

# CPA FUNDING OF “PRIVATE” HISTORIC PROJECTS

## ASHLAND CPC POLICY

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“Public funds can be used to advance a legitimate public purpose.”

- A. **Eligibility:** “**Historic Resources**”, MGL Chap 44B, Sect. 2 (CPA Statute)
1. Must be listed on the State Register of Historic Places, **OR**
  2. Must be determined by the local Historical Commission that the historic resource is significant.
  3. Must have a “community” benefit.
  4. Must not be in conflict with the Anti-Aid Amendment of the MA Constitution Amend. (Article 46, § 2, as amended by Article 103).
- B. **Definitions** - Application must specify:
1. Age of Historic Resource
  2. Why is it Historic? Must provide evidence.
  3. Why is it important? i.e. who lived in it; what is its place in history; is structure a focal point or an important meeting place? Explain.
- C. **Review by CPC:**
1. What CPA “verb” can be used to justify the project (Acquire, Preserve, or Rehabilitate/Restore)?
  2. If Rehabilitation/Restore project: Applicant must agree to comply with Secretary of the Interior Standards for Rehabilitation.
- D. **Required Documentation for submittal:**
1. Appraisals and Estimates of work and a Complete Project Budget
  2. Age of Resource; Importance to Town; Residents of Property; Uses of Property
  3. Why is Property significant? Provide evidence of its historic value.
  4. Provide confirmation of property owners’ approval of project request.
  5. Define how the Project will be a “Benefit to the Community” if it receives funding. Examples should include a narrative of how the proposed project will: a) preserve town history; b) restore a historical asset; c) contribute to the preservation of Ashland’s unique character; d) enhance the quality of life for its residents; and/or e) boost the vitality of the community?
  6. If not a tax-exempt entity, Recipient must provide confirmation that all required state and town taxes are up to date and are not delinquent.
  7. If non-profit or tax-exempt, Recipient must provide proof of legal existence and good standing.
  8. Affirmative Action policies and practices are in compliance with state/town regulations.
  9. Time frame for use of funds must be specified.
  10. Identify Placement of a permanent sign or plaque to acknowledge CPA project funding, if required.
- E. **Conditions for Approvals:**
1. A Grant Agreement or Letter of Agreement between the CPC and the Recipient will be required to set clear expectations and to ensure that CPA funds are used appropriately. The Grant Agreement will specify exactly what is being funded, how the funds are to be used, and may include any conditions of the funding (i.e. requiring matching funds; Deed

Restriction; reporting and monitoring requirements; defines remedies if funds are not used appropriately or as specified, or the return of funds remaining beyond project completion).

2. CPC will require ongoing conditions on private properties, since CPA requires the Town to receive a “benefit” in return for granting taxpayer monies to a private entity and to secure the Town’s interest in the property. Conditions may include:

- a. A Historic Preservation Restriction (PR) will likely be required for rehabilitation projects. If a PR is required, it shall be in the format of the Massachusetts Historical Commission’s (MHC) sample PR. The PR shall be approved by the CPC and Town Counsel and reviewed by the MHC through their preliminary review process and appropriate revisions shall be made to meet the requirements of MHC before the disbursement of funds. Upon MHC’s final approval, the PR shall be held in escrow by Town Counsel until such time that the rehabilitation is completed. Upon satisfactory completion of the rehabilitation, the PR shall be recorded by the Recipient at the Middlesex County Registry of Deeds.
- b. The PR shall be reviewed and accepted by the Ashland Historical Commission (AHC). The AHC shall agree to be the “holders” of the PR (the length of the restriction must be specified and will be dependent on the project). AHC must play an integral role in and work closely with CPC on private projects.
- c. Deed Restriction or Access Easement may be required in place of a Preservation Restriction. The type of Restriction required will be project-dependent.
- d. Recognition: Recipient must agree to acknowledge that the project was made possible using taxpayer-funded CPA money in print, presentations, brochures, plaques, interviews, etc. A permanent sign or plaque may be required.
- e. Recipient must agree to submit “Requests for Payment” to the CPC in order for invoices to be paid.
- f. Every 3 (or 6) months (CPC will determine frequency depending on the length of project) until completion, Recipient shall provide CPC with written update on progress. Final Report with digital photo documentation is due within 30 days after completion.
- g. Default and Termination: CPC has the right to terminate the Grant Agreement for cause.
- h. The Recipient shall maintain adequate and appropriate accounts, records, and other evidence pertaining to the grant and to costs incurred.
- i. State procurement guidelines (Chapter 30B) shall be adhered to where applicable.