



TOWN OF HULL COMMUNITY PRESERVATION PLAN (2018)

ADOPTED BY THE COMMUNITY PRESERVATION COMMITTEE
FOR THE TOWN OF HULL

JUNE 11, 2018

Introduction

The Town of Hull Community Preservation Committee (“HCPC or the Committee”) is pleased to present the 2018 Town of Hull Community Preservation Plan (“the Plan”). This Plan describes the process for administering the Community Preservation Act (“the CPA”), M.G.L. c. 44B in the Town of Hull. The Plan presents a description of the CPA as it applies to the Town, a definition of CPA goals, and procedures by which the CPA is administered. As such, it represents an informational document for the citizens of the Town, a guideline for applicants seeking project funding through the CPA, and blueprint for this and future CPA Committees in making recommendations to Town Meeting for project funding. The Committee recognizes and encourages that the Plan be modified by future CPA Committees in response to changing goals and experience with the CPA over time.

The Committee developed this plan over the course of multiple public meetings during 2017 and 2018, and it includes input from a public forum held on March 19, 2018. The Committee wishes to thank the Town citizens, Town officials, the Massachusetts Community Preservation Coalition, and Committee members, as well as other CPA committees for their assistance and input in the development of this Plan.

All citizens are welcome to attend the Committee’s meetings. The times and locations of these meetings are posted at Town Hall and on the Town website, www.town.hull.ma.us or by going to www.hullcpa.org. Written comments or questions are welcome and may be directed to the Community Preservation Committee, c/o Community Preservation Committee, Town Hall, 253 Atlantic Avenue, Hull, MA 02045.

For additional information on the CPA statute and how it is being applied in municipalities across the State, visit the Community Preservation Coalition website at www.communitypreservation.org.

The Community Preservation Act in Hull

The Community Preservation Act, M.G.L. c. 44B, (“the CPA”) allows Massachusetts cities and towns to raise monies through a surcharge, of up to 3% of the real estate tax levy, on real property. A number of towns in the state of Massachusetts have adopted the CPA. These funds may then be used to acquire, create and preserve open space; acquire, rehabilitate and preserve historic resources; acquire, create, preserve and support community housing; and acquire, create, rehabilitate and preserve land for recreational use. The Act also provides significant State matching funds.

Hull voters approved the Community Preservation Act, M.G.L. c. 44B, at the November 2016 General election. Hull elected to fund the CPA account through a 1.5% surcharge on all real estate property tax bills with an exemption for residential

property owned and occupied by any person who qualifies for low-income housing, or low- or moderate-income senior housing.

Community Preservation Committee: Formation and Responsibilities

Consistent with the terms of the CPA and with the Community Preservation Committee Bylaw adopted by the Town of Hull, the Community Preservation Committee has been formed to administer the CPA. It consists of seven members, including two at-large members appointed by the Board of Selectmen to represent the community, and five others selected to represent the Conservation Commission, Historical Commission, Planning Board, Parks & Recreation Commission and Housing Authority.

This Community Preservation Plan captures Hull's current community preservation needs and goals in the CPA target areas, with much of the plan taken from community input from a public forum held on March 19, 2018 and Hull's Community Development Strategy, adopted by the Board of Selectmen in 2015. This Plan also outlines the processes by which the Committee solicits, reviews, and recommends proposals for CPA funding, including the application process. It will be updated every year to reflect changes in goals or emphasis.

CPA Funding & Borrowing Requirements

The CPA mandates that each fiscal year Hull must spend, or set aside for later spending, at least 10% of the annual Community Preservation Fund revenues that were collected from the local surcharge and State match for each of three CPA target areas: open space, historic resources, and community housing. Beyond these required allocations, Town Meeting, based on the recommendations of the Committee, approves how to spend the remaining 70% of the funds. The spending mix for the remaining 70% of the Fund can be modified each year, and any monies not appropriated remain in the Fund for future distribution.

A recommendation by the Committee and an appropriation by Town Meeting are both required to spend any Fund monies for particular community preservation purposes. Appropriations from the Fund, except in the cases of bonding and eminent domain proceedings under CPA (the latter of which is very rare), are made by a simple majority vote. Borrowing monies and eminent domain proceedings for CPA purposes require a two-thirds majority vote.

Town Meeting may approve, reduce, or reject any amount of spending appropriation recommended by the Committee. At the Committee's recommendation, Town Meeting may also decide to set aside all or part of the annual Fund revenues for later spending by allocating revenues to a reserve, for one or more community preservation purpose categories. Town Meeting may not, however, increase any recommended appropriation or reservation. In addition, Town Meeting may not appropriate or reserve any fund monies on its own initiative, without a prior favorable recommendation by the Committee.

State Match

According to the statewide Community Preservation Coalition's website, "the formula used by the Massachusetts Department of Revenue (DOR) to distribute revenue from the statewide CPA Trust Fund contains up to three rounds of funding. After doing the calculations for all three rounds each fall, DOR then distributes the funding to communities by November 15th. Here is a summary of how the funding works: eighty percent (80%) of the total revenue in the Trust Fund at the end of August each year will be paid out in round one, and each of the CPA communities will receive the same percentage match to funds raised locally with their CPA surcharges. If a community's CPA surcharge is less than 3%, it is

not eligible to advance to the second and third round. The funds remaining in the CPA Trust Fund after the first round distribution (20% of the total funds in the Trust Fund) are available for distribution in rounds two and three. Only communities that have adopted the maximum 3% surcharge are eligible to receive additional funding in rounds two and three.”

The Town of Hull adopted at 1.5% surcharge and is therefore only eligible for round one funding from the state trust fund.

Gifts to Community Preservation Fund

The Town of Hull can accept monetary gifts to the Community Preservation Fund. Gifts can be designated for specific purposes consistent with the four statutory categories – open space, community housing, historic preservation, and recreation. Gifts may be made in a variety of forms, including cash and securities. Gifts to the Town of Hull are tax-deductible to the full extent allowed under the Internal Revenue Code. For more information please contact the Treasurer of the Committee.

Community Preservation Act funds must be used for public community preservation purposes. The following guidelines summarize these public purposes.

As detailed by the CPA, Fund monies may be spent to undertake the following primary community preservation purposes:

- The acquisition, creation, and preservation of open space. Open space, as defined by the CPA, “shall include, but not be limited to, land to protect existing and future well fields, aquifers and recharge areas, watershed land, agricultural land, grasslands, fields, forest land, fresh . . . water marshes and other wetlands, . . . river, stream, lake and pond frontage, beaches, dunes and other coastal lands . . . lands to protect scenic vistas, land for wildlife or nature preserve and land for recreational use.”
- The acquisition, creation, preservation, and support of community housing. The CPA defines community housing as, “low-and moderate- income housing for individuals and families, including low-or moderate-income senior housing.” The term “support” includes expenditures such as development of a Housing Needs Assessment for the town, hiring a Housing Coordinator, or creating a rental assistance program for income-eligible residents.
- The acquisition, preservation, rehabilitation, and restoration of historic resources. The CPA recognizes historic resources as, “historical structures and landscapes,” including “a building, structure, vessel, or real property that is listed or eligible for listing on the State register of historic places or has been determined by the local historic preservation commission to be significant in the history, archeology, architecture, or culture of a city or town.” For CPA purposes, the local historic preservation commission is the Town of Hull Historical Commission.
- The acquisition, creation, and preservation of land for recreational use. The CPA defines recreational use as, “active or passive recreational use including, but not limited to, the use of land for community gardens, trails, and noncommercial youth and adult sports, and the use of land as a park, playground or athletic field. ‘Recreational use’ shall not include horse or dog racing or the use of land for a stadium, gymnasium, or similar structure.”

Community Preservation Act funds may also be used for the following purposes:

- The “rehabilitation or restoration of open space, land for recreational use and community housing that is acquired or created” using CPA monies.
- Revenues “set aside” for “later spending.”
- Annual “administrative and operating expenses” of the Committee, not to exceed 5% of the Fund’s estimated annual revenues.
- 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.
- “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.

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

- As a replacement or substitute for operating funds. The CPA is a supplementary funding source intended to increase available resources for community preservation acquisitions and initiatives.
- Payment for routine maintenance, defined as, “the upkeep of any real or personal property.”
- Gymnasiums, stadiums, or any similar structure.
- Projects without a public purpose or public benefit.

Open Space and Recreation

Hull completed its Open Space and Recreation Plan in 2000. The 2000 plan is briefly summarized below. Open space and recreation plans cover a five-year span of time and the Hull plan is due for an update.

Open Space & Recreation Resources and Needs:

Hull is mature beachside town with 97% of the land developed. According to the 2000 Open Space and Recreation Plan, Hull had 290 acres of publicly-owned open space and recreation land (including 99.6 acres of beach), along with 92 acres of privately-owned open space and recreation land. However, all open space is not created equal and the perpetuity of current open space and recreational lands may not be guaranteed. Many lands and facilities such as schools and private parcels are subject to sale or a change of use which might eliminate the recreational value.

Notable assets for open space and recreation in Hull include the Weir River Estuary, which is shared with the neighboring towns of Hingham and Cohasset, and the Nantasket Beach Reservation area, public beaches known as

Gunrock Beach and Crescent Beach and public access to each, as well as Straits Pond area.. Additionally, active recreation sites managed by the Parks & Recreation Commission include the L St. Playground, Kenberma Playground, Jones Park, Joe Menice Ballfield, James T. Sullivan, Jr. Field, Village Green, Gun Rock, Mariners Park, and Hampton Circle.

The CPA allows and encourages the acquisition, creation, and preservation of open space. CPA funds may be used to protect open space by outright purchase, through bonding, through purchases made in conjunction with other private and/or public funds, and/or by extinguishing or limiting development rights through the purchase of permanent land conservation or agricultural preservation easements or restrictions. In identifying multiple land preservation and funding methods, the CPA essentially recognizes the prohibitive costs of land in communities such as Hull, and similarly recognizes that CPA funds alone will likely not be sufficient for the protection of significant tracts of land.

CPA funding for the following goals shall be given priority wherever possible.

Open Space and Recreation Goals

- Recognize, protect and enhance qualities of natural resources that make Hull such an unusual and beautiful environment.
- Recognize that visitors and residents come to Hull for its waterfront amenities, which should be enhanced to improve the experience, value and revenues for the Town.
- Protect and enhance Hull’s maritime resources and character for commercial endeavors, marine recreation and research.
- Consider each new development opportunity very carefully since relatively few opportunities for development remain.
- Establish a process that ensures predictable, steady and visible progress toward our goals.

Community Housing

A 1969 State law, called the Comprehensive Permit Law, created a standard for communities to provide a minimum of 10% of their housing inventory as affordable units. 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 United States Department of Housing and Urban Development (HUD).

For housing units created with CPA funds to be counted toward Hull’s 10% affordable housing goal, the units must serve those households whose annual income is less than 80% of the area-wide median income. In 2017, according to the Massachusetts Department of Housing and Community Development, this is about \$103,400 for a family of four. CPA funds can be used for housing units serving households of 80% - 100% of the Area Median Income even though they will not count toward Hull’s 10% affordable housing goal.

In Massachusetts, the term affordable housing applies to housing units made affordable to low-and moderate- income households by a recorded deed rider that restricts sale prices and rents in perpetuity to income eligible households.

CPA funds may be expended “for the acquisition, creation, preservation and support of community housing and for the rehabilitation or restoration of community housing acquired with CPA funds,” but not including maintenance. The Hull Housing Authority is the local agency primarily responsible for implementation of community housing projects.

Community Housing Resources and Needs

Hull completed a Community Development Plan in June 2004, which assessed community housing in the Town and made recommendations.

The Community Development Plan noted that it is difficult for people that want to live in this attractive, seaside community. First time homebuyers and low, moderate, and middle-income households cannot purchase or rent a home in Hull. Those who can pay more for homes steadily outbid those of lesser means, resulting in displacement at the moderate and lower end of the income spectrum.

The need for reasonably affordable housing has become more apparent in Hull and the region. Unless measures are taken to protect the supply of low, moderate, and middle-income housing, the existing housing conditions and trends show that fewer of Hull’s residents would be able to live in this community. The following findings of the analysis support the need for affordable housing programs unique to Hull:

- Although less than 4% of Hull’s housing stock counts as affordable, the land available for development is very limited. Most of the land available for any development, including residential, is zoned commercial-recreation. This land is mainly in small lots and is impacted by floodplain and wetland issues. Therefore, typical developer pro formas for housing projects are not applicable here.
- The town is predominantly stable, with fully developed and often relatively high-density, residential neighborhoods. This makes it difficult to insert any new development, or find the potential for substantial redevelopment.
- A mixed use option with residential above commercial space has been developed at Kenberma Street with certain success, but there are few other options for similar projects available on privately held land.
- State-owned land in Hull has the potential to provide options for affordable housing projects. While, the land is still being held by the state, reinvestment in the facilities has not been significant based on the size and distribution of the land.
- Limitations on the ability to expand potable water supplies may limit all development. The local supplier, Aquarion, is exploring new technologies such as desalination, but the water pricing and availability is not yet defined

Community Housing Goals

Through the Community Development Plan, a number of goals and recommendations have been made with respect to affordable housing in the Town of Hull:

- Establish a new housing council or committee to allow the community to identify a team with a mission on the creation of affordable housing, and with the powers to negotiate, review and promote affordable housing programs.

- Assist affordable housing goals by supporting programs and policies that directly seek related funding and programs. These programs could include first-time homebuyer education and counseling, rehabilitation programs, and state housing programs such as the Soft Second Loan Program and the Housing Innovations Fund.
- Encourage use of the senior center as a means to educate and support seniors about their housing needs.
- Encourage affordable housing for the elderly through alternative residential programs such as life-care, assisted, or congregate living arrangements. These units could be special apartments or living situations within existing residential buildings.
- Encourage owners and developers of commercial property to plan for mixed use projects that include affordable housing. If success is expected to be limited through encouragement, then institute an inclusionary housing bylaw that requires mixed use.
- Create local initiatives for affordable housing that can be led by a local or regional housing trust, but are best served with support from the Town. The first step would be an invitation to established housing trusts or the creation of a local trust that could forge relationships with other housing advocates. The Town can then support any programs developed by the trust(s) through regulation, advocacy, and possible monetary support or land donation.

Historic Resources

Historic Resources are defined by the CPA as buildings, structures, vessels, documents, artifacts or real properties that are listed on the State Register of Historic Places or are significant in the history, archeology, architecture, or culture of Hull as determined by the Hull Historical Commission. CPA funds may be used for the acquisition, preservation, restoration or rehabilitation of historic resources (including Town-owned historic resources), but not for routine maintenance. Unless such historic resources are in public ownership, the public purpose of investments in historic resources must be apparent, and/or must be protected by a preservation restriction that ensures a public benefit. All projects funded in the Historic Resources category must meet the Secretary of the Interior's Standards for Rehabilitation.

Criteria for Resources and Needs Selection

The Hull Historical Commission has determined the following as key criteria for historic resources and needs selection:

- Protect, preserve, enhance, restore and/or rehabilitate historic, cultural, architectural or archaeological resources of significance, especially those that are threatened;
- Protect, preserve, enhance, restore and/or rehabilitate town-owned properties, features or resources of historical significance;
- Protect, preserve, enhance, restore and/or rehabilitate the historical function of a property or site;

- Project is within the Historic District, on a State or National Historic Register, or eligible for placement on such registers, or on the Hull Historic Properties Survey;
- Project demonstrates a public benefit; or
- Project demonstrates the ability to provide permanent protection for maintaining the historic resource.

Historic Preservation Goals

- Preservation/restoration of municipally owned resources on the National Register/State Register, locally landmarked
- Preservation/restoration of privately owned resources on National Register/State Register, locally landmarked
- Protect resources that maintain historic integrity
- Enable access to resources
- Support objectives and priorities of local preservation organizations
- Address issues and goals in upcoming town-wide preservation plan for Hull