

Community Preservation Committee  
Town of Belmont

**CPA Funding – Final Application**

Ten copies of the completed Final Application must be submitted to the following address by no later than 7:00 pm on Monday, December 5, 2022:

Community Preservation Committee  
Matthew Haskell, CPA Administrator  
Office of the Select Board  
Belmont Town Hall  
455 Concord Avenue  
Belmont, MA 02478

*Unless an applicant can demonstrate that a significant opportunity would otherwise be lost, final applications will not be accepted after the submission deadline. In order for the CPC to consider a project proposal that cannot adhere to the deadlines as outlined in the **Standard Application Process**, the project must meet the additional selection criteria as outlined in the **Special Application Process**.*

Project Title Conservation Fund

Project Location Town of Belmont, Massachusetts

Applicant/Contact Person Mary Trudeau, Conservation Agent

Organization Belmont Conservation Commission

Mailing Address Homer Bldg; 19 Moore Street, Belmont, MA 02478

Telephone 617 993 2667 E-mail mtrudeau@belmont-ma.gov

Signature Mary Trudeau Date 12.6.22

CPA Category (check only one, in consultation with the CPC):

- |  |  |
|--|--|
| <input type="checkbox"/> Community Housing     | <input type="checkbox"/> Historic Preservation |
| <input checked="" type="checkbox"/> Open Space | <input type="checkbox"/> Recreation            |

Amount Requested \$200,000.00 dollars

Total Project Cost To be Determined

The CPC will review the Final Applications. Applicants will be contacted if additional information or an interview is required. The CPC may also request to visit the site of the proposed project. Applicants will be notified by mid-January whether the CPC plans to recommend their project at the next Annual Town Meeting.

# **Conservation Fund (for use with) Community Preservation Act Belmont, Massachusetts**

## **Goals:**

The goal of this fund is to provide a dedicated account (**Conservation Fund**) as a source of readily accessible funds to be used solely to facilitate the purchase of Open Space, and or deed restrictions, for allowable Community Preservation Act purposes (CPA) .

## **Community Need:**

About 20% of Belmont is Open Space, with about half of that protected from development. In 2010 Belmont was number 18 out of the 351 municipalities in Massachusetts in terms of density.

To date, the CPA funds have not expended any monies towards the purchase of Open Space in the Town of Belmont. A desire to protect more Open Space was one reason the town adopted the CPA in 2010. The creation of this fund will allow the Town to react quickly to opportunities to expand open space in Town.

The Conservation Commission has evaluated the CPA programs in neighboring towns, and believes that a successful acquisition of Open Space is dependent on having a ready source of funds to initiate a transaction. This fund will provide such a source, and allow the CPA to engage in the acquisition of Open Space for the Town.

## **Community Support:**

The Conservation Commission is the proponent of this project. Letters of support have been requested, and will be attached to this proposal as they are received. The following letters of support have been requested:

Belmont Garden Club  
Belmont Recreation Commission  
Community Path Advisory Committee  
Will Brownsberger – State Senator  
Dave Rogers – State Representative  
Habitat Audubon Sanctuary  
Belmont Land Trust  
League of Women Voters

## **Project Documentation:**

The following attachments include:



1. Letter from Massachusetts Department of Revenue on use of CPA for Conservation Funds, dated March 3, 2003 and addressed to Rocco J. Luongo
2. Mass General Laws Chapter 40, section 8(c) Establishment of Conservation Commission, powers and duties.

**Timeline:**

1. Prepare grant agreement outlining the terms of how the fund will be employed.
2. The Conservation Commission has no timeframe for the use of the Conservation Funds. Expenditures will be largely responsive to local real estate market listings. The Commission may pursue potential acquisitions through targeted outreach, but this will be done on a selective basis, in conjunction with the Environmental Land Inventory tool, prepared via a 2014 CPA grant.

**Credentials:**

The Belmont Conservation Commission is the project proponent. Land Management is jurisdictional responsibility of the Conservation Commission, and an area of expertise for the Commission. Belmont's Commission currently manages Rock Meadow and the Community Gardens. These holdings represent approximately 70 acres of open land which require annual maintenance to preserve and protect the existing meadows and woodlands.

The Commission has received funding for an Intergenerational Path project at Clay Pit Pond; grants for invasive and non native plant management programs at Rock Meadow and Clay Pit Pond; and the aforementioned 2014 Environmental Land Inventory.

Other projects currently overseen by the Commission include the rental of approximately 140 garden plots; an active apiary project at Rock Meadow (with approximately 15 hives). Recent Eagle Scout projects managed by the Commission included installation of the three sided kiosk at Clay Pit Pond and a signage program benefitting the community gardens.

**Success Factors:**

Success will be determined by the successful purchase of Open Space lands or Conservation Restrictions in accordance with CPA purposes.

**Budget:**

The Commission is requesting an initial grant of up to \$200,000.00 (Two Hundred Thousand Dollars) to allow for the establishment of a Conservation Fund. It is expected that the funds will be expended to facilitate a land acquisition, and could be used for purposes such as a deposit on an offer to purchase, or in binding a Purchase and Sale agreement. The funds could also be used to "purchase" a Conservation (deed) Restriction

on a property. The Commission foresees this fund being regularly seeded with CPA monies, allowing for accrual of enough funds to purchase property.

It is expected that if an opportunity to purchase a property would arise, the CPA committee would expend additional administrative funds towards research and due diligence on the subject parcel. The two hundred thousand dollars is requested to “seed” the Conservation Fund. The Commission may request additional funds on an as needed basis in subsequent rounds of the CPA grants.

**Other Funding:**

The Commission is not proposing any additional sources of funding for this account. The funds are dedicated to the purposes of the CPA and cannot be used for any other purposes.

However, it is expected that for a parcel of any size in Belmont additional sources of funds would be required and could include: the town of Belmont; non-profit organizations; private fundraising; and state or federal grants.

**Maintenance:**

There are no maintenance expenses associated with the creation of this Fund.



March 3, 2003

Rocco J. Longo  
Town Manager  
Town Hall  
878 Tremont Street  
Duxbury, MA 02332-4499

Re: Community Preservation Fund  
Our File No. 2003-24


Dear Mr. Longo:

You asked whether the Town of Duxbury may appropriate community preservation fund monies to the conservation fund established by G.L. Ch. 40 §8C. Under that statute, cities and towns may appropriate monies into the fund, which the conservation commission may then spend without further appropriation, or other legislative body action, for various purposes including the acquisition of the fee or other interest in land for open space or other conservation purposes.

We think that the town may use community preservation fund monies to fund all or part of an annual appropriation to the conservation fund, but any expenditure of such monies remains subject to the restrictions imposed by the Community Preservation Act (CPA). G.L. Ch. 44B. This means the conservation commission may spend them only for those purposes that are authorized by both G.L. Ch. 40 §8C and the CPA. In this case, it appears you plan to use the monies solely for the acquisition of land for allowable CPA purposes and to place deed restrictions on any such acquisitions as required by the CPA. G.L. Ch. 44B §12. To ensure that intent is carried out, any town meeting vote appropriating the funds should expressly include those conditions.

If you have any further questions, please do not hesitate to contact me again.

Very truly yours,

  
Daniel J. Murphy  
Chief, Property Tax Bureau

DJM/KC

Cc: Friend Weiler, Chair, Conservation Commission  
Holly Morris, Chair, Community Preservation Committee

<b>Part I</b>	ADMINISTRATION OF THE GOVERNMENT
<b>Title VII</b>	CITIES, TOWNS AND DISTRICTS
<b>Chapter 40</b>	POWERS AND DUTIES OF CITIES AND TOWNS
<b>Section 8C</b>	CONSERVATION COMMISSION; ESTABLISHMENT; POWERS AND DUTIES

Section 8C. A city or town which accepts this section may establish a conservation commission, hereinafter called the commission, for the promotion and development of the natural resources and for the protection of watershed resources of said city or town. Such commission shall conduct researches into its local land areas and shall seek to co-ordinate the activities of unofficial bodies organized for similar purposes, and may advertise, prepare, print and distribute books, maps, charts, plans and pamphlets which in its judgment it deems necessary for its work. Among such plans may be a conservation and passive outdoor recreation plan which shall be, as far as possible, consistent with the town master plan and with any regional plans relating to the area. The commission may, from time to time, amend such plan. Such plan shall show open areas including marsh land, swamps and other wetlands, and shall show which areas are subject to restrictions or wetland zoning provisions and any other matters which may be shown on a plat index under section thirty-three of chapter one hundred and eighty-four. Acquisitions of interests in land under this section and other municipal open lands shall be shown thereon as well as lands owned by other entities kept open through any legal requirement. Such plan shall show other areas which

public necessity requires to be retained for conservation and passive recreation use. It shall keep accurate records of its meetings and actions and shall file an annual report which shall be printed in the case of towns in the annual town report. The commission may appoint a director, clerks, consultants and other employees, and may contract for materials and services within available funds insofar as the same are not supplied by other departments. The commission shall consist of not less than three nor more than seven members. In cities the members shall be appointed by the mayor, subject to the provisions of the city charter, except that in cities having or operating under a Plan D or Plan E form of city charter, said appointments shall be by the city manager, subject to the provisions of the charter; and in towns they shall be appointed by the selectmen, excepting towns having a manager form of government, in which towns appointments shall be made by the town manager, subject to the approval of the selectmen. When a commission is first established, the terms of the members shall be for one, two or three years, and so arranged that the terms of approximately one third of the members will expire each year, and their successors shall be appointed for terms of three years each. Any member of a commission so appointed may, after a public hearing, if requested, be removed for cause by the appointing authority. A vacancy occurring otherwise than by expiration of a term shall in a city or town be filled for the unexpired term in the same manner as an original appointment. Said commission may receive gifts, bequests or devises of personal property or interests in real property of the kinds mentioned below in the name of the city or town, subject to the approval of the city council in a city or of the selectmen in a town. It may purchase interests in such land with sums available to it. If insufficient funds are available or other reasons so require, a city council or a town meeting may raise or transfer funds so that the commission may acquire in the name of the city or town by option, purchase, lease or otherwise the fee in such land or water rights, conservation

restrictions, easements or other contractual rights including conveyances on conditions or with limitations or reversions, as may be necessary to acquire, maintain, improve, protect, limit the future use of or otherwise conserve and properly utilize open spaces in land and water areas within its city or town, and it shall manage and control the same. For the purposes of this section a city or town may, upon the written request of the commission, take by eminent domain under chapter seventy-nine, the fee or any lesser interest in any land or waters located in such city or town, provided such taking has first been approved by a two-thirds vote of the city council or a two-thirds vote of an annual or special town meeting, which land and waters shall thereupon be under the jurisdiction and control of the commission. Upon a like vote, a city or town may expend monies in the fund, if any, established under the provisions of this section for the purpose of paying, in whole or in part, any damages for which such city or town may be liable by reason of any such taking. The commission may adopt rules and regulations governing the use of land and waters under its control, and prescribe penalties, not exceeding a fine of one hundred dollars, for any violation thereof. No action taken under this section shall affect the powers and duties of the state reclamation board or any mosquito control or other project operating under or authorized by chapter two hundred and fifty-two, or restrict any established public access. Lands used for farming or agriculture, as defined in section one A of chapter one hundred and twenty-eight, shall not be taken by eminent domain under the authority of this section.

A city or town may appropriate money in any year to a conservation fund of which the treasurer shall be the custodian. Prior to the adoption of any rule or regulation which seeks to further regulate matters established by section forty of chapter one hundred and thirty-one or regulations authorized thereunder relative to agricultural or aquacultural practice, the commission shall, no later than seven days prior to the commission's public hearing on the adoption of



said rules and regulations, give notice of the said proposed rules and regulations to the farmland advisory board established pursuant to section forty of chapter one hundred and thirty-one. He may deposit or invest the proceeds of said fund in savings banks, trust companies incorporated under the laws of the commonwealth, banking companies incorporated under the laws of the commonwealth which are members of the Federal Deposit Insurance Corporation, or national banks, or invest it in paid up shares and accounts of and in co-operative banks or in shares of savings and loan associations or in shares of federal savings and loan associations doing business in the commonwealth, and any income therefrom shall be credited to the fund. Money in said fund may be expended by said commission for any purpose authorized by this section; provided, however, that no expenditure for a taking by eminent domain shall be made unless such expenditure has been approved in accordance with this section.