



**TOWN OF WEST NEWBURY  
COMMUNITY PRESERVATION COMMITTEE  
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## **WHAT IS THE COMMUNITY PRESERVATION ACT?**

The Community Preservation Act, Massachusetts General Laws Chapter 44B, or "CPA". The CPA was adopted in West Newbury in 2006. This is a review of the CPA in West Newbury and how it benefits the residents of our Town.

## **OVERVIEW OF CPA**

The Community Preservation Act (CPA), M.G.L. Chapter 44B, was signed into law by Governor Paul Cellucci on September 14, 2000. The Act provides communities the ability to create a local Community Preservation Fund for Community Housing; helps preserve Historic Resources, allows for the purchase and protection of Open Space helps create additional Recreational resources, This is done with the authorization of a surcharge on real estate taxes. A state match is provided each year in November for the previous year. M.G.L. Chapter 44B text is available on the CPC webpage.

In West Newbury, the CPA was adopted at a Special Town Meeting held October 17, 2005. Voters approved Article 17 to accept Sections 3 to 7, inclusive, of M.G.L. Chapter 44B, the Community Preservation Act, with a 3% surcharge on real property to be expended on uses as authorized by the Act and stated above. The ballot question was approved at the Annual Town Election on May 1, 2006 by a vote of 720 to 546. The formula for the surcharge in West Newbury provides an exemption of the first \$100,000 of residential property value. An exemption for low-income residents is available, which must be applied for from the Board of Assessors each year. The Board of Assessors has prepared a summary of the CPA and how it impacts real estate taxes in West Newbury. The summary and the Application for Abatement may be found in the Office of the Assessors and on its webpage.

## HOW THE SURCHARGE IS CALCULATED

The Board of Assessors has provided the following calculation:

An example, the 3% Surcharge is calculated as follows: (data is based on the FY2021 median home in West Newbury).

|                         |                      |
|-------------------------|----------------------|
| FY 2021 Assessed Value: | \$585,820.00         |
| - Exemption for CPA     | <u>-\$100,000.00</u> |
| Net Value               | \$485,820.00         |
| x Tax Rate/\$1000       | \$ 14.88             |
| Net Tax                 | \$ 7,229.00          |
| x Surcharge Rate        | 3%                   |
| CPA Surcharge           | \$ 216.87            |

Source: The Assessors' *Community Preservation Act, Taxpayer Information Guide for FY2022*.

## THE STATE MATCH

As noted above, there is a state match for all CPA communities. A portion of fees charges at the Registry of Deeds is deposited to a Trust Fund at the state level. Some transactions are exempt from the increased fee, such as recording of a Declaration of Homestead. The statute provides an incentive for communities to adopt CPA with a 3% surcharge. All CPA communities receive a first round of funding and communities with the full 3% surcharge are eligible for second and third rounds of funding.

In West Newbury, the average state match for 15 years (Fiscal Years 2007-2021) is 64.5%.

## COMMUNITY PRESERVATION COMMITTEE

The CPA requires that a municipality establish a Community Preservation Committee. Following approval of CPA at the ballot, General Bylaw XXXVI was approved at the Annual Town Meeting (Article 14) on April 30, 2007, and amended on April 28, 2008 (Article 21) to renumber the sections. Other amendments to the Bylaw have been approved in the past. The CPC Bylaw is posted on the CPC webpage.

The Bylaw established the Community Preservation Committee (CPC), which consists of seven members. As required by the statute, a member of each of the following entities is appointed to the CPC by their fellow members: Conservation Commission, Historical Commission, Housing Authority, Parks and Recreation Commission, Planning Board, and Board of Selectmen. An At-Large member is appointed by the Board of Selectmen. The Town Manager or designee is to serve as an ex-officio member. Members serve staggered terms in order to keep continuity on the Committee.

## **HOW THE CPA WORKS IN WEST NEWBURY**

When the CPC was established, it was charged with creating a CPC Plan and Application forms. The CPC reviewed forms from other communities and samples provided by other groups; and after review and discussion, the forms were finalized and are then updated as needed when the CPC Plan is updated. The Plan and Application forms are posted on the CPC's webpage, and are available from the CPC Office at the Town Office Building.

The CPC welcomes Applications on a year-round basis, however are reviewed at CPC meetings close to the dates of Annual and Special Town Meetings. There is a two-part Application process: an Application for Project Eligibility is reviewed by the CPC and a vote to approve is taken. If the vote is affirmative, then an Application for Project Funding is reviewed. The CPC reviews all Applications at a public meeting. Questions are asked, and additional information may be required. If approved, an article is submitted by the CPC to the Board of Selectmen for inclusion on the Town Meeting Warrant. Voters must approve a project at Town Meeting in order for it to move forward. Voters, therefore, have a voice in approval of all CPA projects.

CPA Funds may not be used for maintenance. When determining Eligibility, the CPC must distinguish between maintenance, or restoration/rehabilitation, which are allowed uses in the statute for certain projects.

We feel it is important to note that CPA funds are separate from the Town's General Funds and Operating Budget. Approval of expenditure of these funds does not increase the budgeting and expenditure of other expenses of Town boards and committees. If the funds are not expended, they are carried forward to the next year, and are available for future projects. CPA funds are held by the Treasurer in an interest bearing account, and interest accrues to the CPA fund balance.

The CPA surcharge does not raise the tax rate for the adopting community. The surcharge is assessed on property tax bills after they have been calculated based on the community's current tax rate.

The CPC Office is staffed by a part-time Administrator, who is available to answer questions, discuss potential CPA projects, and to provide information. The CPC has compiled a Community Preservation Plan (CP Plan) which contains the information provided above, as well as lists of approved Projects, Revenues to the CPA Fund, and other useful information. The Plan is posted on the CPC webpage.

## **CPA REVENUES TO DATE**

The following is a summary of revenues to date, from Fiscal Year 2007 through Fiscal Year 2021:

|                         |                |
|-------------------------|----------------|
| Surcharge Paid          | \$4,080,690.00 |
| Tax Liens Redeemed      | \$15,052.00    |
| Earnings on Investments | \$182,225.00   |
| State Match             | 2,626,137.00   |
| TOTAL                   | \$6,868,464.00 |

## **HOW REVENUES ARE DISTRIBUTED**

The statute requires that at least 10% of revenue each year be dedicated to each of the three areas of funding: Community Housing, Historic Preservation, and Open Space and Recreation. These distributions are accumulated in each of the three funds. 5% of the annual revenue is authorized to be spent on Administrative Expenses, such as wages, CPC expenses, etc. Administrative Funds are not accumulated; they are closed out at the end of each fiscal year to an Undesignated CPA Retained fund. These funds may be expended for any of the three categories, as deemed eligible by the CPC. Each year, at the Annual Town Meeting, there is an article on the Warrant to for voters to approve the estimated Surcharge and State Match, and distribution to the various funds.

## **SAMPLES OF PROJECTS APPROVED AT TOWN MEETING:**

To date, Town Meeting voters have approved 40 projects, with some projects being completed under budget. A table of all approved projects to date can be found by category in the CP Plan appendices.

We have listed a sample of projects:

### **COMMUNITY HOUSING**

The Town of West Newbury is pleased to announce that on October 23, 2021 West Newbury voters authorized the Select Board to established the West Newbury Affordable Housing Trust under Massachusetts General Laws Chapter 44, Section 55C for the purpose of creating and preserving affordable housing in West Newbury for the benefit of low- and moderate-income households, and for the funding of community housing.

## HISTORIC PRESERVATION

The Town's Phase 1 Historic Sites Survey, which focused primarily on Main Street, was completed in 2018. It described three historic areas on that street: Manufacturers' Row Historic Area east of Elwell Square, the Training Field Historic District, and the Way to the River Historic Area. Results of that survey are available on the Town's website and in the G.A.R. Library.

Phase 2 of the Survey of Historic Sites in West Newbury has been completed and is also available on the Town's website and in hard copy in the Library. With Community Preservation Act (CPA) funds and a grant obtained through the Massachusetts Historical Commission, the Phase 2 project surveyed 108 buildings throughout Town, all presently used as residences which date from 1717 to 1917. Properties surveyed ranged from Colonial and Federal Period homes on Crane Neck Street to Early and Late Industrial Period and Early Modern structures on Main, Prospect, and other streets.

## OPEN SPACE

**Brown Spring Farm** located on Main Street since 1865, its vegetable fields come right down to Main Street and an old farm stand that is still in use. The 10-acre parcel abuts undeveloped land on its east boundary and was for sale in 2018, but in 2019 with the assistance of Essex County Greenbelt, the Town CPC for \$200,000 was able to purchase and place permanent agricultural preservation restrictions on the farm, allowing a young couple to purchase the property and continue its use. Now the Grant Family farm and farm stand, it continues the rural character and landscape that are so valued by Town residents.





## RECREATION

### Page School Playground Accessibility Improvements

The Town of West Newbury with Community Preservation Act funding authorized by Town Meeting will be replacing the outdated playground equipment at the Page School. This project received overwhelming support by our residents with a focus on building a playground that would be available to all users of all abilities. As of May 19, 2022 site work has been completed by the Town and equipment should be installed by the end of May, 2022.

