income. The area wide median income shall be the area wide median income as determined by the United States Department of Housing and Urban Development.

**"Low or moderate income senior housing"**, housing for those persons having reached the age of 60 or over who would qualify for low or moderate income housing.

**"Maintenance"**, incidental repairs which neither materially add to the value of the property nor appreciably prolong the property's life, but keep the property in a condition of fitness, efficiency or readiness.

**"Moderate income housing"**, housing for those persons and families whose annual income is less than 100 per cent of the area wide median income. The area wide median income shall be the area wide median income as determined by the United States Department of Housing and Urban Development.

**"Open space"**, 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.

**"Preservation"**, protection of personal or real property from injury, harm or destruction.

**"Real property"**, land, buildings, appurtenant structures and fixtures attached to buildings or land, including, where applicable, real property interests.

**"Real property interest"**, a present or future legal or equitable interest in or to real property, including easements and restrictions, and any beneficial interest therein, including the interest of a beneficiary in a trust which holds a legal or equitable interest in real property, but shall not include an interest which is limited to the following: an estate at will or at sufferance and any estate for years having a term of less than 30 years; the reversionary right, condition or right of entry for condition broken; the interest of a mortgagee or other secured party in a mortgage or security agreement.

**"Recreational use"**, active or passive recreational use including, but not limited to, the use of land for community gardens, trails, and noncommercial youth and adult sports, and the use of land as a park, playground or athletic field. "Recreational use" shall not include horse or dog racing or the use of land for a stadium, gymnasium or similar structure.

**"Rehabilitation"**, capital improvements, or the making of extraordinary repairs to historic resources, open spaces, lands for recreational use and community housing for the purpose of making such historic resources, open spaces, lands for recreational use and community housing functional for their intended uses, including, but not limited to improvements to comply with the Americans with Disabilities Act and other federal, state or local building or access codes; provided that with respect to historic resources, "rehabilitation" shall comply with the Standards for Rehabilitation stated in the United States Secretary of the Interior's Standards for the Treatment of Historic Properties codified in 36 C.F.R. Part 68; and provided further, that with respect to land for recreational use, "rehabilitation" shall include the replacement of playground equipment and other capital improvements to the land or facilities thereon which make the land or the related facilities more functional for the intended recreational use.

**"Support of community housing"**, shall include, but not limited to, programs that 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.

## APPENDIX III: ALLOWABLE USE TABLE

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

	OPEN SPACE	HISTORIC RESOURCES	RECREATIONAL LAND	COMMUNITY HOUSING
<b>DEFINITIONS</b> (G.L. c. 44B, § 2)	Land to protect existing and future well fields, aquifers and recharge areas, watershed land, agricultural land, grass lands, fields, forest land, fresh and salt water marshes and other wetlands, ocean, river, stream, lake and pond frontage, beaches, dunes and other coastal lands, lands to protect scenic vistas, land for wildlife or nature preserve and land for recreational use	Building, structure, vessel, real property, document or artifact listed on the state register of historic places or determined by the local historic preservation commission to be significant in the history, archeology, architecture or culture of the city or town	Land for active or passive recreational use including, but not limited to, the use of land for community gardens, trails and noncommercial youth and adult sports, and the use of land as a park, playground or athletic field  Does <u>not</u> include horse or dog racing or the use of land for a stadium, gymnasium or similar structure	Housing for low and moderate income individuals and families, including low or moderate income seniors  Moderate income is less than 100% and low income is less than 80%, of US HUD Area Wide Median Income
<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. c 44B	<b>Yes</b>	<b>Yes</b>	<b>Yes</b>	<b>Yes</b>
<b>CREATION</b> To bring into being or cause to exist. <i>Seideman v. City of Newton</i> , 452 Mass. 472 (2008)	<b>Yes</b>	<b>NA</b>	<b>Yes</b>	<b>Yes</b>
<b>PRESERVATION</b> Protect personal or real property from injury, harm or destruction	<b>Yes</b>	<b>Yes</b>	<b>Yes</b>	<b>Yes</b>
<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 entity that owns, operates or manages such housing, for the purpose of making housing affordable	<b>NA</b>	<b>NA</b>	<b>NA</b>	<b>Yes, includes funding for community's affordable housing trust</b>
<b>REHABILITATION AND 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 of historic properties	<b>Yes, if acquired or created with CP funds</b>	<b>Yes</b>	<b>Yes</b>	<b>Yes, if acquired or created with CP funds</b>

**APPENDIX IV**

***SAMPLE***

**PRESERVATION RESTRICTION AGREEMENT**

between the

**CITY OF GLOUCESTER**

and the

**(INSERT NAME OF ORGANIZATION)**

The parties to this Agreement are the City of Gloucester, 9 Dale Avenue, Gloucester, Massachusetts, hereinafter referred to as the City, and the **(NAME OF ORGANIZATION)**, Gloucester, Massachusetts, hereinafter referred to as the Grantor.

Whereas, the Grantor is the owner in fee simple of certain real property with improvements known as the **(INSERT ORGANIZATION)**, as described in a deed dated **(INSERT DATE)**, from **(INSERT GRANTOR)** to **(INSERT GRANTEE)**, recorded with the Essex South District Registry of Deeds, Book \_\_\_\_\_, Page \_\_\_\_\_, and which is located at **(INSERT ADDRESS)**, Gloucester, MA. The Grantor is hereinafter referred to as the site. The Site is also described in Exhibit A attached hereto and incorporated herein by reference; and

WHEREAS, the Site includes, but is not limited to, the following: **INSERT DESCRIPTION OF HISTORICAL ATTRIBUTE OF PROPERTY APPLICANT SEEKING TO PRESERVE.**

WHEREAS, the Grantor has applied for and received Gloucester Community Preservation Funds for the rehabilitation of the building on the Site known as **(INSERT NAME OF BUILDING/PROPERTY)**. The **(NAME OF BUILDING/PROPERTY)** shall be known as the Premises and shall be subject to the restrictions and obligations imposed herein.

WHEREAS, the Grantor wishes to impose certain restrictions, obligations and duties upon it as the owner of the Premises and on the successors to its right, title and interest therein, with respect to maintenance, protection, and preservation of the Premises in order to protect the architectural, archaeological and historical integrity thereof; and

WHEREAS, the Premises is significant for its architecture, archaeology and/or associations, and was found to be historically significant by the Gloucester Historical Commission, and therefore qualifies for a preservation restriction under M.G.L., Chapter 184, section 32; and

WHEREAS, the preservation of the Premises is important to the public for the enjoyment and appreciation of its architectural, archaeological and historical heritage and will serve the public interest in a manner consistent with the purposes of M.G.L. Chapter 184, sections 31, 32, and 33 hereinafter referred to as the Act; and

WHEREAS, the City is a government body organized under the laws of the Commonwealth of Massachusetts and is authorized to accept these preservation restrictions under the Act;

NOW, THEREFORE, for good and valuable consideration, the Grantor conveys to the City the following preservation restrictions, which shall apply in Perpetuity to the Premises.

**PURPOSE**

It is the Purpose of these preservation restrictions to ensure the preservation of those characteristics which contribute to the architectural, archaeological and historical integrity of the Premises which have been determined historically significant by the Gloucester Historical Commission.

Characteristics which contribute to the architectural, archaeological and historical integrity of the Premises include, but are not limited to, the artifacts, features, materials, appearance, and workmanship of the Premises, including those characteristics which originally qualified the Premises.

## TERMS

The terms of the Agreement are as follows:

1. **Maintenance of Premises:** The Grantor agrees to assume the total cost of continued maintenance, repair and administration of the Premises so as to preserve the characteristics which contribute to the architectural, archaeological and historical integrity of the Premises in a manner satisfactory to the City according to the Secretary of the Interior's "Standards for the Treatment of Historic Properties with Guidelines for Preserving, Rehabilitating, Restoring, and Reconstructing Historic Buildings" (36 CFR 67 and 68), as these may be amended from time to time. The Grantor may seek financial assistance from any source available to it. The City does not assume any obligation for maintaining, repairing or administering the Premises.
2. **Inspection:** The Grantor agrees that the City may inspect the Premises from time to time upon reasonable notice to determine whether the Grantor is in compliance with the terms of this Agreement.
3. **Alterations:** The Grantor agrees that no alteration shall be made to the Premises unless (a) it is clearly of a minor nature and not affecting the characteristics which contribute to the architectural, archaeological or historical integrity of the Premises, or (b) the City, after reviewing the plans and specifications, determines that the work will not impair such characteristics, or (c) required by casualty or other emergency promptly reported to the City. Ordinary maintenance and repair of the Premises may be made without the written permission of the City. For purposes of this section, interpretation of what constitutes alterations of a minor nature and ordinary maintenance and repair is governed by the Restriction Guidelines which are attached to this Agreement and hereby incorporated by reference (see Exhibit B).
4. **Notice and Approval:** Whenever approval by the City is required under this restriction, Grantor shall file a request for approval with the Community Preservation Committee to be considered at its regularly scheduled public meeting. The notice shall be filed with Committee at least ten days prior to the next regularly scheduled meeting of the Committee. The request shall describe the nature, scope, design, location, timetable and any other material aspect of the proposed activity in sufficient detail to permit the Committee to make an informed judgment as to its consistency with the purposes of this Preservation Restriction. Within (30) days of considering Grantor's reasonably sufficient request for said approval, the Committee shall, in writing, grant or withhold its approval, or request additional information relevant to the request and necessary to provide a basis for its decision. However, should the Committee determine that additional time is necessary in order to make its decision it shall notify the Grantor. The Committee's approval shall not be unreasonably withheld, and shall be granted upon a reasonable showing that the proposed activity shall not materially impair the Purpose of this Agreement. Failure of the Committee to make a decision within sixty (60) days from the date on which the Committee reviewed the request or notice of a time extension is received by the Grantor shall be deemed to constitute approval of the request as submitted, so long as the request sets forth the provisions of this section relating to deemed approval after the passage of time.
5. **Assignment:** The City may assign this Agreement to another governmental body or to any charitable corporation or trust among the purposes of which is the maintenance and preservation of historic properties only in the event that the City should cease to function in its present capacity.
6. **Validity and Severability:** The invalidity of M.G.L. c. 184 or any part thereof shall not affect the validity and enforceability of this Agreement according to its terms. The invalidity or unenforceability of any provision of this Agreement shall not affect the validity or enforceability of any other provision of this Agreement.
7. **Recording:** The Grantor agrees to record this Agreement with the appropriate Registry of Deeds and file a copy of such recorded instrument with the City.
8. **Archaeological Activities:** The conduct of archaeological activities on the Premises, including without limitation, survey, excavation and artifact retrieval, may occur only following the submission of an archaeological field investigation plan prepared by the Grantor and approved in writing by the State Archaeologist of the Massachusetts Historical Commission (M.G.L. Ch.9, Section 27C, 950 CMR 70.00).
9. **Other Provisions:** (INSERT IF APPLICABLE)

The burden of these restrictions enumerated in paragraphs 1 through 9, inclusive, shall run with the land and is binding upon future owners of an interest therein.

IN WITNESS WHEREOF, we have hereunto set our hands and seals this \_\_\_\_ day of \_\_\_\_\_, 20\_\_.

GRANTOR: \_\_\_\_\_  
(INSERT ORGANIZATION)

Dated: \_\_\_\_\_

COMMONWEALTH OF MASSACHUSETTS

Essex, ss.

On this \_\_\_ day of \_\_\_\_\_, 20\_\_, before me, the undersigned notary public, personally appeared (INSERT NAME), proved to me through personal knowledge to be the person whose name is signed above, and acknowledged to me that she signed it voluntarily for its stated purpose.

\_\_\_\_\_  
NOTARY PUBLIC  
My Commission Expires:

GRANTEE: \_\_\_\_\_  
MAYOR, CITY OF GLOUCESTER

Dated: \_\_\_\_\_

COMMONWEALTH OF MASSACHUSETTS

Essex, ss.

On this \_\_\_ day of \_\_\_\_\_, 20\_\_ before me, the undersigned notary public, personally appeared Mayor (INSERT NAME), proved to me through personal knowledge to be the person whose name is signed above, and acknowledged to me that she signed it voluntarily for its stated purpose.

\_\_\_\_\_  
NOTARY PUBLIC  
My Commission Expires:



## EXHIBIT A

Assessor's Map - To be generated at time of restriction agreement's execution

## EXHIBIT B

### Restriction Guidelines

The purpose of the Restriction Guidelines is to clarify Paragraph three (3) of the Terms of the Preservation Restriction Agreement that deals with alterations to the Historic Property. Under this section permission from the City of Gloucester through the Gloucester Historical Commission (GHC) ("Grantee") is required for any major alterations. Alterations of a minor nature that are part of ordinary maintenance and repair do not require Gloucester Historical Commission's review.

In an effort to explain what constitutes a minor alteration and what constitutes a major change, (that must be reviewed by the Gloucester Historical Commission), the following list has been developed. By no means is this list comprehensive: it is only a sample of some of the more common alterations, which may be contemplated by building owners.

#### PAINT

Minor - Exterior hand scraping and repainting clapboards or non-decorative and non-significant surfaces as part of periodic maintenance.

Major - Painting or fully stripping decorative surfaces or distinctive stylistic features including ornamental woodwork, stone decorative or significant original siding.

#### WINDOWS AND DOORS

Minor - Regular maintenance including caulking, painting and necessary re-glazing. Repair or in-kind replacement of existing individual decayed window parts.

Major - Wholesale replacement of units; change in fenestration or materials; alteration of profile or setback of windows.

#### EXTERIOR

Minor - Spot repair of existing cladding and roofing including in-kind replacement of clapboards, shingles, slates, etc.

Major - large-scale repair or replacement of cladding or roofing. Change involving inappropriate removal or addition of materials or building elements (i.e. removal of chimneys or cornice detailing; installation of architectural detail which does not have a historical basis); altering or demolishing building additions; spot re-pointing of masonry. Structural stabilization of the property is also considered a major alteration.

#### LANDSCAPING/OUTBUILDINGS

Minor - Routine maintenance of outbuildings and landscape including lawn mowing, pruning, planting, painting, and repair.

Major - Moving or subdividing buildings or property; altering of property; altering or removing significant landscape features such as gardens, vistas, walks, plantings; ground disturbance affecting archaeological resources.

Changes classified as major alterations are not necessarily unacceptable. Under the Preservation Restriction Agreement, such changes must be reviewed by the Gloucester Historical Commission to assess their impact on the historic integrity of the Premises.

It is the responsibility of the property owner to notify the Gloucester Historical Commission in writing when any major alterations are contemplated. Substantial alterations may necessitate review or plans and specifications.

The intent of the Preservation Restriction Agreement is to enable the Gloucester Historical Commission to review proposed alterations and assess their impact on the integrity of the structure, not to preclude future change. The Gloucester Historical Commission will attempt to work with property owners to develop mutually satisfactory solutions, which are in the best interests of the property.