

**TOWN OF ORLEANS  
COMMUNITY PRESERVATION PLAN  
March 2023 Update**



**Community Preservation Committee 2023:**

Walter North, Chair – Conservation Commission Member  
Barry Alper, Vice Chair – Housing Authority Member  
Sue Christie – Member at Large  
Joan Francolini – Member at Large  
John Lipman – Member at Large  
Chet Crabtree – Planning Board Member  
Charles Ellis – Historical Commission Member  
Kevin Galligan, Park Commissioner Member  
Stephanie Gaskill, Open Space Committee Member

Jennifer Fountain, Administrative Assistant

**TOWN OF ORLEANS**  
**COMMUNITY PRESERVATION PLAN**

**INTRODUCTION**

The Community Preservation Act (CPA) is a smart-growth tool that helps communities preserve open space and historic sites, create affordable housing, and develop outdoor recreational facilities. Over \$2.65 billion has been raised to date for community preservation funding statewide, resulting in the creation of more than 8,700 affordable housing units, the protection of 32,566 acres of open space, appropriations for more than 6,300 historic preservation projects, and funding for more than 3,000 outdoor recreation projects throughout Massachusetts. Generally, the CPA strengthens the state and local economies by expanding housing opportunities and construction jobs for the Commonwealth's workforce and supports the tourism industry through preservation of the Commonwealth's historic and natural resources.

The Orleans Community Preservation Committee (CPC) was created in September 2005 to implement the CPA. The Act allows towns to enact through local bylaws up to a three percent surcharge placed on property taxes for open space acquisition, community/affordable housing, historic preservation, and outdoor recreation. A town can charge less than three percent and the percentage can be changed by town vote. Orleans has chosen to adopt the full three percent.

The CPA requires that three of the four above categories – open space, historic resources, and community/affordable housing – each receive at least 10% of the CPA funds available in every fiscal year. The remaining 70% of annual CPA funds may be appropriated or reserved at the discretion of the CPC and the approval of the Town. The CPA also creates a statewide Community Preservation Act Trust Fund which provides statewide distributions each year to communities that have adopted the CPA.

The Community Preservation Committee accepts proposals from the community for these four categories of spending and makes recommendations to the Town Meeting, which then votes to approve or deny the proposed spending measures. Funding can be approved for the full project or a portion of the project and can be provided through the current year's disbursement of funds or through bonding. In addition, up to 5% of CPA funds may be used for related administrative activities; these administrative accounts are closed out at the end of each fiscal year.

The Act allows "rehabilitation" of both historic properties (as stated in the United States Secretary of the Interior's Standards for the Treatment of Historic Properties) and for replacement of recreational equipment and other capital improvements to the land or the facilities intended for recreational use. The Act does not allow funding for ongoing maintenance of structures and properties nor funding for any organizations that own or administer project sites.

Rehabilitation is defined in the United States Secretary of the Interior's Standards for the Treatment of Historic Properties, codified in 36 C.P.R. Part 68; and is further provided that with

respect to land for recreational use, "rehabilitation" shall include the replacement of playground equipment and other capital improvements to the land or the facilities thereon which make the land or the related facilities more functional for the intended recreational use. Applicants submitting proposals for CPC consideration should review the Secretary of the Interior's Standards document, page 75-79, for more detailed information.<sup>1</sup>

The CPC considers the "needs, possibilities and resources" (as stated in the CPA) for community preservation in Orleans. Individual proposals for funding are filed annually with the CPC by public entities and private organizations. The CPC reviews these proposals and evaluates them, based upon the criteria in the CPA as well as consistency with existing local plans and documents. With the input of both town officials and the general public, the CPC makes its recommendations to the legislative body at Town Meeting or a Special Town Meeting.

The original CPA legislation was written with great detail to carefully create town CPCs with broad representation from the community. It also vested these committees with the power to determine through an exacting review whether a particular project will be placed on the Town Meeting warrant. Unlike other town boards, the CPC has the sole discretion to determine in advance of a Town Meeting whether a particular project proposal is appropriate, legal, and a good use of limited CPA funding. Only projects determined to be priorities are approved for a Town Meeting vote. Even if a proposed project meets all CPC criteria, it isn't necessarily approved by the CPC for Town Meeting consideration. The committee must not only balance every proposal against other proposals but also preserve funding for future projects that have not yet risen to the proposal stage.

Though the CPA has been a tremendous resource for Orleans, annual funding can never fully meet the demands of the town for open space, outdoor recreation, affordable/community housing, and historic preservation. Orleans should continue to pursue other funding sources as well to meet the town's needs.

The CPC consists of nine members, including members appointed by the Open Space Committee, Park Commission, Planning Board, Housing Authority, Historical Commission, and Conservation Commission. The Select Board appoints the other three at-large members for a term of three years. Appointed members, although representing the general interests of the committees and boards on which they serve, may act independently in their discussions and decisions on the CPC. They are not beholden, nor do they need approval of their liaison boards to make decisions, even when such decisions may be contrary to the desires of some members of those boards. Orleans is successfully transitioning from the "Land Bank" funding (now being phased out) that existed before the Community Preservation Act was adopted and is currently pursuing a well-balanced portfolio between all categories of CPA funding.

---

<sup>1</sup> The document states, "When repair and replacement of deteriorated features are necessary, when alterations to the property are planned for a new or continued use, and when its depiction of a particular time is not appropriate, Rehabilitation may be considered as a treatment. Prior to undertaking work, a documentation plan for Rehabilitation should be developed."

## PURPOSE

The CPC evaluates current resources, seeks input on key priorities of various committees, and considers programs which benefit the community in the four CPA categories. This Plan outlines the roles and responsibilities, decision guidelines, and the process of the CPC.

## ROLES AND RESPONSIBILITIES

### 1) Alignment with community priorities

- The CPC should coordinate with the goals of the following existing town plans where applicable.
  - Orleans Comprehensive Plan
  - Conservation, Recreational and Open Space (CROS) Plan
  - Affordable Housing Guidelines
  - Capital Improvement Plan
  - Division of Capital Services
- Consider the priorities of town boards, commissions, and committees with liaison members on the CPC.
  - CPC liaison members should make specific findings that a proposed project is on their own committees' list of priorities, if such a priority list is applicable.
- Consider other recent Town Meeting decisions or priorities.

### 2) Fiscal responsibility

- Maintain a schedule of future commitments regarding bonding as a reference point for annual decision-making with the assistance of the Finance Director and Town Treasurer.
- Make reserve recommendations and/or requirements.
- Ensure a balance of funding by categories, in addition to the mandatory 10% requirements.
- Examine bonding terms/rates.
- Consider non-CPA town funding for large or unusual projects that may be proposed outside CPA deadlines ([state historic grants](#), state and federal grants for affordable housing, [grants for recreation](#), or [state conservation grants](#)).
- Determine whether a project applying for CPC funds is on the priority list of other town boards, commissions, and committees, and if not, why the project should be funded for a special reason (e.g., a project opportunity that unexpectedly became available but is otherwise consistent with a committee's priorities) .
- Look at urgent requests as an option, within CPA guidelines.
- Examine a two-year financial look ahead for the project for which funding is sought.
- Consider the availability of other funding sources and funding requirements.
- Manage administrative activities.

### 3) Communication

- Provide assistance to applicants to help them understand the application and review process

- Develop/disseminate a clear application timeline
- Communicate openly with the community about process and finances – ([Orleans CPC brochure](#), [Orleans CPC funding history](#), [CPA Finances](#))

## **DECISION GUIDELINES**

Decision guidelines are used to evaluate project proposals as well as define the process by which CPC recommendations to the voters are finalized.

- 1) Consistency with:
  - a) the [Orleans Comprehensive Plan](#), the [Conservation, Open Space, and Recreation \(CROS\) Plan](#) and the [Affordable Housing](#) Guidelines, where applicable,
  - b) other Town-approved planning documents;
  - c) recent Town Meeting actions;
  - d) endorsement by other municipal boards, departments, or nonprofit organizations; and,
  - e) specific to historic projects, proposals must meet certain [qualification standards](#)
- 2) Preservation of the essential character of the Town, including acquisition, preservation, or rehabilitation of threatened resources.
- 3) Serving populations in town that have specific financial needs.
- 4) Meeting more than one CPA purpose (linking open space, historic preservation, recreation, and community/affordable housing) or demonstrating why serving only a specific CPA purpose is essential for a given proposal.
- 5) Urgency/time sensitivity, if submitted with sufficient time for thorough CPC consideration.
- 6) Affordability and practicality of the project, including determination that the benefits of the project outweigh the costs.
- 7) Feasibility of implementing the project expeditiously, including spending the granted funds within the proposed fiscal year, and the leveraging of additional sources of non-CPA public and/or private funds.
- 8) Preservation, utilization, and/or enhancement of town-owned assets.
- 9) Demonstration by applicant, through successful performance on similar projects and/or financial self-sufficiency, of the ability to implement and maintain the project as proposed.
- 10) Assurance that the individuals, teams, or organizations who will administer a CPC-funded project are qualified to do so in a timely and thorough manner.

## **SUGGESTED DOCUMENTATION**

Depending on the scale and complexity of the application, the following documents are suggested in order to provide the CPC more complete documentation. These suggestions may not apply to all projects, depending on their scale and the extent to which a funding request is part of a multi-year project. The intent is to get more clarity about complicated projects to facilitate the review process.

- Request applicants provide longer term plans for the projects that are requesting CPC funds (including those elements not seeking CPC funding) where such longer term plans are relevant. This will provide some assurance that the requested funds will contribute to the sustainability of the larger project as a whole, as well as increased participation in and use by Orleans citizens.
- Request a budget or other information demonstrating the long-term sustainability of the organization that controls the project and how the organization will ensure that the project will remain in the public realm and/or accessible to the public in perpetuity, when relevant.
- Request suitable budgeting information demonstrating how and when the requested funds will be spent to ensure that the expenditure of CPC funds will be undertaken within the assigned fiscal year, as well as all other possible funding sources that will contribute to the completion of project(s) to ensure that the applicant has or is seeking other available grants.
- Request information about whom will be conducting any work under a CPC funding award in order to avoid actual or perceived conflict of interest.

## **PROCESS**

The CPC does not initiate projects but rather funds, upon approval of the legislative body, conceptual or ongoing projects that have been submitted to the Committee. Town boards and departments, civic organizations and residents may bring eligible proposals for funding to the CPC. The CPC will favorably consider those proposals that best meet these guidelines and are consistent with Orleans' goals in the area of open space, historic resources, community housing and recreation.

Under the Community Preservation Act, the CPC cannot unilaterally appropriate funds for particular projects. It can only make recommendations to Town Meeting. Town Meeting receives the recommendations from the CPC, after a careful and transparent review process of eligible proposals, and votes in favor or against funding for each project. The CPC can, however, deny funding for a project in advance of a Town Meeting. Only those projects receiving CPC approval will appear on the warrant. Therefore, it is critical that the CPC develop a strong and consistent rationale for its recommendations and that the public is well informed of the CPC's deliberations as they occur.

Applications are made in the summer of each calendar year, although the CPC maintains the discretion to consider a proposal that comes after the posted application deadline, so long as sufficient time exists to consider such an application within the Committee's posted review schedule. After receiving applications, Town Counsel reviews them for suitability under the terms of the CPA. The committee affords a process whereby the applicant can make a detailed presentation about the proposed project, allowing CPC members and the public to ask questions and seek additional information. After the presentation and questions are completed, the CPC enters a deliberation period where the merits of each proposal are considered. The consideration period is generally not open to public comment, although the committee may, at its discretion, ask additional questions, allow additional public comment, or allow the applicant

to provide additional information should the proposal or the circumstances surrounding that proposal change. Before finalizing their recommendations for a town meeting, the Committee solicits public feedback through an open hearing.

The CPC has as part of its core mission the goal of being a consistent and reliable funding source for community preservation activities. To this end the CPC may recommend that some or all CPA funds be reserved for significant projects and opportunities in the future. Thus, the decision to deny funding for a particular project in any given year may not necessarily reflect some deficit in the project or the application form but rather a strategic goal of reserving funding for a future expenditure.

### **FURTHER INFORMATION**

This document, as well as links to a wide range of community preservation information, including the Application for Community Preservation Funding, is available on the Town's website at [www.town.orleans.ma.us](http://www.town.orleans.ma.us).