

TOWN OF LAKEVILLE

Community Preservation Committee Meeting Minutes March 21, 2024

On March 21, 2024, the Community Preservation Committee held a meeting at 6:00 PM at the Lakeville Council on Aging, 1 Dear Crossing. The meeting was called to order at 6:07 PM by Chairman Michele MacEachern. Community Preservation Committee Members present were Chairman Michele MacEachern, Kathleen Barrack, Paula Houle, Amy Knox, Nancy LaFave, John Lucey, Susan Spieler, and Nancy Yeatts. Absent – Barbara Standish. LakeCAM was recording the meeting for broadcast.

Discuss and possible vote on Memorandum of Understanding

Chairman MacEachern presented the marked-up copy of the municipal MOU with comments from Town Council and a cleaned-up version with the recommended edits from Town Council and Bob Nunes, interim Town Administrator. Once the final version is made with the edits, it will go to the projects that were approved at Fall Town Meeting to start their projects.

A motion was made by A. Knox and seconded by J. Lucey, it was:

VOTED: to approve the municipal Memorandum of Understanding
Unanimous

Review and possible vote on Community Preservation Budget recommendation for June 10, 2024 Town Meeting

The draft of the warrant language was presented by Chairman MacEachern with the recommended budget for FY25 to be presented at Town Meeting. The appropriation for estimated revenues for administrative expenses is \$8,250 which was changed from 5 to 3%; estimated revenues for Historic Resources reserve, Community Housing reserve, Open Space Reserve are \$27,500 for each of the three categories and \$184,250 for the budgeted reserve. It was noted that the Open Space reserve needs to be corrected to read Open Space/Recreation.

A motion was made by J. Lucey, seconded by S. Spieler, it was:

VOTED: to send the budget to the Select Board with the recommendation for inclusion in the Town Warrant as amended
Unanimous

Discuss Recommended Edits to Community Preservation Plan

S. Spieler presented charts and edits that she felt should be added to the plan. The charts would show the number of exemptions and amount per year, one chart with fund revenues, and a chart for each category showing the projects and the amount used and the status of the project. There were also suggested additions to the "How to Apply for Funding" section to enhance what is already in place. A marked up copy of the entire plan will be submitted for a future meeting.

Review and Approve Meeting Minutes February 29, 2024

A motion was made by J. Lucey and seconded by A. Knox, it was:

VOTED: to accept the meeting minutes of February 29, 2024
Unanimous

Next Meeting Dates March 25, 2024 & April 4, 2024

Chairman MacEachern presented a schedule of potential dates for the remainder of the year. The third Thursday was selected since it seemed to work best for the committee.

The March 25th meeting will be Executive Session with the Select Board, Con Com, and Open Space at the Police Station at 6:30 and our regular scheduled meeting will be April 4 at 6:30 pm in the library.

Old Business

Ms. Yeatts asked if there was a response from the Coalition regarding the Step 1 application from Brynna Donahue. Chairman MacEachern said she spoke with Stuart about the application and was told nothing had changed in the status of eligibility. He was going to send more information regarding a lawsuit but nothing had been sent. P. Houle stated she saw an email just before the meeting. Upon checking, the Coalition did send more information which Chairman MacEachern read to the committee.

Ms. Yeatts mentioned that the Step 2 application is not available to download for Step 1 approved projects. Chairman MacEachern stated that the Step 2 application is sent to the applicant once the project has been approved as eligible. The application is sent to whoever is listed on the application. The Step 2 application is in the appendix of the plan for applicants to review.

A motion was made by S. Spieler and seconded by N. LaFave, it was:

VOTED: to adjourn the meeting at 6:39 pm.

Unanimous

Presented at meeting:

Community Preservation Plan edits

Email from Coalition

From: Stuart Saginor stuart.saginor@communitypreservation.org
Subject: Stage - 2 AHRS Garden Program
Date: Mar 21, 2024 at 4:20:00 PM
To: Community Preservation Committee cpc@lakevillema.org, Chase Mack
chase.mack@communitypreservation.org
Cc: Brynna Donahue brynna.donahue@gmail.com, Susan
sspieler@comcast.net, Jlucey@meganet.net, Barbara Standish
Barbara@standishenterprise.com, Amy Knox Amyknox95@gmail.com,
eaglelady27@gmail.com, bnlafave@gmail.com, kathleen barrack
owenlacy@yahoo.com, paulahoule@gmail.com

Hi Michele:

There is nothing new in this application that would make it eligible for CPA funding. It still suffers from all the same issues that made the original application problematic.

The primary issue is that CPA funds cannot be used for educational purposes. The purpose of this application as stated is to for students to "learn to grow their own food and the importance of agriculture in rural towns." School budgets need to pay for ANY educational programs and facilities to run those programs. CPA is for the creation of parks, playgrounds, athletic fields, community gardens and the like that are used by the entire community for recreational purposes.

And this project is not a community garden. A community garden is a very specific thing... It's a piece of outdoor land, usually town owned, that is subdivided into small plots that are then rented for a fee to community members who grow vegetables for themselves. You normally find them in very densely populated areas and the plots are rented to people that don't have land at their home to grow vegetables.

Even if this project had NO structures – and a geodesic dome is a structure no matter what name you give it – school education projects do not qualify for CPA funding, as we explained above. The revised application seems to try and rename the dome as an "accessory structure." That reminds us of the Norwell sidewalk lawsuit. The original application there was denied because it was requesting CPA funds for sidewalk construction. The application as resubmitted with a name change from "sidewalks" to "pathwalks," Ten taxpayers sued the town for an illegal CPA project and won. In the decision the court pointed out that merely giving a different name to something is meaningless if the item is still the same. You can read more about the Norwell case here:

<https://www.communitypreservation.org/home/news/court-decision-issued-cpa-sidewalk-lawsuit>

We noted that some projects in other communities were cited as "precedent." First, there is a warning about this right on the state's project database saying that the data should not be used in this way. It says:

"Groups applying for CPA funding should not rely upon project information from other communities as precedents for their funding request, nor should projects from other

communities be cited to support a funding request in your community.”

There isn't enough information in the database to know how a listed project compares to your proposal, and “precedent” in another community does not make a project eligible in your community.

From afar, it does seem like this project is coming with a healthy dose of pressure and politics. And that can happen when really fun, interesting and good projects like this one come along. But folks shouldn't lose sight of the fact that CPA is a restricted fund with very specific limits on what can be funded. Even if a project sounds great, if it's not eligible folks should resist the urge to just go along with the prevailing winds.

I hope this information helps you and your CPC reach a decision.

Best,
Stuart

Stuart Saginor, Executive Director
Community Preservation Coalition

Phone: 617-371-0540

Web: www.communitypreservation.org

Email: stuart.saginor@communitypreservation.org

6 Beacon Street, Suite 615, Boston, MA 02108

Please Note: The Community Preservation Coalition renders neither legal opinions nor legal advice, and recommends consulting with an attorney.

From: Community Preservation Committee <cpc@lakevillema.org>

Sent: Monday, March 4, 2024 10:59 AM

To: Stuart Saginor <Stuart.Saginor@communitypreservation.org>; Chase Mack <chase.mack@communitypreservation.org>

Cc: Brynna Donahue <brynna.donahue@gmail.com>; Susan <sspieler@comcast.net>; jlucey@meganet.net; Barbara Standish <Barbara@standishenterprise.com>; Amy Knox

<Amyknox95@gmail.com>; eaglelady27@gmail.com; bnlafave@gmail.com; kathleen barrack
<Owenlacy@yahoo.com>; paulahoule@gmail.com

Subject: FW: Stage - 2 AHRS Garden Program

Some people who received this message don't often get email from cpc@lakevillema.org. [Learn why this is important](#)

Good morning Stuart & Chase,

The applicant for the Greenhouse project is looking to revise the application so that the dome becomes an accessory structure to some outdoor garden beds.

I know you have advised Sue that indoor recreational structures are not permitted for use of CPA funds, so would a change (as shown on the attached application) make a difference in whether this project is eligible for CPA funding?

I have copied the entire CPC Committee so everyone will be on the same page.

ONLY members of the Coalition should reply all to this email.

Thank you!

Michele MacEachern

Permit Coordinator 43D Committee

Town of Lakeville, MA

Email: mmaceachern@lakevillema.org

From: Brynna Donahue <brynna.donahue@gmail.com>

Sent: Monday, March 4, 2024 10:37 AM

To: Community Preservation Committee <cpc@lakevillema.org>

Cc: jlucey@meganet.net

Subject: Re: Stage - 2 AHRS Garden Program

Good morning,

Attached are the updated documents and examples that needed to be adjusted, illustrating how the beds would be around the storage shed in potential location #1. Additionally, in adjusting the focus from the greenhouse to a storage shed, the price of the smallest size dome dropped

around \$15,000 due to a change in distributor and structural support requirements.

The documents which aren't changing (the parcel tags and potential locations) are the same from the initial submission.

Thank you,
Brynna

On Mon, Mar 4, 2024 at 10:15 AM Community Preservation Committee <cpc@lakevillema.org> wrote:

Hi Brynna,

If you would send over a revised Step 1 application (attached) showing what you are now proposing, I will forward to the Coalition to review.

The Step 1 application timeframe has closed, so this is a one-time courtesy being extended, and any changes will still need to be approved by the CPC.

A Step 2 application will be forwarded if the project is deemed eligible, which is what the CPC voted to do at our last meeting.

Thank you,

Michele MacEachern

Community Preservation Committee, Chair

Town of Lakeville, MA

Email: mmaceachern@lakevillema.org

From: Brynna Donahue <brynna.donahue@gmail.com>

Sent: Monday, March 4, 2024 9:28 AM

To: Community Preservation Committee <cpc@lakevillema.org>

Subject: Stage - 2 AHRs Garden Program

Hello CPC,

I am inquiring as to whether we should schedule the mentioned follow-up meeting to receive the stage 2 application or if the Stage 2 application is e-mailed I can work on it further and

present it when the others do.

After delving through the projects I've constructed a list and would like to use it to amend the original application. Below are a list of projects where structures were constructed, primarily pavilions, but in several community garden projects, sheds are permitted as accessory buildings. Bearing in mind that these are not community gardens, they are gardens for the high school which will prompt the creation of community gardens in a subsequent project, a building as an accessory to outdoor gardens is allowed.

Please advise on whether (and when) we will have a follow-up meeting, or send along the Stage 2 application to be presented at the appropriate date. I do not have Stewart's email, so if you'd like to CC him on this as an update on the project's progress, please feel free to do so.

Structures:

Snack Shack

[CPC Report I Community Preservation Coalition](#)

Picnic Pavilion

[CPC Report I Community Preservation Coalition](#)

Stone Chamber Restoration

[CPC Report I Community Preservation Coalition](#)

Multi-Use Building – Bathrooms, Storage, and Concession

[CPC Report I Community Preservation Coalition](#)

Multi-Use Building – Pavilion

[CPC Report I Community Preservation Coalition](#)

Dug Outs

[CPC Report I Community Preservation Coalition](#)

Park Pavilion

[CPC Report I Community Preservation Coalition](#)

Athletic Complex Behind School

[CPC Report I Community Preservation Coalition](#)

A shed for storage equipment

[CPC Report | Community Preservation Coalition](#)

Well, Signage, Construct a pavilion to enhance the recreational use of the farm, Create parking area with crushed stone to improve accessibility.

[CPC Report | Community Preservation Coalition](#)

Softball improvements including – Shed, Pitching / Hitting Tunnel

[CPC Report | Community Preservation Coalition](#)

Steel Storage Shed

[CPC Report | Community Preservation Coalition](#)

Recreation area rehabilitation – Including a pavilion

[CPC Report | Community Preservation Coalition](#)

2 Storage Shed – Accessory buildings at Community Gardens

[CPC Report | Community Preservation Coalition](#)

Browing beds, water hookups, fences, a shed, etc

[CPC Report | Community Preservation Coalition](#)

New Fence, New Shed, Greenhouse moved

[CPC Report | Community Preservation Coalition](#)

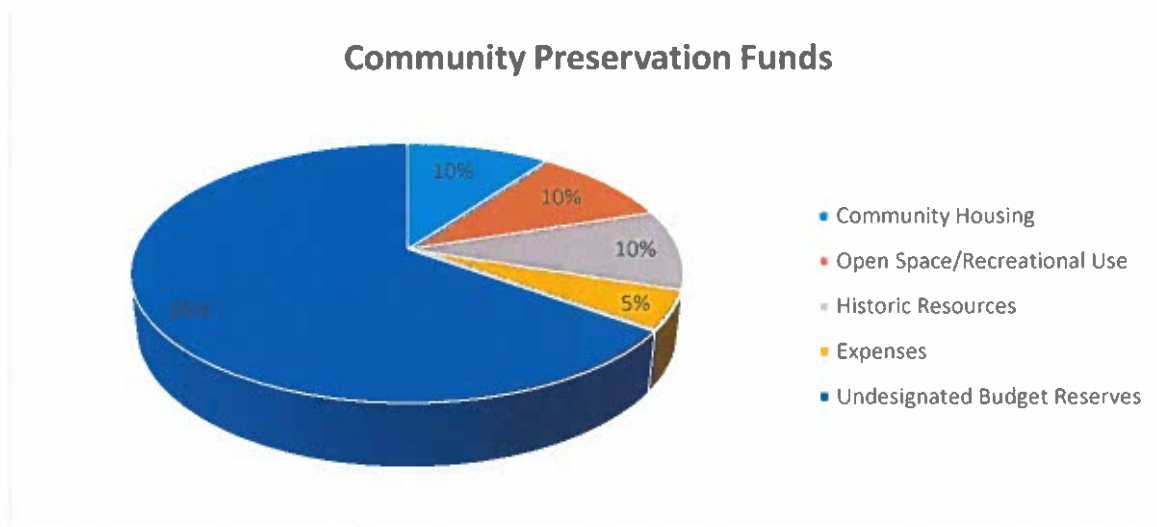
Thank you,
Brynna

As a note: I received your e-mail stating it is "illegal". By shifting the focus from a greenhouse to an accessory shed, it is no longer "illegal". Thank you.

Community Preservation Act in Lakeville

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. On April 4, 2022, Lakeville became the 188th community to pass CPA. Until this point, there was no steady funding source for preserving and improving a community's character and quality of life. The CPA is a 1% surcharge on your real estate tax minus \$100,000 exemption which goes into a special fund and receives a state match annually. The match comes from a fee that is charged state-wide at the registry of deeds and is distributed among the communities that have adopted CPA. The state match varies from year to year depending on the number of communities that have CPA and the revenue received from the registry of deeds in fees. In the past few years, state legislation has allocated state budget surplus funds into the CPA Trust fund to increase the amount of money going to CPA communities. The match can vary from year to year. For the average assessed home in Lakeville, the total surcharge is around \$40 per year. Low-income households and seniors can file for an exemption with the assessor's office. [See Appendix for chart of yearly exemptions.](#)

Proceeds from the Community Preservation Act are collected and deposited into special municipal accounts identified for Community Housing, Historic Resources, Open Space & Recreation Use, Expenses, and Budget Reserves.



CPA funds may be used to acquire, create and preserve Open Space; acquire, rehabilitate and preserve historic resources; acquire, create, preserve and support Community Housing; acquire, create rehabilitate and preserve land for Recreational use and rehabilitate Open Space and Community Housing that is acquired or created with CPA funds. [See Appendix for CPA Fund Revenue](#)

While the Lakeville Community Preservation Plan establishes goals for the types of projects that may receive CPA funding, the CPA legislation defines the types of projects that are eligible to receive funding. Projects seeking CPA funding that do not fit within one or more of the allowable uses cannot be considered by the Committee.

For examples of projects that have been funded in other communities, see the Community Preservation Coalition's webpage (www.communitypreservation.org). See Appendix for projects funded by Lakeville Community Preservation

COMMUNITY HOUSING

As of 2022, Lakeville does not have a Housing Authority, and housing lotteries are administered through the Middleborough Housing Authority.

According to the Massachusetts Subsidized Housing Inventory listing, dated December 21, 2020, Lakeville has a total housing stock of 4,534 year-round housing units, 433 development units, and 250 units of Subsidized Housing Inventory (SHI), with a percentage of 6.5%.

The Commonwealth of Massachusetts Chapter 40B statute allows eligible affordable housing developments to receive a comprehensive permit, even when projects require waivers of local zoning. In cities and towns that achieve 10% of the state standard for affordable production goals, Zoning Boards of Appeals may reject 40B proposals giving those communities greater discretion over 40B development. Municipalities that have not achieved minimum affordable housing production thresholds have a more limited ability to reject 40B proposals.

The CPA statute defines community housing as housing for low and moderate income individuals and families, including senior housing. Low-income housing is for households whose annual income is less than 80% of the area-wide median income. Moderate income housing is for households whose annual income is less than 100% of the area-wide median income. The area-wide median income is determined annually by the U.S. Department of Housing & Urban Development (HUD).

Lakeville's estimated Area-Wide Median income for a family of four is \$156,204, a moderate income limit for property owned & occupied by a senior 65 or older of \$71,029. (Source: US Census)

CPA funds can be used for housing units serving households of 80%-100% of the area median income even though they will not count towards Lakeville's 10% (SHI-Subsidized Housing Inventory). At present 250, or 6.5% of Lakeville's Housing Units are classified as affordable or "subsidized housing" by the State's Department of Housing and Community Development (DHCD) for purposes of Community Preservation Program and Plan.

RECREATIONAL USE GOALS

- Comply with ADA & MAAB requirements and standards.
- Improve trailhead parking and access to recreational assets in Lakeville.
- Create additional active recreational amenities, such as a large municipal playground, multi-use fields, tennis courts, pickle ball courts, walking paths, x-country course, dog park;
- Improve existing ballfields, courts, playgrounds, and bathroom facilities.
- Acquire land for additional athletic fields and/or passive recreation opportunities throughout town.
- Create/Establish a town-wide trail system (including trailhead signage and trail markings).
- Promote/Improve water-based recreational activities.

Note: CPA funds CANNOT be used for maintenance, artificial turf or to supplant current municipal funding.

General Evaluation Criteria **Move to after How to Apply for Funding**

All projects must meet the following minimum criteria:

- Projects with a feasible project plan that demonstrates the best approach and timeline for implementation.
- Projects must demonstrate administrative and financial management capabilities of the applicant.
- Projects must demonstrate a means of support for maintenance and upkeep.
- Projects must show community support and a positive impact to the community.
- Projects that have support from other relevant Town Boards and Committees.
- Projects that can show support from the abutters.

Projects that can also demonstrate some of the following additional criteria will be given preference over projects that only meet the minimum criteria.

- Projects that can provide other sources of funding from outside sources, making our money go further and have a greater impact on our community.
- Projects that protect lands critical to the protection of our natural resources, i.e. the acquisition of critical parcels to protect the regions water resources, including riparian zones and watersheds.
- Projects that implement open space and recreational planning on a regional basis.
- Projects that fulfill more than one purpose of the CPA: Open Space or Recreation, Historic Preservation, Community Housing.
- Projects where the applicant has successfully implemented other projects of similar scale or otherwise demonstrate the ability and competency to implement this project.
- Projects that ensure preservation of currently owned Town assets.

- Projects that protect, preserve, enhance, and/or rehabilitates the historical function of a property or site.
- Projects that demonstrate a public benefit.

HOW TO APPLY FOR FUNDING

Lakeville's CPC invites municipal departments, community organizations and individuals to submit applications for CPA funding on an annual basis. (accepts applications for funding on an annual basis) The application is a two-step process. Applicants must first submit a simple one-page Step One application describing the project and an estimated budget. For each fiscal year, the Committee shall accept Step 1 applications from September 1st to October 15th, where warrant articles may be prepared for consideration for the Spring Annual Town Meeting.

The Step One lets the CPC know how many potential projects to plan for, and it gives the applicant a chance for feedback before completing a more detailed Step Two application. If the CPC determines the project is eligible, applicants are then asked to submit a Step Two showing the project meets both statutory local eligibility requirements. The application can be found on the town website at lakevillema.org on the Community Preservation Committee tab.

In open public meetings, the CPC considers each funding application based on the project's merits and available funding. The CPC may request changes to the application or funding request.

Application Review

Step 1 applications will be reviewed for compatibility with CPA legislation and Community Preservation Plan; completeness of the information presented; and impact of project to local community.

Step 2 applications will be reviewed for whether the CPA funds serve as a catalyst for leveraging other funding sources; breadth of impact on the lives of the residents of Lakeville; long term benefits to the town; long term costs to the town, if action is not taken; urgency of the project and any other factors that may be relevant to a specific project.

Non-municipal project applicants whose projects are funded by Town Meeting will be expected to enter into a contract with the Town of Lakeville that will govern the project scope, timeline, deliverables, payment amount and timing, insurance, and other special conditions as may be required. The Committee may withhold some or all funds until applicable permits and approvals are in place. The Committee may also require performance or completion bonds and may withhold funds for non-performance.

After reviewing applications, the CPC decides by majority vote which projects they may recommend partial funding, full funding or choose to not recommend an application. ~~and how much funding to approve.~~ Projects that serve more than one purpose of the CPA will be viewed more favorably than those that do not. Projects that can demonstrate that they have been developed through a participatory process in which the public has had the opportunity to provide input will be viewed more favorably than those that have not had public input. The CPC then brings those recommendations as warrant articles to the Town Meeting. The Select Board may not increase funding nor consider requests that do not come with CPC recommendation. Funds approved at the Town Meeting will be available for projects to begin work

During the Project Application review process, the CPC may conduct a site visit and discuss its recommendation with the Select Board and Finance Committee before preparing a warrant article for Town Meeting consideration. The CPC must vote to recommend a proposal before placing articles on the warrant for Town Meeting consideration. Each project must be approved at Town Meeting..

Historic Resource Projects, the application should be prepared to provide a copy of the Historic Resource Inventory Form for the property with the application submittal. Further, the Committee strongly encourages all Historic Resources applicants to have Historic Structure Report completed before requesting any CPA funds for restoration or rehabilitation projects. The Committee may require the completion of a Historic Structure Report prior to the use of any CPA funding at historic sites and may recommend the reallocation of some or all of the requested funds for this purpose.

Land Acquisition projects for real property or real property interest in any of the four funding categories, the applicant should be aware that a permanent deed restriction is required if all or a portion of the land is purchased with CPA funds. The type of restriction required will vary depending on the funding category and may require the review of the State or other government entity. Applicants should identify the holder of the restriction as early in the process as possible and be prepared to submit a draft restriction as part of their CPA funding review.

Under special circumstances, Lakeville's CPC may consider an application submitted after the deadlines. The most common circumstances are the availability of real property on the market; or time-sensitive stabilization of a historic asset damaged by flood, fire, or other emergencies, not normal deterioration. Applicants must first submit a letter requesting special application status outside of normal grant deadlines and may submit a Step One at the same time. The application must be submitted with sufficient time for the CPC to hold two regular meetings for hearings before the next annual or special Town Meeting.

The CPC gives strong preference to projects that can provide a meaningful match of the total budget through other sources, such as state and private grants, other Town Budgets, private donations, fundraising, and volunteer or in-kind contributions of materials and labor.

CPA FUNDING AWARD PROCESS

Following the conclusion of Town Meeting, each successful applicant will receive an award letter from the Community Preservation Committee confirming its funding award. The letter will be accompanied by either a Memorandum of Understanding (town projects), outlining the agreed upon scope of the project, or a Grant Agreement (non-town projects), outlining the agreed upon scope of the project, any conditions and terms of the funding. Grant Agreements must be signed and returned to the Town of Lakeville before project start. Applicant shall meet with the CPC to review project scope, timelines, milestones and CPA funding disbursement process. The Community Preservation Committee shall issue award letters for projects approved at Town Meeting with information on the funding amount, funding conditions, project modifications (if any), CPC Admin contact information, and guidelines for project execution. Projects receiving CPA funding shall credit this source of funding in promotional materials and where appropriate at the project location. Except for town-sponsored projects, a Grant Agreement prepared by the CPC must be signed by the applicant (Awardee) after the project has been approved at Town Meeting and before CPA funds are to be disbursed. Applicants must recognize the