

PACKET

Nov 29

2021



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TOWN OF WAYLAND

41 COCHITUATE ROAD
WAYLAND, MASSACHUSETTS 01778

BOARD OF SELECTMEN

THOMAS J. FAY
ADAM G. GUTBEZAHL
CHERRY C. KARLSON
CAROL B. MARTIN
DAVID V. WATKINS

BOARD OF SELECTMEN
Monday, November 29, 2021
7:00 p.m.
Wayland Town Building; ZOOM
41 Cochituate Road, Wayland, MA

Proposed Agenda

Note: Items may not be discussed in the order listed or at the specific time estimated. Times are approximate.

One may watch or may participate remotely with the meeting link that can be found at
<https://www.wayland.ma.us/public-body-meeting-information-virtual-inperson-and-hybrid>

Pursuant to Chapter 20 of the Acts of 2021, this meeting will be conducted via remote participation. No in person attendance by members of the public will be permitted. This meeting may be recorded which will be made available to the public on WayCAM as soon after the meeting as is practicable.

- 7:00 pm 1. Call to Order, Review Agenda for Public
- 7:05 pm 2. Announcements
- 7:10 pm 3. Community Preservation Act Projects: discussion and potential vote of submission of CPA project applications
- 7:25 pm 4. Minutes – November 22, 2021; review and vote to approve
- 7:30 pm 5. Consent: review and vote to approve
- 7:35 pm 6. Topics not Reasonably Anticipated 48 hours in advance, if any
- 7:40 pm 7. Adjourn



TOWN OF WAYLAND

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MEMORANDUM

To: Board of Selectmen
Date: November 29, 2021
Re: Potential Board of Selectmen Sponsored CPA Project Applications

The Wayland Community Preservation Committee has invited boards/committees to submit applications for CPA projects to be considered at Annual Town Meeting 2022. Applications are due by **December 1, 2021**; the CPC will review applications at its meeting on **December 15, 2021**; the CPC will finalize articles for the ATM 2022 warrant on **January 5, 2022**. Projects may be for community housing, historic preservation, open space, and recreation.

Below is a list of potential CPA projects for the Board of Selectmen to sponsor.

Wayland Free Public Library Redesign and Repairs - Planned for Capital funding in FY23. We continue to recommend that the Library work be funded for construction in FY2023. CPA funds would cover the work at the Library.

Partial Funding of Loker Field Construction – Capital request of the Grass Field at Loker will be for \$2.5 Million for FY23. Would ask for CPA funds to partially cover costs. CPA funds of \$118,000 have been previously approved for the Parking lot at Loker.

Fire Station #2 Renovation of Exterior – Capital request for additional funding for Fire Station #2 to be \$710,000 for FY23 and \$185,000 for FY24. These included additional items of cost added to the project total to include repairs to the exterior of the building. CPA funds would cover cost of the exterior repairs of the building.

Purchase of Launcher Way – 5.6 acre property in north Wayland consisting of 12 single family units. The property is currently owned by the federal government. The sale of this property could occur as soon as next year. The purchase of this property would be to increase the affordable housing stock controlled by the Town.



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www.wayland.ma.us

WAYLAND COMMUNITY PRESERVATION COMMITTEE

The Town of Wayland adopted the Community Preservation Act (CPA) at Annual Town Meeting in April 2002. Accordingly, the Community Preservation Committee (CPC) was established as an on-going committee of the town. Its primary task is to administer the CPA fund by seeking and evaluating proposals, and making recommendations to Town Meeting for the expenditure of CPA funds. The monies are collected yearly as a 1.5% surcharge on the tax bill of each property owner. The Commonwealth of Massachusetts also contributes to the CPA fund through the State Community Preservation Trust Fund. The CPC welcomes requests for funding and presents the following information to assist applicants in seeking those funds.

Eligible Uses

(as per Community Preservation Act as amended July 2012)

The Wayland CPC can only consider proposals that are eligible for CPA funding according to the requirements described in the CPA legislation, specifically for:

- acquisition, creation, and preservation of open space
- acquisition, preservation, rehabilitation, and restoration of historic resources
- acquisition, creation, preservation, rehabilitation, and restoration of land for recreational use
- acquisition, creation, preservation, and support of community housing
- rehabilitation or restoration of open space and community housing that is acquired or created using monies from the fund.

Application for Funding

Use of CPA funds is determined by Wayland's Town Meeting. The request for funds must be made at Town Meeting by the CPC following consideration of eligible applications. Please provide as much information as possible so that the CPC is able to make an informed decision on funding requests.

It is highly recommended that applicants meet with the CPC to discuss a potential proposal. The CPC generally meets once a month. Please submit information at least one week prior to a CPC meeting at which the application will be considered.



WAYLAND COMMUNITY PRESERVATION ACT PROJECT APPLICATION COVER SHEET

Use tabs to move to the next field. Fields will expand as you type.

I: Project Information			
Project Title:			
Project Summary:			
Map	& Parcel	Estimated completion: Month	Year
CPA Program Area (check all that apply):			
<input type="checkbox"/> Open Space	<input type="checkbox"/> Historic Preservation	<input type="checkbox"/> Community Housing	<input type="checkbox"/> Recreation

II: Applicant/Developer Information	
Contact Person and or/primary applicant:	
Property Owner (if applicable):	
Organization (if applicable):	
Mailing Address:	
Daytime phone #:	Other phone #:
E-mail address:	Website:

III: Budget Summary	
Total budget for project: \$	
CPA funding request: \$	
CPA request as percentage of total budget:	%

Applicant Signature: _____

Date Submitted: / /

Either attach one or more pages addressing these questions and issues or provide your answers below. The fields will expand as you type into them.

PROJECT DESCRIPTION

1. Scope or concept of project: State the scope of work including the specific information about extent of work. Provide photographs of existing conditions and proposed plans, if applicable.
2. Projected action plan and timeline: List steps needed to complete the project and an estimated timeline. This plan and schedule are critical for preparation of the Project Status Reports submitted annually to Town Meeting until project completion. If you need more lines for steps, use a separate sheet.

List of steps and approximate date or period of time to accomplish this step

- (1) - To be completed
- (2) - To be completed
- (3) - To be completed
- (4) - To be completed
- (5) - To be completed
- (6) - To be completed
- (7) - To be completed
- (8) - To be completed
- (9) - To be completed

FINANCES

3. Anticipated project cost: Provide a budget, with line itemization and justification.

Amount	To be used for	Justification: Why is this item/expense needed?
\$		
\$		
\$		
\$		
\$		
\$		
\$		
\$		
\$		
\$		
\$		
\$		
\$		
\$		
\$		
\$		

4. Other funding sources, including private, public, and/or in-kind. You may include comments about amounts and likelihood of receiving funding.
5. CPA funding request amount.: \$
6. If included in Wayland Capital Improvement Plan, indicate CIP year:

PURPOSE OF PROJECT

7. Relevance to community: Indicate how the project is relevant to the current and/or future needs of Wayland. Does it serve multiple needs?

8. Explain how the project will meet goals and objectives of the category under which you are applying (Community Housing, Historic Preservation, Open Space, Recreation).

9. Supporting documents: Provide supporting letters, references, studies, maps, and statistics, as applicable.

Please keep in mind that there are legal limitations on the uses of CPA funds. If you have any questions about your project's eligibility, please contact the CPC for guidance. Thank you.

Wayland Community Preservation Committee

Community Preservation Plan – 2021

Errata

The CPC will consider these changes prior to the Hearing on November 17, 2021 at 7:15 PM

p. 1: add comma after phrase in second paragraph, first line:

Each fiscal year, of the incoming monies in the Community Preservation Fund, at least.....”

p. 2: delete extra word in second paragraph under Finances, fourth line: CPA funds may also be ~~also~~ used for.....

p. 5: Historic Preservation paragraph, 6th line: change Lakeside Cemetery to Lakeview Cemetery

p. 6: second line – delete permanent “not owned by the Town are protected by a ~~permanent~~ Preservation Restriction.” (This is clarification as some preservation restrictions have a 30-year term.)

p. 8: second line change September to November....”as those known to the CPC as of ~~September~~ November 2021.” _The chart on the last page has been amended to reflect discussions at the October meeting when the CPC.

THE COMMUNITY PRESERVATION ACT

The Community Preservation Act (CPA), Massachusetts General Laws Chapter 44B, allows communities to create a local Community Preservation Fund through a surcharge of up to 3% of the tax levy on real property. The Act also creates a significant state matching fund. CPA funds may be used for acquisition, creation, preservation, and (in some cases) restoration/rehabilitation of open space; for acquisition, preservation, and restoration of historic buildings and artifacts; for acquisition, creation, preservation, support, and (in some cases) rehabilitation of community housing; and for specified investments related to recreation.

Each fiscal year, of the incoming monies in the Community Preservation Fund at least 10% must be spent or set aside for open space (excluding recreational uses), 10% for historic preservation, and 10% for community housing. The remaining 70% of funds, held in an “uncommitted” fund may be allocated to any one or a combination of the three main uses as well as public recreational purposes. Up to 5% may be spent on administration.

Decisions regarding the allocation of CPA funds in cities and towns that adopt the law are made initially by a local Community Preservation Committee (CPC), whose responsibilities are to receive and review applications and to make recommendations to the appropriate municipal authority (e.g., Town Meeting), which in turn makes the final allocations.

THE CPA IN WAYLAND

Overview

The CPA was adopted by the Massachusetts General Court (i.e., the Legislature) and signed into law by the Governor in September 2000. Wayland was among the first communities in the Commonwealth to adopt the Act in April 2001. As of September 2021, 187 of the 351 municipalities in Massachusetts have adopted the CPA. Although the surcharge can be up to 3% of real property tax revenue, Wayland accepted a 1.5% surcharge and adopted two exemptions: low-income property owners and the first \$100,000 of the assessed value of residential property.

The Community Preservation Committee

The Wayland CPC consists of nine members, one each appointed by the Conservation Commission, Planning Board, Housing Authority, Historical Commission, Board of Public Works, and Recreation Commission, and three members appointed by the Board of Selectpersons. The CPC’s responsibilities are to identify and evaluate possible community preservation projects to be submitted to Town Meeting for approval of spending CPA funds. Projects must be for open space, historic preservation, community housing, or recreation.

When established in 2001, the first CPC adopted a Community Preservation Plan consisting of a mission statement and criteria for evaluating projects in each category. Some of that is retained herein.

The Wayland CPC's mission is to create, maintain, and implement a Community Preservation Plan to preserve, create, and expand open space, historic resources, community housing, and specified recreational uses. The plan serves as the basis for the CPC's recommendations to Town Meeting for the disposition of Community Preservation Funds.

Finances

In FY21 (the year ended June 30, 2021), the Town collected \$941,919 from the residential property tax surcharge, \$262,079 from the State Trust Fund, and \$6,804 in interest, for \$1,210,802 in total revenue.

As noted above, the CPA (and the Wayland Community Preservation Bylaw) requires that at least 10% of the CPA funds received in each fiscal year be spent or reserved for each of the CPA's three main purposes: open space, historic preservation, and community housing. CPA funds may also be used for certain recreation projects and for the purchase of land devoted to recreation. CPA funds that are not expended in one year may be "banked" or carried over to subsequent years within each main designation. The remaining 70% of CPA funds received in each fiscal year is available to be appropriated or banked in an uncommitted fund, according to the Town's discretion. Up to 5% of the CPA funds raised annually may be used for administrative activities related to the work of the CPC.

It has been the CPC's practice to leave at least \$500,000 in the uncommitted fund for future projects; however, there is no requirement to do so.

Appropriated funds for approved projects are set aside and disbursed on a reimbursement basis for non-Town departments and by bill payment for Town departments. Any appropriated funds that are not spent are returned to the Community Preservation Fund with the same restrictions as when appropriated.

APPLICATION AND APPROVAL PROCESS

Project Applications

Town boards, committees, and departments; civic organizations; and residents may bring proposals for funding to the CPC. Such proposals must be submitted by December 1, in the form prescribed by the CPC, in order to be considered for funding at the next (spring) Town Meeting. The CPC is empowered to make recommendations to Town Meeting; it does not have authority to appropriate funds for particular projects. While the power to appropriate CPA funds is reserved solely for Town Meeting, it may act only upon the recommendations of the CPC. It may choose to deny or reduce funding for a project recommended by the CPC, but it may not increase a

recommended appropriation or entertain a project for CPA funding not recommended by the CPC.

The CPC maintains a Town-wide and long-term perspective. The Committee expects to recommend projects that will have a significant, positive long-term impact on the Town. It may choose to recommend to Town Meeting that some or all of CPA funds be “banked” or reserved for future projects. The CPC strives to provide Town Meeting with a strong and consistent rationale for its recommendations and to create an effective process through which departments, organizations, and citizens may gain access to CPA funds for projects that enhance the Town.

Project proponents that are not a Town Board represented on the CPC are strongly encouraged to discuss their project proposal with the appropriate board or commission (Conservation Commission; Historical Commission; Housing Authority, Housing Partnership, and Affordable Housing Trust Fund; and Recreation Commission) to get the board’s support for the project.

Application Review

In reviewing new projects, the CPC

- acts as a reviewing body for projects that fall within the CPA purview
- acts as a funder, not a developer
- seeks to advance community goals previously set forth in public documents that have received wide review and public input (e.g., Conservation and Recreation Plan, Housing Production Plan)
- attempts to meet multiple community preservation goals in its selection of projects to recommend to Town Meeting and, to the extent practicable, in each such project
- communicates its mission and goals to applicants, other community boards and committees, and the general public.

Evaluating Guidelines

The CPC has authority only to consider proposals that are eligible for CPA funding:

- acquisition, creation, and preservation of open space
- acquisition, preservation, rehabilitation, and restoration of historic resources
- acquisition, creation, preservation, and support of community housing
- acquisition, creation, and preservation of land for recreational use
- rehabilitation and/or restoration of open space that has been acquired with CPA funds, land for recreational use, and community housing.

A chart in the Appendices summarizes a project’s eligibility for CPA funds.

Preference will be given to proposals that

- are consistent with current planning documents adopted by the Town
- preserve the essential character of the Town as described in the Wayland Master Plan (2004, 2010 update)

- protect resources that would otherwise be threatened
- benefit a currently under-served population
- serve more than one CPA purpose (e.g., whether land to be acquired for open space might reasonably accommodate recreational uses, whether property acquired for community housing might also support conservation purposes)
- demonstrate practicality and feasibility
- demonstrate that they can be accomplished expeditiously and within budget
- leverage additional public and/or private funds
- preserve or utilize Town-owned assets
- receive endorsement by relevant municipal boards, committees, or departments
- provide a long-term contribution and/or enhancement to the Town
- have no other source of funding.

See below for additional criteria for each allowable purpose.

After completion of its review of the proposals, the CPC's recommendations are forwarded to Town Meeting as articles in the warrant and are presented for final approval at Town Meeting.

Considerations for Each Allowable Purpose

Community Housing

Planning for affordable housing in Wayland takes place through the participation of a number of Town boards and departments, including the Housing Partnership, Municipal Affordable Housing Trust Fund, Housing Authority, Planning Board, Zoning Board of Appeals, and the Board of Selectpeople. The Housing Production Plan, undertaken every five years and submitted to the Massachusetts Department of Housing and Community Development, informs decisions made with regard to affordable housing. However, decisions are also made based on properties that become available, resources needed to accomplish the housing, progress to be made toward achieving the 10% affordability threshold and meeting community housing needs, and other factors.

The CPA allows for acquisition, creation, preservation, and support of housing for low- and moderate-income people ("community housing"), so it is broader than that defined by Massachusetts Chapter 40B, the Comprehensive Permit Law. The CPA also allows for rehabilitation or restoration of community housing that has been created or acquired with community preservation funds.

Since the creation of the Wayland Municipal Affordable Housing Trust Fund ("Trust"), it has been the CPC's practice to recommend transfer of each year's community housing funds (but for \$1 to keep the account open) to the Trust for stewardship and disposition. All monies that originated with the Community Preservation Fund retain their restrictions, so must be spent in accordance with the requirements of the Community Preservation Act. (The Trust segregates CPA-restricted funds from non-CPA funds.)

These funds can be used for appraisals, site planning, acquisition, and other housing activities.

In the event that the Trust identifies a project that requires more funds than are available, the Trust or affiliated entities can propose a project to the CPC to access funds not restricted to a particular purpose (in this case, historic preservation or conservation, as community housing funds would have already been transferred to the Trust). Then, the CPC's criteria for evaluation would include

- benefit to the community
- competing demands for the funds
- other potential sources of funding
- possibility of return on investment (e.g., if the properties were sold)
- extent of community support
- similar considerations.

In addition, the CPC has been supportive of funding consultants to assist the Town in achieving its affordable housing goals. These monies have been allocated from the uncommitted fund (i.e., those not restricted to community housing, historic preservation, or conservation) under the rationale that community housing funds should be spent on expanding the availability of housing for low- and moderate-income people rather than paying for consultants to support the Town's administrative needs and housing-related planning.

Finally, the CPC has supported historic preservation projects that benefit our community's affordable housing and those who live in it, such as the installation of fire sprinklers (also partially funded by the Town and the Housing Authority) and the replacement of a historic window at the Cochituate Village Apartments. Those projects were accomplished with uncommitted and/or historic preservation funds. (The projects were not eligible for CPA funding as housing projects because the Cochituate Village Apartments were not acquired or constructed with CPA funds.)

Substantial progress has been made toward making Wayland a more hospitable community to families of low- and moderate-income, thanks in large part to CPA funds and the dedication of the many people involved in affordable housing.

Historic Preservation

Documents that help to recognize historic resources include the Preservation Plan (2003), Cultural Resource Inventory (aka Historic Resource Survey), Preservation Management Plan for the North Cemetery (2015), Massachusetts Cultural Resource Information System (MACRIS), National Register of Historic Places, Master Plan for Railroad Interpretive Site (2005), and registered archaeological sites. Historic resources that are currently of high priority include the North, South, and Lakeside Cemeteries; Wayland Depot and Railroad Interpretive Site; historic documents in the Wayland Free Public Library; Old Stone's Bridge; and artifacts in the Wayland Archaeology Laboratory. All historic preservation projects must conform to the Secretary of the Interior Standards

for Rehabilitation. Generally, any historic resources that benefit from Community Preservation funds that are not owned by the Town are protected with a permanent Preservation Restriction.

Historic preservation projects/proposals are evaluated according to the following criteria:

- Protect, preserve, enhance, restore, and/or rehabilitate
 - historic, cultural, architectural, or archaeological resources of significance, especially those that are threatened
 - Town-owned properties, features, or resources of historical significance
 - historical function of a property or site
 - historic landscapes and natural resources
- Preserve historic properties through adaptive reuse
- Affect a site meeting one or more of these criteria
 - within a Wayland Historic District
 - on the State or National Historic Register of Historic Places or eligible for placement on such registers
 - on the Wayland Historical Commission's Cultural Resources Inventory
 - determined by the Wayland Historical Commission to contribute to an understanding of the development of the Town
- Demonstrate a specific public benefit
- Provide permanent protection for maintaining a historic resource.

Open Space

As an initial assessment, the CPC references the Town's current Open Space and Recreation Plan (Section 5H: Land Meriting Protection) to determine if sites or projects have been identified as priority targets for acquisition. Parcels not identified in the Open Space and Recreation Plan may also be considered.

Open Space proposals/projects are evaluated according to the following criteria:

- Preserve important wildlife habitat, particularly areas with
 - high natural resource and habitat values
 - a diversity of plant and wildlife habitats
 - unique geologic features and flora
 - credible observations of threatened and endangered species, or species of special concern
- Maintain parcels in active agricultural use
- Increase opportunities for passive recreation and environmental education
- Enhance wildlife corridors, habitat connectivity, and prevention of fragmentation of habitats
- Establish connections with existing trails and/or protected open space
- Preserve scenic and historic views
- Protect drinking water quality and quantity
- Provide flood control/storage
- Allow for public access to water bodies

- Preserve, protect, and improve the health of surface water bodies such as streams, wetlands, vernal pools, ponds, and riverfront areas
- Expand on existing protected open space to incorporate historical and natural resources.

The CPC does not utilize a rating system because these criteria are qualitative and not quantitative.

Recreation

The CPC consults the Town's current Open Space and Recreation Plan as an initial screen of whether the property or project has been prioritized. However, the CPC will also consider sites and projects not identified in the Open Space and Recreation Plan. The CPC also considers whether the proposal is consistent with the Town Master Plan, Town-Wide Recreation Facility Strategic Plan (2018), and/or Wayland High School Athletic Facility Strategic Master Plan (2017)

Recreation proposals/projects are evaluated according to the following criteria:

- Focus on outdoor land-based recreational uses and facilities for passive or active recreation (e.g., community gardens, trails, noncommercial youth and adult athletics, parks, playgrounds and/or athletic fields)
- Serve a significant number of residents and support multiple uses
- Preserve, rehabilitate, and protect existing venues like playing fields, trails, waterfront, parks, and playgrounds, especially where the use of the area is compromised
- Enhance, improve, rehabilitate, restore, renovate, optimize, or add new recreational opportunities on and access to Wayland's natural and recreational resources
- Promote integration of recreational activities or initiatives jointly with or among Town Departments, such as the Recreation Department, Department of Public Works and Conservation Department
- Promote balanced opportunities for all recreational interests (active, passive, and unstructured) on land or waterfront, throughout Wayland
- Support accessibility for all residents.

Interplay with Wayland Capital Planning

The Town of Wayland's Capital Improvement Plan (CIP), which shows estimated costs of expected projects over five years, includes projects that may fit within one or more of the CPA's purposes and could be eligible for CPA funding. The CPA provides an avenue for funding particular types of projects — as noted above, CPC's emphasis is to create and preserve (as applicable) open space, historic resources, and community housing, and some projects involving recreation — but particularly those not ordinarily funded by the Town in the normal course of business or as capital improvements. The CPC will entertain proposals that fit the threshold criteria of allowable purpose(s). Those proposals are subject to the same review and analysis as non-CIP projects.

For more information, see the chart in the appendices that enumerates potential CIP projects as well as those known to the CPC as of September 2021.

CPA PROJECT FUNDING PROCESS AFTER TOWN MEETING APPROVAL

Award Letter

Following the conclusion of Wayland's Annual Town Meeting (and any Special Town Meeting involving Community Preservation funds), each successful applicant will receive an award letter from the CPC confirming its funding award and outlining in detail any terms, funding conditions, and important instructions. Each grant recipient must sign and return a copy of the award letter, documenting their acceptance of the CPA grant with its terms and conditions.

Additional Legal Documents

The Town Administrator's Office, with input from the CPC, may prepare legal documents related to approved CPA projects that must be executed as a condition of being eligible for funding. This includes instruments such as (but not limited to) grant agreements for projects with private and non-profit (i.e., non-Town department) recipients, preservation restrictions, conservation restrictions, and affordable housing deed restrictions.

Project Budget Spreadsheet

Each awardee must create and maintain a project budget spreadsheet that includes columns for the overall project budget, the amount budgeted for each category of the project, all funding sources to be used in the project and how the funding sources will be allocated to each budget category, payments received to date, including the funding source and to which expense(s) it was applied, the total amount of funding requested for reimbursement, and the balance required to complete the project.

Notification and Progress Reports

The award letter will request, and any grant agreement will specify, that the grant recipient

- notify the CPC both when work on the project has commenced and is completed and
- provide periodic (at least annually) updates concerning the progress of the project.

Scope of the Project

Each grant recipient is expected to implement the approved project work in accordance with the award letter and applicable legal documents. Any significant changes to the project from what was represented in the application or during the project selection process and approved by Town Meeting shall require prior approval from the CPC to ensure that such changes are CPA-eligible expenditures and within the scope of the

project as approved by Town Meeting. In exceptional circumstances, the CPC may seek new authorization from Town Meeting and/or may require the applicant to submit a revised application.

Reimbursement

To be reimbursed with CPA funds, the applicant must submit reimbursement documentation as specified below. A grant recipient may make reimbursement submissions incrementally over the course of the project or as a single reimbursement at the completion of the project. The CPC or its authorized representative will conduct one or more site visits to confirm that the work has been completed and in accordance with the terms of the grant. Once the CPC approves payment to the recipient, the CPC administrator will send a letter authorizing the Finance Director to pay the grant recipient from CPA funds. The Town will then issue a check to the recipient.

Time Restriction

Unless there is a compelling and documented reason, projects receiving CPA funds must be completed within 36 months following Town Meeting approval. The CPC may recommend at a subsequent Town Meeting the rescission of any authorized CPA funds remaining unexpended or undocumented after 36 months.

Matching Funds and Shared Costs

Projects for which a stated fraction of costs will be paid from awarded CPA funds will be reimbursed on the basis of that fraction of actual expenditures up to the amount of the total CPA grant.

Release of Unused Funds

Unused funds will be returned to the CPA fund from which they came.

Publicity Requirement

Grant recipients must acknowledge the CPA funding in all press releases, publicity materials, news, and written or oral announcements about work supported by CPA funds.

Public Benefit Requirement; Restitution

CPA funding for projects involving properties or artifacts that are owned by non-Town entities is conditioned on the public benefit received from the completed work. The CPC will generally require a preservation restriction for historic preservation projects to protect the Town's investment. Any entity that owns or controls such properties or artifacts that intends or seeks to sell or gift the properties or artifacts within five years of the last reimbursement payment must reimburse the CPA fund the entire amount awarded unless the CPC waives this requirement in part or in its entirety.

Insurance Requirement

For construction projects, CPA funding recipients will usually be required to instruct their general liability insurer to add the Town of Wayland as an additional insured as related to this specific CPA-funded project and to require that all contractors on the project do

the same. Proof of this coverage must be submitted for the CPC's files prior to issuance of any reimbursement.

WAYLAND COMMUNITY PRESERVATION FUND PAYMENT OR REIMBURSEMENT

Accessing Funding

Municipal Projects

Wayland Town departments work directly with the Finance Department to pay invoices associated with their CPA-funded projects, using processes already in place for paying invoices. Each Department receiving CPA funding will work directly with the Assistant Town Administrator and the Finance Department to set up purchase orders and to complete any bidding requirements necessary for a municipal project.

Non-Municipal Projects: Reimbursement Process

CPA funds are distributed through the Town's Finance Department. In general, the following materials are required for reimbursement of funds.

- Each request for reimbursement must be accompanied by a COVER LETTER stating
 - how and when the conditions for funding were satisfied
 - the expenses incurred
 - the total reimbursement requested, including explanation of fractional reimbursement when applicable.
- Include PAID INVOICES AND/OR RECEIPTS for materials or labor, with invoices signed as approved to pay by either the applicant or a contractor or specialist hired to oversee the project. Awardees are strongly encouraged to work with the CPC Chair or other designated Town personnel to ensure that this verification process is in place before any invoices are received.
- Submit CANCELLED CHECKS OR OTHER PROOF OF PAYMENT attached to the individual invoice(s) for which the payment was made. Copies of the front and back of cancelled checks must be submitted. If cancelled checks are not available, bank statements or other relevant documentation that identify the payee and appropriate project budget category will also be accepted. If payment was made by means other than check, provide documentation that connects the payment(s) with the relevant expense(s).
- Provide an updated PROJECT BUDGET SPREADSHEET that, at a minimum, includes
 - the overall project budget
 - the amount budgeted for each category of the project
 - all funding sources to be used in the project and how the funding sources will be allocated to each budget category

- payments received to date, including the funding source and to what it was applied
 - the total amount of funding requested for reimbursement
 - the balance required to complete the project.
- VERIFICATION OF CPC MEMBER OR DESIGNEE SITE VISIT, provided by the CPC. The CPC Chair, designated CPC member, or designated Town employee or agent will set up one or more site visits with awardee to review the work to date at regular intervals and/or when reimbursements are requested. Following these site visits, the designated CPC representative will document the visit for the CPC's review. Finally, relevant invoice(s) applicable to the work may be submitted for reimbursement.

When the documentation is submitted, the CPC Chair (or designee) will review the materials and either request additional information or approve the reimbursement request. Following approval, the CPC Chair (or designee) will submit a written request and the supporting documentation to the Finance Department to release the appropriate amount from the CPA funds allocated to the project and make payment on the next available Board of Selectpersons' warrant.

APPENDIX I: RELEVANT LEGAL AUTHORITIES AND GUIDANCE DOCUMENTS

- Community Preservation Act: Massachusetts General Laws Chapter 44B: <https://malegislature.gov/Laws/GeneralLaws/PartI/TitleVII/Chapter44B>
- Wayland CPA Bylaw, Chapter 75 of Code: <https://ecode360.com/12285173>
- Wayland Community Preservation Committee (including charge, forms, and membership and contact information): <https://www.wayland.ma.us/community-preservation-committee>
- Wayland Master Plan (2004), Update (2010): download at [https://www.wayland.ma.us/planning-board-department/pages/master-plans-download 2010 Review:](https://www.wayland.ma.us/planning-board-department/pages/master-plans-download-2010-Review)
https://www.wayland.ma.us/sites/g/files/vyhlf4016/f/uploads/master_plan_2010_review.pdf
- Open Space and Recreation Plan (2016): download at https://www.wayland.ma.us/sites/g/files/vyhlf4016/f/uploads/final_wayland_osrp_update_2016.pdf
- Housing Production Plan (2016): <https://www.wayland.ma.us/planning-board-department/pages/master-plans> (scroll down and click on Housing Production Plan 2016) or download at https://www.wayland.ma.us/sites/g/files/vyhlf4016/f/uploads/housing_production_plan_2016.pdf
- Secretary of the Interior Standards for the Treatment of Historic Properties Projects: <https://www.nps.gov/tps/standards.htm>

APPENDIX II: CPA PROJECTS FUNDED AND STATUS THROUGH JUNE 30, 2021

Abbreviations of funding sources:

HP = Historic Preservation

OS = Open Space

CH = Community Housing

UC = Uncommitted Fund

REC = Recreation (from Uncommitted Fund)

PROJECT	YEAR FUNDED	TOTAL FUNDS APPROPRIATED	REMAINING FUNDS (June 30, 2021)	STATUS
Repair Historic Gravestones	2003	\$65,000 (HP)	\$0	Completed
Create Railroad Interpretive Site Plan	2003	\$15,000 (HP)	\$0	Completed
Conduct Nike Site Environmental Testing	2003	\$35,000 (HP & OS)	\$0	Completed
Conduct Nike Site Demo and Site Prep (housing)	2004	\$500,000 (CH)	\$0	Completed
Conduct Nike Site Demo and Site Prep (open space)	2004	\$100,000 (CH)	\$0	Completed
Purchase Brackett Road/Gilbert land	2005	\$100,000 (OS)	\$0	Completed
Create Nike Site Architectural and Site Plan	2006	\$40,000 (CH)	\$0	Completed
Create Community Gardens	2006	\$8,750 (OS)	\$0	Completed
Install Synthetic Turf Field	2006	\$300,000 (REC - UC)	\$0	Completed
Weed Management and Other Preservation Measures for Great Ponds	2007	\$75,000 (OS)	\$5,000 (returned)	Closed
Reservoir Road – Acquisition and Conservation Restriction (CR)	2007	\$211,000 (OS)	\$0	Completed
Partially fund Nike Site housing	2008	\$560,000 (CH)	\$0	Completed
Nike Site Work to Enable Active and Passive Recreation	2008	\$250,000 (OS & REC)	\$0	Completed
Restore Freight House	2008	\$50,000 (HP)	\$0	Completed
Conserve Historical Records	2009	\$10,000 (HP)	\$0	Completed
Study Dudley Pond Parcels	2010	\$35,000 (CH)	\$0	Completed

Prepare Mainstone Farm Appraisal	2010	\$40,000 (OS)	\$0	Completed and updated
Rail Trail Feasibility Study	2010	\$25,000 (REC – UC))	\$0	Completed
Restore Vokes Theatre Proscenium	2010	\$6,000 (HP)	\$0	Completed
Preserve Town Documents	2011	\$160,000 (HP)	\$232 (<i>returned</i>)	Completed
Stonebridge Road Site Development for Habitat for Humanity Project	2012	\$356,000 (CH)	\$0	Completed
River's Edge Pre-Permitting	2012	\$90,000 (CH)	\$829	Ongoing
Improve Memorials and Monuments	2011	\$5,000 (HP)	\$4,000 (<i>returned</i>)	Closed
Lincoln Road Fields CR	2013	\$2,400,000	\$0	Completed
Loker Fields Design	2013	\$92,000 (REC-UC)	\$64,568 (<i>returned</i>)	Closed
Develop North Cemetery Plan	2014	\$15,000 (HP)	\$0	Completed
First Parish Church Restoration of Meeting House and Carriage Sheds	2014	\$150,000 (HP)	\$0	Completed
Cochituate Village Apartments Fire Suppression System	2014	\$500,000 (HP)	\$124,009 (<i>returned</i>)	Completed
Community Housing Funds to Municipal Affordable Housing Trust Fund	2015 2016 2017 2019 2020 2021	\$419,202 (CH) \$95,694 (CH) \$89,019 (CH) \$104,375(CH) \$110,738 (CH) \$119,020 (CH)	\$1 (<i>retained</i>)	Completed
Construct Dudley Woods Interpretive Trail	2015	\$85,000 (UC-REC)	\$2,500 (<i>use for signs</i>)	Ongoing
Heard Farm Land Management	2015	\$35,000 (OS)	\$24,250	Ongoing
Design Oxbow Road Athletic Field	2015	\$20,000 (UC-REC)	\$800 (<i>traffic study</i>)	Ongoing
Rail Trail Construction	2015	\$445,000 (UC-REC)	\$1,455	Completed
Stabilize and Restore Stone's Bridge Arches (2)	2015	\$480,000 (HP)	\$423,953	Ongoing
Acquisition of 246 Stone Bridge Road	2015	\$332,000 (OS)	\$29,272 (<i>returned</i>)	Completed

Engage Consultant for Open Space & Recreation Plan	2015	\$30,000 (OS)	\$2,000 (<i>returned</i>)	Completed
Mainstone Farm CR (<i>see note below table</i>)	2016 - ongoing	\$12,000,000 (OS)	\$411,760 (<i>annual debt service</i>)	Ongoing
Restore North Cemetery Monuments	2016	\$72,000 (HP)	\$15,200 (<i>returned</i>)	Completed
Repair and Preserve Town Clock in Cochituate	2016	\$29,000 (HP)	\$20 (<i>returned</i>)	Completed
Complete Repair and Preservation of Town Clock in Cochituate	2017	\$30,200 (HP)	\$0	Completed
Restore and Preserve Mellen Law Office	2017	\$30,000 (HP)	\$3,400 (<i>returned</i>)	Completed
Restore and Replace Windows in Old High School-Bradford Hall	2017	\$80,000 (HP)	\$0	Completed
Engage Housing Consultant	2017	\$20,000 (UC-CH)	\$6,978	Ongoing
Construct Oxbow Meadows Athletic Field	2017	\$300,000 (UC-REC)	\$15,637	Ongoing
Complete Construction of Dudley Woods Interpretive Trail	2017	\$50,000 (UC-REC)	\$100 (<i>signs</i>)	Ongoing
Restore Castle Gate Pillars	2017 - STM	\$12,000 (HP)	\$1,896 (<i>signs</i>)	Ongoing
Design at High School per Athletic Field Preferred Improvement Plan (Part 2)	2017-STM	\$126,000 (UC-REC)	\$12,000	Ongoing
Archeological Monitoring at Dudley Woods	2018	\$18,000 (HP)	\$6,260 (<i>returned</i>)	Completed
Depot Exterior Preservation and Electrical Improvements	2018	\$90,000 (HP)	\$29,348 (<i>signal flag</i>)	Ongoing
Restore Library Rotunda Windows	2018	\$30,000 (HP)	\$9,410 (possibly to be used for <i>storms</i>)	Ongoing
Construct Stonebridge Road Canoe and Kayak Landing	2018	\$75,000	\$75,000 (<i>returned</i>)	Closed
Construct Weston Aqueduct Pedestrian Crossings	2018	\$98,000 (UC-REC)	\$93,200	Ongoing
Engage Housing Consultant	2019	\$15,000 (UC-CH)	\$811	Ongoing
Restore First Parish Fence	2019	\$17,000 (HP)	\$0	Completed

Restore Cochituate School Arched Window	2019	\$3,500 (HP)	\$3,500	Ongoing
Restore and Preserve Stone's Bridge	2019	\$300,000 (HP)	\$300,000	Ongoing
Construct Dudley Pond Boat Ramp	2019	\$21,000 (UC-REC)	\$21,000	Ongoing
Create Outdoor Classroom and Pollinator Garden at Cow Common	2019	\$3,000 (UC-REC)	\$2,295	Ongoing
Enhance Loker Conservation Area Trailhead Sign and Parking	2019	\$118,000 (UC-REC)	\$118,000	Ongoing
Construction at High School per Athletic Field Preferred Improvement Plan (Part 2)	2019	\$500,000 (UC-REC)	\$0	Completed
ADA Playground Upgrades	2020	\$417,416 (UC-REC)	\$315,660	Ongoing
ADA Library Upgrades	2020	\$110,000 (HP)	\$110,000	Ongoing
Engage Housing Consultant	2020	\$50,000 (CH)	\$50,000	Ongoing
Library Document Conservation	2021	\$16,820 (HP)		Ongoing
Plant Pollinator Garden	2021	\$2,000 (OS)		Ongoing
Preserve Native Plants	2021	\$7,000 (OS)		Ongoing
Reconstruct Mill Pond Dam Walkway	2021	\$21,760 (UC-REC)		Ongoing
Build Heard Farm Signs and Kiosk & Restore Historic Orchard	2021	\$7,500 (UC-REC-\$5,500) (HP-\$2000)		Ongoing
Design Middle School Playing Field	2021	\$50,000 (UC-REC)		Ongoing
70-74 Main Street Historic Exterior Rehabilitation	2021	\$125,000 (HP)		Ongoing

* Note regarding Mainstone Conservation Restriction: until 2046, approximately \$375,000 is set aside each year to pay the annual debt service on the 30-year note for the borrowed \$12 million.

APPENDIX III: ALLOWABLE PROJECT SPENDING PURPOSES

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

	OPEN SPACE	HISTORIC RESOURCES	RECREATIONAL LAND	COMMUNITY HOUSING
	Land to protect existing and future 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	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 income individuals and families and low or moderate income seniors Moderate income is less than 100%, and low income is less than 80%, of US HUD Area Wide Median Income
ACQUISITION - Obtain property interest by gift, purchase, devise, grant, rental, purchase, lease or otherwise. Only includes eminent domain taking as provided by G.L. c. 44B	Yes	Yes	Yes	Yes
CREATION - Bring into being or cause to exist. <i>Seideman v. City of Newton</i> , 452 Mass. 472 (2008)	Yes	X	Yes	Yes
PRESERVATION - Protect personal or real property from injury, harm or destruction	Yes	Yes	Yes	Yes
SUPPORT - Programs providing grants, loans, rental assistance, security deposits, interest-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 it, <u>for the purpose of making the housing affordable</u>	X	X	X	Yes, provided the housing asset itself is made affordable by the expenditure
REHABILITATION AND RESTORATION - Capital improvements, or extraordinary repairs to make assets functional for intended use, including improvements to comply with federal, state or local building or access codes or federal standards for rehabilitation of historic properties	Yes, if open space asset acquired or created with CP funds	Yes, provided that rehabilitation complies with Secretary of Interior's Standards for Treatment of Historic Properties	Yes (includes replacement of playground equipment)	Yes, if housing asset acquired or created with CP funds
APPROPRIATIONS TO AFFORDABLE HOUSING TRUST G.L. c. 44, § 55C	X	X	X	Yes; however, trust is required to spend CPA funds for CPA community housing purposes.
Maintenance expenditures are prohibited for all assets even if they could otherwise be considered acquisition, creation, preservation, support, rehabilitation or restoration Maintenance means incidental repairs that do <u>not</u> materially add to value of property or appreciably prolong property's life, but keep property in condition of fitness, efficiency or readiness				

APPENDIX IV: ELIGIBILITY FLOW CHART

Refer to CPA definitions under [G.L. c. 44B, § 2](#) for words in *italics*.

1	<ul style="list-style-type: none"> – Does the expenditure provide funding to an affordable housing trust? If YES, go to 3. – Does the expenditure relate to one of the three community preservation assets – (1) <i>open space</i>, including land for <i>recreational use</i>; (2) <i>historic resources</i>; (3) <i>community housing</i>? If YES, go to 2. If NO, the expenditure is not eligible for CPA funding.
2	<ul style="list-style-type: none"> – If the expenditure is related to <i>open space</i> but not to land for <i>recreational use</i>, go to 4. – If the expenditure is related to land for <i>recreational use</i>, go to 6. – If the expenditure is related to a <i>historic resource</i>, go to 7. – If the expenditure is related to <i>community housing</i>, go to 8.
3	<p>A city or town may appropriate money in any year from the Community Preservation Fund (CP Fund) to an affordable housing trust fund under G.L. c. 44, § 55C. The trust must spend CPA funds for an allowable CP community housing purpose. Start at 8 below for determining allowable expenditures.</p>
4	<ul style="list-style-type: none"> – Does the expenditure <i>acquire</i>, create or <i>preserve</i> open space? – If YES, the expenditure is eligible for CPA funding. But, go to 10 if the asset is owned by a nonprofit, private entity or individual. – If NO, does the expenditure <i>rehabilitate</i> or restore open space? If YES, go to 5. – If NO, the expenditure is not eligible for CPA funding.
5	<ul style="list-style-type: none"> – Was the <i>open space acquired</i> or created with CPA funds? – If YES, the expenditure is eligible for CPA funding. But, go to 10 if the asset is owned by a nonprofit, private - entity or individual. – If NO, the expenditure is not eligible for CPA funding.
6	<ul style="list-style-type: none"> – Does the expenditure <i>acquire</i>, create, <i>preserve</i>, <i>rehabilitate</i> or restore land for <i>recreational use</i>? – If YES, the expenditure is eligible for CPA funding. But, go to 10 if the asset is owned by a nonprofit, private entity or individual. – If NO, the expenditure is not eligible for CPA funding.
7	<ul style="list-style-type: none"> – Does the expenditure <i>acquire</i>, <i>preserve</i>, <i>rehabilitate</i> or restore a <i>historic resource</i>? – If YES, the expenditure is eligible for CPA funding. But, go to 10 if the asset is owned by a nonprofit, private entity or individual. – If NO, the expenditure is not eligible for CPA funding.
8	<ul style="list-style-type: none"> – Does the expenditure <i>acquire</i>, create, <i>preserve</i> or <i>support community housing</i>? – If YES, the expenditure is eligible for CPA funding. But, go to 10 if the asset is owned by a nonprofit, private entity or individual. – If NO, does the expenditure <i>rehabilitate</i> or restore <i>community housing</i>? If YES, go to 9. – If NO, the expenditure is not eligible for CPA funding.

9	<ul style="list-style-type: none">– Was the <i>community housing acquired</i> or created with CPA funds?– If YES, the expenditure is eligible for CPA funding. But, go to 10 if the asset is owned by a nonprofit, private entity or individual.– If NO, the expenditure is not eligible for CPA funding.
10	<p>The <i>Anti-aid Amendment to the Massachusetts Constitution, Mass. Const. Amend. Article 42, § 2</i>, as amended by Article 103, restricts grants of public funds to private organizations. A three-factor test to determine the constitutionality of grants challenged under the <i>Anti-aid Amendment</i> has been developed by the court: (i) whether the proposed grant is for the purpose of founding, maintaining or aiding [the institution, private organization, nonprofit, church, etc.]; (ii) whether the effect of the grant is to substantially aid [the institution, private organization, nonprofit, church, etc.]; and (iii) whether the grant avoids the political and economic abuses which prompted the passage of the <i>Anti-aid Amendment</i>. Commonwealth v. School Comm. of Springfield, 382 Mass. 665, 675 (1981). Caplan v. Acton, 479 Mass. 69 (2018). Massachusetts case law likewise prohibits gratuitous payments, gifts or grants of public funds (which include CPA funds) to individuals. Opinion of the Justices, 313 Mass. 779, 784 (1943). Consult with municipal counsel whenever these grants are being considered.</p>

Source: MA Department of Revenue, Division of Local Services, Bureau of Municipal Finance Law, Informational Guideline Release (IGR) No. 19-14, December, 2019
<https://www.mass.gov/doc/igr-2019-14-community-preservation-fund/download>

APPENDIX V

**ANTICIPATED CAPITAL IMPROVEMENT PLAN (CIP) AND NON-CIP PROJECTS
AS OF NOVEMBER 2021**

<u>PROJECT</u>	<u>COST</u>	<u>CPA FUNDING</u>	<u>YEAR</u>	<u>CIP Yes/NO</u>
Conserve cemetery stones	\$100,000+	Historic Preservation	2022, 2023	No
Conserve Library documents	\$50,000+	Historic Preservation	2022, 2023	No
Conserve Historical Society documents	unknown	Historic Preservation	2022, 2023	No
Purchase Sherman Bridge Road property	Up to \$1.5 million	Open Space	2022	No
Design and construct zigzag crossings on rail trail	\$100,000	Recreation	2022	No
Develop Middle School Athletic Fields	unknown	Recreation	2023	Yes
Develop Field at 195 Main	unknown	Recreation	2023 or 2024	Yes
Update Open Space and Recreation Plan	\$30,000	Open Space/ Recreation	2024	Yes
Renovate Library for ADA compliance and climate control	unknown	Historic Preservation	2024	Yes
Renovate Playgrounds for ADA compliance	\$500,000 \$500,000	Recreation	2023 2025	Yes
Rehabilitate Snake Brook Dam	\$900,000	Historic Preservation	2025	Yes
Preserve historic resources of Town Building	unknown	Historic Preservation	2024	Yes

Projects added following discussions at October 20, 2021 CPC meeting are highlighted in yellow.

BOARD OF SELECTMEN
Monday, November 29, 2021
7:00 p.m.
Wayland Town Building
41 Cochrane Road, Wayland, MA

CONSENT CALENDAR

1. Vote the question of designating and approving signing authority to Louise Miller, Town Administrator on items listed below.
2. Vote the question of approving and signing the weekly payroll and expense warrants.
3. Vote the question of approving and signing agreement with Boardmans Animal Control Inc. for animal control and animal inspection services.