

Dear Amherst Residents and Applicants,

The Amherst Community Preservation Act Committee (CPAC) is pleased to present the Amherst Community Preservation Plan. This Plan will be reviewed and updated periodically in response to changing preservation needs and opportunities, committee procedures, and to improve clarity.

Our intent is to provide a helpful, practical guide for proposal applicants and people wishing to learn more about how the Community Preservation Act is implemented in our town. The Plan gives an introduction to the CPA program as it applies to Amherst and contains detailed information about the project application and review process. More information can be found on the CPAC website, <https://www.amherstma.gov/929/Community-Preservation-Act-Committee>.

We are committed to using a transparent and inclusive process as we continue to implement the CPA in Amherst in the most effective way that we can. We welcome your comments and suggestions regarding this Plan and the procedures that we use to carry it out.

The Plan is respectfully submitted to the residents of Amherst with the aim of providing a catalyst for significant enhancement of community preservation goals. We would like to thank the many citizens, Town officials, and members of previous Community Preservation Act Committees for their help in the development of this Plan.

Sincerely,

Amherst Community Preservation Act Committee 2020-2021

Sarah Marshall (as of September 2020, Chair; Recreation Committee)

Nate Budington (until June 2020, Chair; at-large)

Sarah Eisinger (at-large)

Diana Stein (at-large)

Sam MacLeod (Vice-chair; at-large)

Katie Allan Zobel (at-large)

Ana Devlin Gauthier (Conservation Commission)

David Williams (Housing Authority)

Robin Fordham (Historical Commission)

Andrew MacDougall (Planning Board)

Fletcher Clark (until June 2020; Conservation Commission)

Michael Birtwistle (until June 2020; Planning Board)

I. Introduction

A. Introduction to the CPA in Amherst

The Community Preservation Act (CPA) was passed by the State Legislature in Chapter 267 of the Acts of 2000. The act is designed to help Massachusetts' cities and towns preserve and plan for their communities' futures and to raise funds to accomplish their Historic Preservation, Open Space, Recreation, and Community Housing goals. The CPA statute has been amended eleven times since 2000, most recently in 2019 when the fees collected to support the CPA trust were increased. (See www.communitypreservation.org for more information).

Amherst adopted the CPA at its 2001 Annual Town Election, established a Community Preservation Act Committee (CPAC), and authorized the Town to levy a 1% surcharge on property tax bills to raise funds to address our Community Housing, Historic Preservation, Open Space, and Recreation needs. By accepting the CPA, Amherst became eligible to receive state funds that match a percentage of the funds raised locally each year. A few years later, residents voted to increase the levy to 1½%, and in 2015 the residents voted to increase the levy to the maximum allowed of 3%. Amherst elected to exempt from the surcharge the first \$100,000 of assessed value of each property's assessment; information about other exemptions can be found at the Town Assessor's website, <https://www.amherstma.gov/95/Real-Estate-Personal-Property-Tax>.

Every year, CPAC solicits proposals from Town departments and local organizations for CPA-eligible projects. The law requires that at least 10% of the Town's community preservation funds be allocated to projects in each of the following areas: Historic Preservation, Open Space, and Community Housing. Funding for Recreation is permitted but not at a mandated percentage and counts toward the Open Space allocation. CPAC recommends projects for awards, but spending of CPA-generated funds must be approved by Town Council.

For the latest information about Amherst's CPA program, including when and how to apply, please visit CPAC's website at <https://www.amherstma.gov/929/Community-Preservation-Act-Committee>.

II. Allowable Uses

A. Allowable Uses Chart

By law, CPA funds can only awarded for the purposes shown in the chart below.

	Community Housing	Historic Preservation	Open Space	Recreation
Acquire	Yes	Yes	Yes	Yes
Create	Yes	No	Yes	Yes
Preserve	Yes	Yes	Yes	Yes
Support*	Yes	No	No	No
Rehabilitate and/or Restore	Yes, if acquired with CPA funds	Yes	Yes, if acquired with CPA funds	Yes
Yearly Minimum Required Expenditure	10%	10%	10%	

Adapted from "Recent Developments in Municipal Law," Massachusetts Department of Revenue, October 2012

*Provide loans, grants, 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. Social service support is not eligible.

B. Eligibility for CPA Funds

Community Preservation Act funds must be used for public community preservation purposes. Preservation is defined as "the protection of personal or real property from injury, harm or destruction."

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

- The acquisition, creation, rehabilitation, restoration and/or preservation of open space
- The acquisition, creation, preservation and support of community housing
- The acquisition, preservation, restoration and rehabilitation of historic resources

- The acquisition, creation, preservation, restoration, rehabilitation and improvement of land for recreational use

Community Preservation Act funds may also be used for, but are not limited to, the following (and possibly other) purposes:

- Revenues for later spending.
- Annual principal and interest payments, preparation, issuance and marketing costs for bonds or notes for borrowings for community preservation purposes.
- Damages payable to property owners for real estate interests taken by the Town by eminent domain for community preservation purposes.
- Required local share for state and federal grants for allowable community preservation purposes.
- Property acquisition-related expenses including appraisal costs, expenses for title searches, and closing fees.
- Annual administrative and operating expenses of the Committee, not to exceed 5% of the Fund's estimated annual revenues.

Community Preservation Act funds may not be spent for the following purposes:

- Replacing existing operating funds. The Fund is a supplementary funding source intended to increase available resources for community preservation acquisitions and initiatives.
- Routine maintenance, defined as the upkeep of any real or personal property.
- Gymnasiums, stadiums, artificial turf fields, or any similar structure.
- Projects without a public purpose or public benefit.
- Reimbursement for work underway or already completed.

Determinations of eligibility for funding are sometimes difficult. Any organization wishing to apply for CPA funds is strongly encouraged to confer with the appropriate Town board(s) or commission(s) well ahead of time to discuss its ideas before submitting an application. Contact information can be found at websites accessible at <https://www.amherstma.gov/82/Boards-Committees>.

III. Categories of CPA Support

A. Community Housing

1. Profile

The Pioneer Valley, with its diverse array of cultural attractions, scenic landscapes, accessible public lands, and lack of congestion, is one of the most desirable residential locations in New England. Within the Valley, Amherst holds a special appeal: as the home of two colleges and a major research university, it is the cultural and intellectual

center of western Massachusetts and offers public schools that are among the best in the area. But the very desirability of our town and the limited opportunities to expand housing constrict the availability of affordable housing for the elderly, disabled, low income, young families, and locals who wish to remain in their hometown.

Much of the deficit of affordable housing can be traced to the overwhelming presence of students residing in Amherst's rental inventory. Because students often rent units on a per-bedroom cost, driving up rents beyond what a typical family can afford, landlords are incentivized to market their units to college students. Many single-family homes in residential neighborhoods—precisely the housing that serves the cohorts mentioned above—have been dedicated to student housing over family housing. The current housing market in Amherst has changed significantly in the past 25 years with a dramatic decline in families (a decrease of over half the 1990 population), decline in the average household size, lower median household income and an aging population. The result is a stratified market with an increase in aging homeowners and many college-aged residents, who price out young families for the limited supply of rental housing.

This skewed housing market threatens Amherst's ability to maintain the economic diversity that is central to our character as an inclusive community. The Town has preserved housing for seniors and income-eligible residents downtown with the Ann Whalen and Chestnut Court Apartments, and has bought, maintained or supported low-income housing in Echo Hill, North Square, Butternut Farms, and the Rolling Green Apartment complexes in addition to various Habitat for Humanity sites throughout Amherst. CPA funds have been used for some of these projects.

2. Purpose

- Assist in developing rental housing for families, particularly those earning within various low-income categories and the growing number of smaller households that are increasingly single parents with children.
- Assist in developing rental housing for individuals who require smaller affordable housing units (e.g. single-room occupancy), including persons accommodated in the shelter for homeless individuals in winter and elsewhere in other seasons.
- Assist in preserving affordable rental housing, including subsidized units and those in the private housing market, which are typically more cost-effective to rehabilitate than to build new.
- Support affordable homeownership for low- and moderate-income populations.
- Encourage housing for at-risk and special-needs populations that often require special services and handicapped accessibility, as well as affordable housing for those transitioning out of shelters or other programs.
- Encourage housing with permanent affordability restrictions.

3. Eligibility

The following categories provide a range of affordable housing activities that could be eligible for CPA support. Proposals may span multiple activities.

- a. Acquire
 - Vacant land for the intended use of developing into affordable housing.
 - Existing properties, whether stand-alone commercial buildings, houses, apartment complexes or other structures that will be adapted, and intended for affordable housing projects.
- b. Create
 - Feasibility studies for development of new affordable housing projects (soft costs).
 - Pre-project planning and due diligence for affordable house projects (soft costs).
 - Development of ground-up housing that incorporates units dedicated to affordable housing in perpetuity (hard costs).
 - Renovation or reuse of existing properties with units dedicated to affordable housing in perpetuity (hard costs).
 - Conversion of existing units within multi-unit housing stock or stand-alone residences for affordable housing in perpetuity (hard costs).
- c. Preserve
 - Programs that seek to preserve existing affordable housing units whether through housing vouchers, direct subsidies to homeowners and renters, or incentives to landlords.
- d. Support
 - 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 entities that own, operate, or manage such housing for the purpose of making housing affordable.
- e. Rehabilitate
 - Maintenance and repairs of existing affordable housing units that require repairs, upgrades, or renovation for code compliance.
 - Renovation or reuse of existing properties with units dedicated to affordable housing in perpetuity (hard costs).

B. Historic Preservation

1. Profile

Amherst has long brought together many peoples and cultures and the Town has sought to preserve, interpret, and advocate for Amherst's historic and cultural resources. *The History of the Town of Amherst, Massachusetts*, published in 1896 by Carpenter and Morehouse, provides a comprehensive summary of Amherst's history from 1653 to 1896. The Amherst Historical Society, founded in 1899, focuses on archiving and telling Amherst's history. It opened the Strong House Museum in 1916. The 1959 Amherst Bicentennial reminded 20th-century Amherst residents that they lived in a community with a past. On January 1, 1965, Amherst College purchased the Emily Dickinson Homestead; in the following year, the Emily Dickinson Homestead was declared a National Historic Landmark and placed on the National Register of Historic Places as an individual property. In 2003, the adjacent property, the Evergreens, home to Emily's brother Austin and his family, passed to Amherst College, and the Emily Dickinson Museum, comprising the two Dickinson properties, was established.

The Amherst Historical Commission has conducted studies of the Town Center Common and the South Amherst and East Village commons to determine their historical extent and improve their preservation. The Commission has inventoried over 900 properties and 120 outbuildings, researching and recording the history of each with photographs and text, and has listed over 100 properties on the National Register of Historic Places. It has successfully nominated 9 National Register Districts and 9 individual properties to the Massachusetts and National Register of Historic Places. The Town adopted its first Local Historic District in 2012 to coincide with the boundaries of the Dickinson Historic Register District, and its second district, the North Prospect, Lincoln, Sunset Local Historic District, in 2017. Many communities are fortunate if they have one National Register District or a handful of listed properties—Amherst has many, and the list will grow in coming years.

Despite these efforts, many resources remain unprotected, threatening the loss of much of Amherst's history.

2. Purpose

Historic and cultural resources foster a connection to the Amherst community, generate a sense of pride among its residents, and attract visitors to the Town. Appropriate protection and celebration of these resources will ensure that the community's heritage and unique character are preserved and passed on to future generations.

The Amherst Master Plan established the following overarching goal for Natural and Cultural Resources:

- Preserve the Town's historic fabric and agrarian and academic heritage, and protect the quality of our natural resources.
- Ensure a vibrant, diverse, sustainable community.
- Promote the preservation, appreciation, and sustainable use of our historical and cultural resources for residents and visitors.
- Preserve historic properties through acquisition.
- Restore and rehabilitate historic buildings and outbuildings.
- Preserve Amherst's history and resources in various forms.

The Town's 1999 West Cemetery Preservation Plan (<http://ma-amherst3.civicplus.com/DocumentCenter/View/32532>) the 2005 Amherst Preservation Plan (<http://www.amherstma.gov/DocumentCenter/Home/View/1125>, to be updated by 2024), and the 2010 Master Plan (<http://www.amherstma.gov/526/Master-Plan>, formally adopted in November 2020) identify numerous historic preservation objectives and strategies. These objectives and strategies respond to evolving community preservation needs and opportunities, as interpreted and prioritized by the Amherst Historical Commission under its state and local mandate. Through Community Preservation Act funding, many of Amherst's most important historic resources have been preserved.

3. Eligibility

Within the framework established under MGL ch. 44B (Community Preservation Act), historic preservation projects eligible for CPA funding support fall into the following general categories:

- Direct preservation and restoration of public and private historic resources

For public resources, these include physical preservation or restoration of historic structures, buildings, landscapes, and site features, as well as the restoration of missing historic features. For privately-owned historic resources, this applies to institutional buildings, museums, churches, and other similar properties, as well as to historic residential or commercial buildings and sites. This category also includes actions that directly protect and preserve archeological or paleontological resources. Acquisition of historic preservation deed restrictions, easements, and other forms of public ownership fall within this category.

- Rehabilitation of historic resources—i.e. capital changes that make historic resources more functional for their intended uses

This category includes physical changes restoring aspects of historic resources, and modernizing those resources through permanent new capital improvements. It may in some instances also include the installation of modern structures or equipment needed to protect historic resources from damage. CPA-funded

rehabilitation projects must conform to the Standards for Rehabilitation in the U.S. Secretary of the Interior's Standards for the Treatment of Historic Properties (36 CFR 68).

The preceding does not represent either a detailed or complete list of CPA-eligible historic preservation projects.

Further information is available from the Historical Commission through the Conservation and Development Office in Amherst Town Hall at (413) 259-3040 or planning@amherstma.gov. Applicants are encouraged to discuss their projects with the Historical Commission well in advance of CPA application deadlines.

C. Open Space

1. Profile

At present, approximately 2,300 acres, representing 30% of Amherst's surface area, is permanently protected open space. The Town of Amherst Conservation Department manages over 1,965 acres of conservation land, approximately 80 miles of trails, and holds Agricultural Preservation Restrictions over more than 1,842 acres of farmland as well as conservation restrictions on over 157 acres. Permanently protected lands range from Town-owned conservation land with public access to privately owned land with conservation restrictions to land owned by the Commonwealth of Massachusetts such as parts of the Mount Holyoke Range. These lands are distributed throughout the Town, many only a short walk from the village centers or town center where the public can enjoy the preserved open space or traverse the network of trails that connects many conservation areas in town.

2. Purpose

Amherst attracts and retains residents who deeply value their quality of life and who have a commitment to preserving the area's unique landscape and character. This character encompasses not only a diversity of cultural experiences, economic pursuits, and scenic beauty, but also opportunities for outdoor recreation and enjoying the physical side of life. It is important to preserve and enhance these resources for current and future residents. Given Amherst's regional appeal, it is essential to continue to develop general open space and recreation goals to address these concerns.

The goals are as follows:

- Protect farmland and prime soils, and thus enhance Amherst's rural character and agricultural viability.
- Focus land preservation efforts in areas that have:
 - priority habitat for rare and endangered species,
 - wildlife habitat,

- valuable natural resources,
- prime agricultural soils,
- watershed lands that supply Amherst's drinking water, or
- large contiguous blocks of undeveloped open space.
- Expand, connect, and make accessible existing preserved land and trail system to make a greenway network throughout town.
- Increase land area available for passive recreation in Amherst for people of all ages and abilities where feasible.

3. Eligibility

Permissible purposes for which CPA funds may be spent on open space include the acquisition, creation, and preservation of open space, and for the rehabilitation or restoration of such open space that is acquired under the CPA.

Open space is defined to include, but is not limited to, the following:

- agricultural land
- well fields, aquifers, recharge areas, and other watershed lands
- grasslands, fields, or forest lands
- freshwater marshes and other wetlands
- rivers, streams, lakes and ponds
- scenic and historic vistas
- land for wildlife habitat or biodiversity or nature preserves

The following are examples of the types of open space expenditures that may be carried out under the CPA:

a. Acquisition

- Purchase land to protect water supplies such as well fields, aquifers, recharge areas, and lake or reservoir frontage and other watershed lands.
- Purchase easements or rights-of-way that maintain or enhance access to existing open spaces.
- Purchase land strategically located to protect or create trail networks or wildlife corridors.

b. Creation

- Raze an aging, vacant, municipally-owned building to create open space.
- Reconstruct a road to create a median strip with grass and trees.
- Rehabilitate and/or redevelop brownfields such as capping a landfill and converting the site to open space.

c. Preservation

- Purchase permanent conservation or agricultural preservation restrictions to protect open space or farmland from future development.
- Remove invasive plant species from ponds, wetlands, and wooded areas to protect existing open space and wildlife habitats from harm or injury.
- Purchase easements to protect water supplies such as well fields, aquifers, recharge areas, and lake or reservoir frontage and other watershed lands.

d. Rehabilitation and Restoration

- Restore natural areas such as wetlands or marshlands acquired using CPA funds to their original state.
- Seed and plant native non-invasive trees and otherwise landscape an open space created by the removal of buildings on site.
- Ensure appropriate public access to conservation lands through necessary improvements.

For more information, consult the Open Space and Recreation Plan (<https://www.amherstma.gov/DocumentCenter/View/53436/2017-OSRP-Final-Version>, updated 2017), the Conservation Department (<http://amherstma.gov/285/Conservation>), and the Community Preservation Coalition (<https://www.communitypreservation.org>)

D. Recreation

1. Profile

Amherst has engaged in planning for open space and recreation since the late 1960s. During most of that time, the majority of the community's efforts at conservation land planning were aimed at acquiring and preserving critical lands such as greenbelts along streams and rivers, wetlands, unique habitats, important wildlife habitat, and prime farmland. Community efforts for recreation focused on maintaining and improving existing facilities (often facilities shared with the schools) for formal, active recreation and team sports, swimming pools, mixed-use ball fields, etc., with only occasional attempts to acquire new lands and expand capacity. Amherst's steady growth and changes in the community's complexity are creating new needs and trends that will require a more sophisticated, coordinated approach to the provision of preserved land and recreation resources.

2. Purpose

- Provide and develop multi-use and multi-generational recreational opportunities that bring townspeople together by providing an adequate supply of accessible recreational fields, open spaces, and facilities that will meet the needs of our community for a wide variety of recreation activities.

- Increase accessibility of existing recreational lands, trails, and public facilities at recreational fields. In particular, develop universal access programs to provide outdoor activities for those with disabilities and mobility impairment.
- Develop recreational areas that integrate active and passive recreational opportunities available to all ages and abilities. Specifically, establish new or improved existing recreational fields and facilities near population centers and make existing parks attractive destinations within higher density areas of Amherst, especially by developing new playgrounds or improving existing playgrounds for young children that are close to downtown and other population centers.
- Renovate and adapt existing parks, facilities, fields, recreational areas, and town commons to serve multiple purposes and to meet the changing recreational trends of the community.
- Increase land area where feasible for active and passive recreation in Amherst by creating or acquiring new areas and by improving existing outdoor recreational fields and facilities.

3. Eligibility

CPA funds may be used to acquire, create, preserve, and rehabilitate/restore recreation spaces. The focus for CPA recreational projects is on outdoor passive or active recreation, such as (but not limited to) the use of land for:

- community gardens
- trails
- noncommercial youth and adult sports
- parks, playgrounds or athletic fields

CPA funds may be used only for outdoor, land-based recreational uses and facilities.

CPA funds may be used for the acquisition of land to be used for recreation, or for the creation of new recreational facilities on land a community already owns. A 2012 amendment to CPA broadened the law to allow also for the rehabilitation of existing, outdoor recreational facilities to make them more functional for their intended recreational use.

IV. Requirements and Evaluation Criteria for All Categories

A. Proposal Requirements

This section describes the application process for CPA funds, but interested readers are directed to the CPAC website for the latest information on the next season's funding round: <https://www.amherstma.gov/929/Community-Preservation-Act-Committee>.

Please note that all proposals are to be submitted through an online application form. All applications submitted by the deadline will be considered. At the opening of the proposal period, the specific requirements will be displayed, but in general will include information such as:

- description of the project
- how the project meets the CPA goals and criteria for Community Housing, Open Space, Historic Preservation and/or Recreation
- detailed project budget
- other possible sources of funding; if none, explain
- anticipated need for future CPA funding
- urgency of the project
- estimated timeline from receipt of funding, if awarded, to start and to complete the Project
- acquisition and/or plan for preservation of threatened resources
- population(s) to be served by the project
- description of how the CPA investment in the property, facility, or project will be maintained over time
- referral of the project to relevant Town boards, committees or commissions

B. Evaluation Criteria

Projects will be evaluated by the way in which they:

- meet the goals of Historic Preservation, Community Housing, Open Space and/or Recreation, as outlined in this document or amended statute
- contribute to the quality of life and the vitality of the community, and preserve or enhance Amherst's unique character
- show evidence of demonstrated prior success by applicant on similar projects
- can be completed expeditiously and within budget (CPAC reserves the right to revoke unused funds three years after a formal award)

Additional evaluation criteria can include:

- serves more than one CPA category
- supports Amherst's sustainability goals
- supports underserved communities
- progress/success of previous, similar projects from same applicant
- supports handicap access, universal design and/or visitability (<https://www.mapc.org/resource-library/increasing-accessible-housing-through-visitability-and-universal-design-standards>)
- support from community groups and individual citizens
- anticipated need for future CPA funding

- availability of other sources of funding, or demonstration of the lack of other funding sources
- priority ranking of the project by Town boards, committees or commissions after they have reviewed proposals in their domain

V. Application and Approval Process

A. Application Process

1. As stated earlier, applicants are encouraged to discuss their project ideas—before submitting a proposal—with the appropriate Town board or commission: Historical Commission, Conservation Commission, Housing Authority and/or Municipal Affordable Housing Trust, Recreation Commission, and Planning Board, or with the Town staff that work closely with these boards and commissions. Applicants should understand that some boards or commissions meet only monthly; Town staff, however, are readily available.
2. Fully complete the on-line proposal application, available on Amherst CPA website: <https://www.amherstma.gov/929/Community-Preservation-Act-Committee>.
3. CPAC will then review proposals and generate questions for distribution to applicants.
4. Applicants respond to proposal questions from CPAC in writing by the announced date.
5. Applicants appear before relevant boards or committees prior to CPAC presentation, if at all possible (Historical Commission: <http://amherstma.gov/271/Historical-Commission>, Conservation Commission: <http://amherstma.gov/273/Conservation-Commission>, Amherst Housing Authority: <http://amherstma.gov/1217/Amherst-Housing-Authority>, Recreation Commission: <https://www.amherstma.gov/1125/Recreation-Commission>). Boards make recommendations to CPAC on relevant proposals.
6. Applicants present proposals to CPAC at a public meeting for approximately 20 minutes, and answer questions.
7. CPAC holds a public hearing on all proposals being considered. The public is welcome to advocate for or express opposition to any proposal.
8. At the public hearing, or at a subsequent meeting, the proposals are discussed and voted on. CPAC reserves the right to decrease the amount requested. CPAC submits a report of its recommendations to Town Council.

B. Approval Process

1. The applicant should be available at the Town Council meeting to answer questions about the proposal.

2. Town Council invites the chair of CPAC to present its funding recommendations at a regular Town Council meeting. Council may then refer the recommendations to subcommittees for review.
3. Council votes whether to accept CPAC-recommended proposals. It may reduce the value of a recommended award but may not increase a recommended award. It may also reject specific recommended project awards.

C. Approximate Timeline

Prior to submittal	recommended: applicant discusses proposal concept with relevant Town committees (Open Space - Conservation Commission; Recreation - Recreation Commission; Community Housing - Amherst Housing Authority and/or Amherst Municipal Affordable Housing Trust; Historic Preservation - Historical Commission)
September	application period opens at www.amherstma.gov/cpa
October	deadline for proposal submission; relevant Town committees review proposals; CPAC reviews proposals and sends questions to applicants; applicants respond by indicated deadline
October-November	presentations to CPAC by applicants; public hearing
November-December	evaluations of projects by CPAC; votes on projects and funds to be recommended to Town Council; submission of formal report to Town Council
By June 30	Town Council votes on recommendations
July 1	funds available if approved

D. Reporting

Successful applicants will be required to submit annual progress reports to the committee by July 31 of the following year, and each year thereafter. At the conclusion of the project, a final report will also be due. The Finance Department will communicate these and other details to the successful applicants. Other post-award obligations will be specified by the Finance Department.