EXECUTIVE OFFICE OF ENERGY & ENVIRONMENTAL AFFAIRS
Matthew A. Beaton, Secretary
Grant Announcement

BID ENV 17 DCS 02
Dated: April 1, 2016

Parkland Acquisitions and Renovations for Communities (PARC) Grant Program FY 17

1. GRANT OPPORTUNITY SUMMARY:

A. PROPOSALS SOUGHT FOR: Financial assistance to municipalities for the acquisition of recreation land, development of new parks, or the renovation of existing parks.

B. OVERVIEW AND GOALS: The Executive Office of Energy and Environmental Affairs (EEA) protects, conserves, and restores the natural resources of the Commonwealth. To fulfill this mission, Matthew A. Beaton, Secretary of EEA, is making available funding for the FY 17 Parkland Acquisitions and Renovations for Communities (PARC) Grant Program. This program is intended to provide funding to cities and towns to acquire and develop land for park and outdoor recreation purposes.

The PARC Grant Program is a component of the Baker Administration's goal of providing recreational opportunities for all Massachusetts residents. It is a reimbursement program.

C. ELIGIBLE PROJECTS: Eligible projects are those for the purchase of parkland, development of a new park, or renovation of an existing park by any municipality with an approved Open Space and Recreation Plan. (See further detail on eligible projects in Section 2B.)

D. ELIGIBLE APPLICANTS: Applications will be accepted from municipalities that have Open Space and Recreation Plans that are approved or currently under review (see further detail on eligible applicants in Section 2A).

E. APPLICATION DEADLINE: Wednesday, July 13, 2016 at 3:00 pm. (See further detail on deadlines and grant program calendar in Section 4.)

F. FUNDING AVAILABILITY: All awarded grants will be made as a reimbursement to the grantee for work completed by the municipality. The maximum reimbursement available is $400,000. In rare cases, exceptions may be made at EEA's discretion. (See further detail on Funding Availability in Section 2C.)

G. BUDGET REQUIREMENT: Applicants selected to receive grant funding must show the use of funds from non-state sources for the municipality's portion of the program and have a successful City Council or Town Meeting vote that appropriates 100% of the total project cost. They may, however, use Community Preservation Act funds. The land must **not** be purchased or park development or renovation must **not** be started until the selected Applicant has executed a contract with the Commonwealth. All projects must provide appropriate public access to all Massachusetts residents. (See further detail on budget requirement in Section 2D.)

H. TOTAL ANTICIPATED DURATION OF CONTRACT(S): The contract period will begin on the date that EEA signs the contract. Contracts issued pursuant to this BID must expend 100% of costs associated with the approved project on or before June 30, 2017 or June 30, 2018, depending on the specific project, in order to

be eligible for the total grant reimbursement amount (see further detail on anticipated duration of contract(s) in Section 2F).

I. REGULATIONS, STATUTES, OR AUTHORIZATION GOVERNING THIS GRANT PROGRAM: This BID is issued according to 301 CMR 5.00 (referenced as the Urban Self-Help Program), 815 CMR 2.00 (Grants and Subsidies). All properties for which grant assistance is provided must be open to the general public (not residents only) for appropriate active recreational use. All properties will become protected open space under Article 97 of the Amendments to the Constitution of the Commonwealth of Massachusetts, dedicated to recreation use in accordance with M.G.L. Chapter 45 (see further detail in Attachment A).

J. CONTACT INFORMATION: Melissa Cryan
Executive Office of Energy and Environmental Affairs
100 Cambridge Street – Suite 900
Boston, MA 02114
(617) 626-1171
melissa.cryan@state.ma.us
http://www.mass.gov/eea/dcs-grants

2. Performance and Contract Specifications

A. ELIGIBLE APPLICANTS: This BID is open to

- Municipalities

  Community requirements: Communities must have an approved Open Space and Recreation Plan on file with the Division of Conservation Services by the application deadline. A draft Open Space and Recreation Plan may be filed with the application by the deadline as well. A community submitting a draft plan must have completed its public participation process. See the attached application packet for details. A list of a community's OSRP status can be found through the link at the bottom of this website: http://www.mass.gov/eea/grants-and-tech-assistance/grants-and-loans/dcs/grant-round-process-dcs.html.

  Population requirements: Cities of any size, Cape Cod communities, and towns with more than 35,000 residents are eligible for the grant maximum of $400,000. Towns with less than 35,000 residents are eligible for a Small Town grant, which has a maximum grant award of $50,000, unless the proposed project is accessible via public transportation and/or has parking for 100 cars. Those projects will be eligible for the grant maximum of $400,000.

  Small Town grants: A sum of $250,000 will be held aside to fund Small Town grants. Applications from towns with less than 35,000 residents that are applying under the Small Town grant category will compete only with other Small Town applicants for the $250,000 funding pool.

  Multiple applications: Given the high volume of applications in recent grant rounds, EEA reserves the right to limit awards to one per municipality; however, each municipality is welcome to submit multiple applications. Projects involving renovations of the same type in multiple parks, such as resurfacing playgrounds or installation of basketball courts, may be packaged into one application. Applications with themes that incorporate many parks and projects under one application, such as "Improving the Historic District", must be packaged into separate applications. Unrelated renovations must be submitted as individual applications.

B. ELIGIBLE PROJECT(S)/SCOPE(S) OF WORK: EEA seeks to further the protection of suitable conservation and recreation land within the Commonwealth, as well as making more land available for

recreation in urban areas. To this end, financial assistance is available to municipalities for the acquisition of recreation land, development of new parks, or the renovation of existing parks. Please note that PARC grants do not fund only park designs, but can fund only construction work. Exceptions may be made in rare circumstances at EEA's sole discretion.

Artificial turf fields will remain eligible for funding under the PARC grant in FY 17. However, if an applicant chooses an artificial turf field over a natural turf field, the PARC grant will base the reimbursement amount for that item on the cost of a comparably-sized natural turf field. The applicant should include this cost in their application.

Eligibility – communities must:

1. Have an approved Open Space and Recreation Plan on file with the Division of Conservation Services by the application deadline. A community submitting a draft plan with its application must have completed its public participation process, at a minimum. A draft plan will contain all nine sections of an OSRP. A condition of final payment will be to receive a final approval letter from DCS on any conditionally approved OSRP. A list of communities' OSRP status can be found through the link at the bottom of this website: http://www.mass.gov/eea/grants-and-tech-assistance/grants-and-loans/dcs/grant-round-process-dcs.html.
2. Submit a grant application prior to the acquisition of the subject property (land already owned by the community is not eligible for an acquisition grant award). Property that is purchased before receiving an executed contract from DCS **will not** be reimbursed. Costs associated with the development or renovation of a park before receiving an executed contract from DCS **will not** be reimbursed.
3. Have no unresolved protected open space conversion issues with the Executive Office of Energy and Environmental Affairs (see EEA Article 97 Disposition Policy at: http://www.env.state.ma.us/mepa/article97policy.aspx).
4. Submit an appraisal(s), if applicable (see www.mass.gov/eea/dcs-grants for specifications).
   - Parcels with an estimated value of under $28,000 – one certified appraisal report, restricted appraisal report, or contracted market analysis.
   - Parcels with an estimated value between $28,000 and $72,000 – one certified appraisal report or restricted appraisal report.
   - Parcels with an estimated value between $72,000 and $750,000 – one certified appraisal report.
   - Parcels with an estimated value of over $750,000 – one certified appraisal report. Applicants are strongly encouraged to obtain a second appraisal report or review appraisal.

Program regulation reminder: It is a requirement that any property acquired with DCS grant assistance includes language in the deed so that it is protected open space under Article 97 of the Amendments to the Constitution of the Commonwealth of Massachusetts, dedicated to recreation use in accordance with M.G.L. Chapter 45. All properties for which grant assistance is provided must be open to the general public (not residents only) for appropriate active recreational use. No major alteration of the property, or changes in the proposed uses, at any point in the future can take place without the prior approval of EEA.

C. FUNDING AVAILABILITY, BUDGETING GUIDELINES & ALLOWABLE EXPENDITURES: The maximum reimbursement available is based on the applicant community's equalized valuation per capita decile rank and ranges from 52% to 70% of the total project cost. Community reimbursement rates are available at http://www.mass.gov/eea/grants-and-tech-assistance/grants-and-loans/dcs/grant-programs/massachusetts-parkland-acquisitions-and.html. The maximum award for any single project is $400,000, but may be increased, in rare cases, at the discretion of EEA. Applicants must submit an appraisal(s) (see Section 3B) (if applicable) and a specific grant request as part of the application package.

Costs eligible for reimbursement include all approved project costs incurred between the selected Applicant's contract execution date and on or before June 30, 2017 or June 30, 2018 (depending on the completion date of the project), such as engineering, design, construction, construction supervision, and acquisition. Ineligible

project costs include, but are not limited to, costs associated with the preparation and submission of an application in response to this BID, staff salaries, equipment and goods used for non-recreational purposes, such as security cameras or dog waste bags, volunteer time, or donations.

All contracts shall be subject to available funding, whether through the appropriation and authorization of sufficient funds or the receipt of sufficient revenues. If available funding ceases for any reason, a contract shall be deemed under suspension and contract performance must halt. A contractor will not be entitled to compensation for any performance provided during the period of contract suspension. EEA may lift the suspension if available funding is received. In the absence of foreseeable available funding, EEA may terminate the contract.

Applicants should give every consideration to incorporating wood into projects seeking funding from this program, and particularly, wood products grown and manufactured in Massachusetts. If local wood is determined not to be appropriate for the project, grantees should be prepared to demonstrate that wood is not a suitable material or that Massachusetts grown and manufactured products are not available or cost prohibitive (MGL Chapter 30B Section 20). EEA strongly suggests that grantees consider firms that have signed agreements with the Department of Agricultural Resources as part of the Commonwealth Quality Program, which verifies their sustainable practices and that the products are grown and manufactured in Massachusetts. See http://thecqp.com/ for more information.

D. BUDGET REQUIREMENT: Applicants selected to receive grant funding must show the use of funds from non-state sources through a City Council or Town Meeting vote. Non-state funding sources include, but are not limited to, other grants from private or non-profit foundations, and cash contributions from local partners or individuals. As the PARC program is a **REIMBURSEMENT** grant program, EEA can only reimburse on the total amount spent as shown through canceled municipal checks. Any non-state funding sources must be deposited into a municipal account. Therefore, the City Council or Town Meeting vote must appropriate 100% of the total project cost. Funds from other state grant programs, with the exception of Community Preservation Act funds, may not be used as the community's portion of funding. The program regulations included in the BID identify eligible project costs. Eligible costs are also listed in Paragraph C (above). Attachment D includes sample municipal votes. Any votes that occur prior to the submission of a PARC grant application **MUST** be reviewed by Melissa Cryan for approval.

E. PROJECT TERMS: If awarded, all projects will be required to abide by the Standard Commonwealth of Massachusetts Terms and Conditions. In addition, all final contracts are subject to successful negotiation of a Final Scope of Services. Please note that EEA does not guarantee that any contracts may result from this BID or that any particular funding level will be awarded. It is anticipated that projects could commence immediately upon EEA's awards announcement. The awarded contracts will be reviewed during their course and, upon request by the Contractor, may be extended or otherwise amended only at the sole discretion of EEA. Any extensions granted will not necessarily change, or increase, the monetary value of the contract.

F. ANTICIPATED DURATION OF CONTRACTS: Contracts will end on June 30, 2017 or June 30, 2018, depending on the project. Extension of the contract is at the sole discretion of EEA. All land must be purchased on or before June 30, 2017 and all construction work must be completed on or before June 30, 2017 or June 30, 2018 (depending on the project) to be eligible for reimbursement.

G. DELIVERABLES, OWNERSHIP, AND CREDIT DUE: Acquisitions resulting from this BID must be held by the municipality and be dedicated to park purposes under Chapter 45, Section 3. Development and renovation projects must be completed on land that is owned by the municipality and under the care and control of the Parks Department or Commission and dedicated to Chapter 45, Section 3 or 14 (whichever section the deed states). EEA representatives must be invited to any public events sponsored by the applicant in celebration of a PARC grant award.

H. REPORTING: Quarterly reports are required to be filed with the grant manager.

I. INVOICING: The PARC program is a **reimbursement** program. Applicants selected to receive grant funding will be required to submit a PARC Project Agreement, State Standard Contract, and billing forms, which will be sent to Applicants with their award letter. See the full application packet for more information. Land must not be purchased and design and construction work for which reimbursement will be sought must not be started until **after** the participant has an executed contract from EEA. Only approved expenses incurred during the period of contract are eligible for reimbursement.

3. Instructions for Application Submission

A. EVALUATION CRITERIA: Each application will be scored using the following measures (see the full application in Attachment A for more detailed description of the evaluation criteria):

- An evaluation of the project's consistency with current EEA priorities (60%)
- An evaluation of the demographic characteristics of the community (40%)

A project Selection Committee composed of members of the Executive Office of Energy and Environmental Affairs staff will review all applications. After completing preliminary review, site visits, and ratings, the Selection Committee will develop comments and draft recommendations, with or without conditions. These draft recommendations are subject to further review, including by EEA senior management and by the Secretary of EEA, prior to final approval.

B. APPLICATION SUBMISSION INSTRUCTIONS: Applications must be received by **3:00 pm, Wednesday, July 13, 2016**. Any application received after the deadline will be rejected. A postmark will not be accepted for verification of date of submission. Applications will **not** be accepted by fax machine or electronic mail. The outside of the package should be marked BID ENV 17 DCS 02. In an effort to reduce waste, we ask that applications be **double sided**, except for maps and graphics, and **held together with a binder clip**. **Please do not use binders or other office supplies to package the application.** One **original** (clearly identified as such) and **two paper copies** of the application package shall be submitted to:

Melissa Cryan
RE: ENV 17 DCS 02
Executive Office of Energy and Environmental Affairs
100 Cambridge Street – Suite 900
Boston, MA 02114

A complete application package includes a completed PARC Application Form, and the supporting documentation listed in Section C: Additional Required Documents. Failure to provide any of the materials listed below may result in the disqualification of the proposal.

Project proposals <u>must</u> include the following:

- ❑ Application Form that must be signed by an authorized signatory for the applicant organization
- ❑ Municipal Open Space and Recreation Plan (if not already on file with DCS)
- ❑ Acquisition projects – appraisal report(s)

See the Application Form (provided in Attachment A of this document) for more detail on required and recommended documents.

C. ADDITIONAL REQUIRED DOCUMENTATION: If selected, the Respondent will be required to submit the following forms to complete a contract:

- Commonwealth Standard Contract Form, filled out and signed by the Respondent
- Commonwealth Scope and Budget Form
- Contractor Authorized Signatory Listing
- PARC Project Agreement

Respondents are encouraged to review the Commonwealth Standard Contract Form, Commonwealth Scope and Budget Form, and Contractor Authorized Signatory Listing prior to submission of a Response. They are available under the Forms and Terms tab of this Comm-PASS posting, as well as http://www.mass.gov/anf/budget-taxes-and-procurement/oversight-agencies/osd/osd-forms.html .

D. APPLICATION STEPS AND PROCEDURES:

1. **Fill out application:** Municipality (the "Participant") downloads a Parkland Acquisitions and Renovations for Communities Application Package from the Division of Conservation Services' website at www.mass.gov/eea/dcs-grants before purchasing land, for an acquisition project, or before design and/or construction for which reimbursement will be sought begins, for a renovation or development project. It is strongly recommended that the Participant attend a "how to" grant workshop on May 5, 2016 at 11:00 am in Amherst at 101 University Drive, Suite C4 or May 10, 2016 at 11:00 am in Boston at 100 Cambridge Street, 2nd Floor conference room A.

2. **Municipal vote:** Participants must submit a draft warrant article or Council order to the Division for review before the Town Meeting or City Council vote (submission of vote for review may occur prior to grant application deadline if vote will occur prior to that date). Municipal counsel should be consulted in drafting the warrant article, order of taking, or city council order. A municipality may vote to borrow funds in anticipation of state reimbursement prior to receiving agreement for reimbursement (M.G.L. Chapter 44, §8C). The draft municipal vote must cite the particular parcel to be acquired or developed/renovated and contain authorization to seek funding and to enter into any contracts for the project; dedicate the site for park purposes as under M.G.L. Chapter 45, Section 3 or 14 (whichever the deed states, not both [new dedications should use Chapter 45, Section 3]); appropriate **100% of the total project cost;** as well as permit the conveyance of a conservation restriction if a CR is applicable to the project. See Attachment D for sample vote language. **Please note that a successful applicant must submit an affirmative vote to DCS by December 31, 2016, so towns should strongly consider taking the vote at their Spring Town Meeting.**

3. **Apply:** Participant files one original and two copies of the complete application, clearly marking the original. No electronic filings will be accepted. Projects involving renovations on the same theme in multiple parks, such as resurfacing playgrounds, may be packaged into one application. Unrelated projects by the same applicant must be submitted as individual applications.

4. Participant will be contacted by DCS to schedule a **site inspection**.

5. **Scoring:** Projects evaluated using the PARC rating system. See Attachment B for rating system.

6. Draft recommendations are subject to further review, including by EEA senior management and by the Secretary of EEA, prior to final approval.

7. **Awards announced:** Project approval letter, PARC Project Agreement, State Standard Contract, Contractor Authorized Signatory Listing, and billing forms for approved projects are sent to Participant by DCS. State funds are then obligated by the Commonwealth upon execution of contract documents for approved projects. Applicant must attend Grants Management Workshop.

8. **Permits and construction documents:** Participant files all required permits, final construction plans, and specifications for park development projects for DCS approval. EEA reserves the right to alter or rescind an award based on permit findings and construction plans and specifications.

9. **State Procurement Law:** Acquisition projects must adhere to the state's procurement laws, M.G.L. Chapter 30B. Work with your municipal procurement officer to ensure that your project conforms to the procurement law that will include advertising in the Central Register 30 days prior to closing. State procurement law also prohibits EEA from reimbursing for any costs, including design, incurred prior to the starting date on the state standard contract. Do not incur any costs for which you plan to submit a reimbursement request until you have a fully executed state standard contract.

10. **Begin project:** Participant makes land purchase or begins park development *only after* having received an affirmative Town Meeting or City Council Vote and an executed state standard contract from EEA.

11. **Finalize required documentation for final reimbursement request:** Along with receiving final approval on Participant's Open Space and Recreation Plan (if applicable), communities with Cape Cod Land Bank funds or those that have passed the Community Preservation Act must have all conservation restrictions required by Section 12 of Chapter 44B approved by the Secretary of Energy and Environmental Affairs and recorded.

12. **File reimbursement billing form:** Participant files billing forms with the Division, along with required documentation. Partial payments may be requested. A PARC acknowledgement sign must be in place at the main access point before final payment will be made. Billing form and documents must be reviewed by the Division for any changes from the project application. An amendment to the project agreement will be executed and returned for signing and recording by the Participant if the project has changed. A final inspection of the project is conducted prior to final payment.

13. DCS prepares invoice and submits for payment to EEA's fiscal staff.

14. **Reimbursement payment:** Participant receives reimbursement, via electronic transfer.

15. **Post completion requirements:** Participants should review DCS post completion requirements regarding fees, user limitations, and prohibitions against converting the parkland to any other use or transfer of ownership.

4. Deadlines and Procurement Calendar

A. RELEASE OF BID: April 1, 2016

B. INFORMATION SESSION: Two information sessions and "how-to" grant workshops will be held. The first will be on May 5, 2016 at 11:00 am in Amherst at 101 University Drive, Suite C4 and the second will be on May 10, 2016 at 11:00 am in Boston at 100 Cambridge Street, 2nd Floor conference room. The workshop presentation and answers to any questions received in writing by Wednesday, June 29, 2016 will be posted on the DCS website. While not required, it is strongly recommended that applicants attend the workshop. Please RSVP at (617) 626-1171 or melissa.cryan@state.ma.us.

C. APPLICATION DUE DATE: Wednesday, July 13, 2016 at 3:00 pm.

D. SUPPORT LETTER DUE DATE: Postmarked by Wednesday, July 20, 2016 (note: support letters are not required and do not increase a project's rating).

E. ESTIMATED AWARD DATE: Awards are estimated to be announced on or about 120 days after grant

application deadline, with contract negotiations to begin immediately thereafter. Please note this is an estimated timeframe, subject to change based on availability of funds and other factors.

F. ESTIMATED CONTRACT START DATE: Notwithstanding any verbal representations by the parties, or an earlier start date listed in the Standard Contract Form, and only after an award is issued and a final scope of services has been negotiated, the effective start date of a contract shall be the latest of the following dates: the date the Standard Contract Form has been executed by an authorized signatory of the contractor and the procuring department; the date of secretariat or other approval(s) required by law or regulation; or a later date specified in the Standard Contract Form. The estimated start date for contracts resulting from this BID is December 15, 2016, subject to change as noted above.

5. Miscellaneous

A. TYPE OF PROCUREMENT: Grant

B. USE OF THIS PROCUREMENT BY SINGLE OR MULTIPLE DEPARTMENTS: This BID is a single department procurement. All contracts awarded under this BID will be utilized solely by EEA.

C. REQUEST FOR SINGLE OR MULTIPLE CONTRACTORS: This BID will result in multiple contracts.

D. BID DISTRIBUTION METHOD: This BID has been distributed electronically using the Commbuys system. It is the responsibility of every applicant to check Commbuys for any addenda or modifications to a BID to which they intend to respond. The Commonwealth of Massachusetts and its subdivisions accept no liability and will provide no accommodations to applicants who fail to check for amended BIDs and submit inadequate or incorrect responses. Potential respondents are advised to check the "last change" field on the summary page of BIDs for which they intend to submit a response to ensure they have the most recent BID files. The application and answers to questions will also be posted on the DCS website at www.mass.gov/eea/dcs-grants .

Respondents may not alter BID language or any BID component files. Those submitting a proposal must respond in accordance to the BID directions and complete only those sections that prompt a respondent for a response. Modifications to the body of this BID, specifications, terms and conditions, or which change the intent of this BID are prohibited. Any unauthorized alterations will disqualify response.

E. LIST OF ATTACHMENTS:

A. Application Form
B. Parkland Acquisitions and Renovations for Communities Project Selection System
C. Regional and Statewide Usage Report
D. Sample Municipal Vote
E. Sample Budget
F. Sample USGS Locus Map
G. Program Regulations

Attachment A

Parkland Acquisitions and Renovations for Communities (PARC) Grant Program
Application Form FY 2017

Please do not reformat this form – use the fillable pdf form
Please print double-sided
Please fasten application package with a binder clip, no three-ring or plastic binders!

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1. **Municipality:** _____
   Population: _____

2. **Project Name:** _____

   Type of Project:

   ☐ Acquisition – acreage _____ ☐ New development ☐ Renovation of existing park

   Project address:_____

   Project acreage: _____

3. **Contact Person:**_____

   Agency:_____

   Address:_____

   _____

   Zip:_____

   Telephone: _____ Fax: _____

   Email: _____

   Please note: the contact person is the official representative for this project as authorized under item #15(b) of this application, usually not the chief municipal officer.

4. **Briefly describe the project on <u>TWO</u> attached pages.** Use the PARC Rating System as an outline for the description, as well as the items bulleted below, to ensure the maximum score possible for your project.

   a.) Acquisition Projects:
   - site location – directly serves Environmental Justice population and/or site's distance to the nearest park
   - rare species (include letter from NHESP) (to determine if NHESP must approve site plans)
   - historic or archaeological resource (include letter from MHC) (to determine if MHC must approve site plans)

   b.) Development or Renovation Projects:
   - describe facilities being developed (please note projects that require a significant amount of tree removal will not be looked at favorably)
   - describe community needs, including park equity/need in this neighborhood
   - new acres dedicated as parkland

   c.) All Projects:
   - directly serves an Environmental Justice population or area of the community that lacks park resources (show on map)
   - how many seasons the site is available, the number of age groups that are able to use site
   - how the needs of people with disabilities have been incorporated into the project's design (projects that have gone above and beyond to incorporate these needs will be reviewed most favorably)
   - water-based recreation (include linear footage of bordering water resource)
   - how the project's design incorporates climate resiliency, including the number of trees that will be planted at the park
   - fiscal or future maintenance cooperation with any other governmental agency (state, federal, county), private nonprofit, local business, etc.
   - consistency with any nearby State Priority Development or Preservation Areas as shown on the South Coast Rail Corridor Plan, Merrimack Valley Land Use Priority Plan, 495/ MetroWest Development Compact Plan, Metro North Plan, or CMRPC Plan
   - environmental education/interpretive services planned for site
   - regional or statewide facility (communities applying in these categories should submit a Usage Report)

- accessible via public transportation (within a 1/2-mile walk)
- parking for 100 (or more) vehicles

5. **Proposed Funding:**
The PARC program is a ***reimbursement*** program. Grant recipients are reimbursed after invoices have been paid. **The total project cost must be raised or appropriated by the municipality shortly after project approval if it has not already been appropriated.** Costs incurred prior to grant approval and contract execution are ineligible, **including design costs**. Force account labor, volunteer hours, and donations are also ineligible. Refer to PARC regulations (Section 5.07) for eligible cost details. Sample budget can be found in Attachment E.

Total Eligible Project Cost: $_____

PARC Request: $_____
(52-70% of total project cost based on Equalized Valuation Per Capita, can be found on DCS web page, maximum of $400,000)

Municipal Share: $_____
(Community Development Block Grant via federal or local government sources, Community Preservation Act, etc., please specify in narrative)

Other: $_____
(i.e. private donation to community, fund raising, etc. Note that any donations for the project must be put into a municipal account earmarked for the project as EEA can only reimburse on a canceled municipal check.)

(PARC Request + Municipal Share + Other = Total Eligible Project Cost)

Attach a one page description of the proposed project budget including:
The source of all local funding including donations and Community Preservation Act (CPA) funds.

- Description of the details of any donation, if applicable (be sure these funds are gifted to the community and earmarked for the project).
- Description of any other sources of funding including federal, state, municipal, or nonprofit organizations. List these partners and describe their contribution. Not all sources of state and federal funds are compatible with every DCS grant program.
- Budget should be broken into two distinct fiscal years for renovation and development projects – FY 17 costs associated with design, FY 18 costs associated with construction. Please note that PARC grants <u>cannot</u> reimburse municipalities for design costs <u>only</u>.

6. **Project Type:** Please indicate type of project, refer to the program's regulations for definitions (Sec 5:03) and to the list of required attachments found at the end of this application form to substantiate any "yes" answers. Indicate here whether:

☐ Your municipality is an urban population center (city of any size or town with 35,000 or more residents)

☐ Your project qualifies as a regional or statewide project (town with 35,000 or less residents whose proposed project has public transportation access and/or over 100 car parking) (submit a Usage Report)

☐ Your project qualifies as a "small town" project (town with 35,000 or less residents) – please note that these applications will be competing amongst themselves in a separate pool for $250,000

☐ Your municipality is on Cape Cod or the Islands (eligible for $400,000 grant award maximum)

7. **Community Preservation Act**
Has your community passed the Community Preservation Act?

☐ Yes ☐ No

If "yes", please note that successful grant applicants that have purchased real property interests for open space or recreational purposes using money from the Community Preservation Fund must have all conservation restrictions required by Section 12 of Chapter 44B approved by the Secretary of Energy and Environmental Affairs and recorded prior to receipt of final project reimbursement from the Executive Office of Energy and Environmental Affairs. Also, any communities that have acquired land through the Cape Cod Land Bank must show CRs as well (for file records only).

8. Describe **outstanding leases, restrictions or other rights or interests** held by others in the project site and enclosed copy of the same (for file records only).

9. Is the property **permanently dedicated for park, playground, or recreation purposes** (MGL Chapter 45, Section 3 or 14)? If not, please submit draft dedication language for DCS review as all PARC projects must be dedicated for park, playground, or recreation purposes.

☐ Yes ☐ No

10. Are **fees currently charged or proposed** for this facility? If yes, please attach a copy of the fee system. Charging fees is allowed subject to DCS approval. If applicant is awarded a grant, the site cannot be restricted to municipal residents only. If fees are charged based on residency, fees for nonresidents are subject to Section 5.08(3) of the PARC regulations (for file records only).

☐ Yes (copy attached) ☐ No

11. **Municipal Open Space and Recreation Plan**
Describe how your project meets the recommendations in your current Open Space and Recreation Plan. To receive points in this category, you must cite specific goals, objectives, and/or actions from the Action Plan and the associated page number references. If we already have a copy of your plan, there is no need to submit another copy.

	Goal, objective, or action plan item from current OSRP	**Page #**
1		
2		
3		
4		
5		
6		

12. **Statewide Comprehensive Outdoor Recreation Plan**
Describe how your project advances the Goals and Objectives (Chapter 5) in the Statewide Comprehensive Outdoor Recreation Plan. It can be found online at http://www.mass.gov/eea/docs/eea/dcs/scorp-2012-final.pdf.

13. **Enhanced Outreach to Environmental Justice Populations**
Describe how Environmental Justice populations in your community (or neighboring communities) were able to participate in the public design process. Please include any flyers, mailings, etc. that were distributed to the community and list here where they were distributed.

14. Check the following if applicable to project (for file records only):
☐ Yes ☐ No Prime agricultural lands (see Ex. Order #193)
☐ Yes ☐ No Cultural, historic, archeological site: Contact MA Historical Commission (617) 727-8470
☐ Yes ☐ No Endangered species habitat: Contact MA Natural Heritage Program (508) 389-6300
☐ Yes ☐ No Environmental intrusion, i.e. overhead power lines (must be buried), safety hazards
☐ Yes ☐ No Brownfield – 21E evaluation
☐ Yes ☐ No Located in the State Priority Preservation Area as shown on the South Coast Rail Corridor Plan, Merrimack Valley Land Use Priority Plan, or the 495/MetroWest Development Compact Plan, Metro North Plan, or CMRPC Plan
☐ Yes ☐ No Environmental Justice population (see EJ data viewer at http://maps.massgis.state.ma.us/map_ol/ej.php)

Acquisition projects only
☐ Yes ☐ No Acquisition involving relocation of residents, tenants, or businesses

Do you have a Purchase and Sales Agreement or Agreed Price?	☐Yes ☐No
If yes, amount:	$_____
Is Clear Title available?	☐Yes ☐No
If no, is an eminent domain taking anticipated?	☐Yes ☐No
If yes, proposed pro tanto award amount:	$_____

Note that if clear title is not available, the community may decide to acquire the property by a friendly taking (eminent domain) process to clear the title. It is best to know if there is a potential title problem as soon as possible since this can complicate the acquisition process.

Appraisal Report #1
Valuation: $_____
Appraiser: _____
Valuation Date: _____

Appraisal Report #2 (if needed) (see section 2B for details)
Valuation: $_____
Appraiser: _____
Valuation Date: _____

15. Check if the following permits are required (for file records only):
☐ Yes ☐ No U.S. Army Corps of Engineers (404 or Rivers and Waterways)
☐ Yes ☐ No MA DEP Division of Wetlands & Waterways (617) 292-5518
☐ Yes ☐ No U.S. Coast Guard
☐ Yes ☐ No U.S. Dept. of Agriculture (Zoos)
☐ Yes ☐ No C. 131 s. 40 Wetlands (municipal conservation commission)
☐ Yes ☐ No MEPA Review (301 CMR 11.00: MEPA Regulations) (617) 626-1020

IMPORTANT NOTICE

If any of the above permits are required, the permit or application for the permit must be submitted. Should the project be selected for funding, the permit will be required as part of the final application.

16. Attach certification of:

a. The **Chief Executive Officer's legal authorization to execute contracts**. This is a resolution, motion, or similar action that has been duly adopted or passed as an official act of the community's governing body that authorizes the filing of the applications, including all understandings and assurances contained therein by the signatory, usually a page from the town/city charter will satisfy this requirement (this is not a DCS form to be completed); and

b. Authorization from chief municipal officer identifying individual named on the first page of this application who acts as official of municipality in connection with the application and who will provide such additional information as may be required (See Urban Self-Help Regulations 5.04:(6)).

_____ _____

Date Signature of Chief Municipal Officer

_____

Name and Title (Typed)

_____

Duration of Term

Mailing Address: _____

_____

Telephone: _____

PLEASE LABEL ALL ATTACHMENTS

REQUIRED ATTACHMENTS (applications that are missing these items will not be accepted)

- ❑ **Municipal Open Space and Recreation Plan**, if not already approved and on file at DCS. Plans are approved by DCS for up to seven years of eligibility in DCS grant programs. Community is not eligible to apply without an approved plan, or submission of a draft plan. (If we have it on file, do not send another copy.)
- ❑ **Acquisition Projects – Appraisal report(s)** as required by DCS. See Section 2B for more details.

RECOMMENDED ATTACHMENTS (use as a checklist)
(provides details to information requested and assists in project evaluation)

- ❑ **Project Description** (application item #4) and **Budget Details** (application item #5), including a breakdown of how much is needed for design costs in FY 17 and construction costs in FY 18. Please note that funds not used in FY 17 do not roll over into FY 18. A sample budget can be found in Attachment E.
- ❑ **Development & Renovation Projects – Site Development Plans and Cost Estimates.** Services of a professional design firm are recommended for renovation and development projects. Costs incurred prior to the signing of a state standard contract are NOT eligible for reimbursement. Site Development Plans and Cost Estimates should show the number of trees that will be planted at the site. Projects that propose removing significant numbers of trees will not be looked at favorably.
- ❑ **Boundary Plan of Site** (Survey or Plot Plan with adequate metes and boundary descriptions). The boundary plan submitted with the project application becomes the permanent protected boundary for the site and must be legally sufficient to identify the land to be protected. A registered survey plan with deed references or assessor's map with block and lot number are acceptable.
- ❑ **USGS Locus Map** showing outline of project site, proximate Priority Development and Preservation Areas as shown on the South Coast Rail Corridor Plan, Merrimack Valley Land Use Priority Plan, 495/MetroWest Development Compact Plan, Metro North Plan, or CMRPC Plan, any adjacent or nearby public or quasi-public parkland, and EJ populations in project site area. Please include the park boundaries on the map (do not just use a point). See Attachment F for a sample.
- ❑ **Evidence of public meeting on proposed project to EJ population(s)** (copy of actual posted announcement). Post notices with tenants associations, in local grocery stores, or with Community Development Corporations in languages that are appropriate for the population. Please look at EEA's Environmental Justice Policy online at http://www.mass.gov/eea/agencies/massdep/service/justice/#2 to ensure proper outreach procedures in EJ populations.
- ❑ **Usage Report** only if your project is Regional or Statewide (Attachment C).
- ❑ Certified copies of the following **municipal votes** (or draft warrant article or city council order, as necessary). Refer to the Sample Municipal Vote, which is included in the application package, for guidance. PARC grant manager MUST review municipal vote prior to Town Meeting or City Council Meeting.
  - ❑ Copy of municipal vote accepting the Park Commission (M.G.L. c.45 s.2) **AND** its current appointments.
  - ❑ Municipal vote authorizing application; raising, borrowing or appropriating the total project cost (application item #5); and dedicating land to park, playground, or recreation purposes (application item #9).
- ❑ Copy of property **deed** confirming municipal ownership and dedication to park, playground, or recreation purposes.
- ❑ **Other State Agency Review** – if it is not possible to include their response in the application package to DCS, attach a copy of your cover letter requesting their input.
  - ❑ All applicants must request comments from the Massachusetts Natural Heritage & Endangered Species Program (NHESP) on the presence or absence of rare species listed under the Massachusetts Endangered Species Act (MESA) on or near the proposed land acquisition or park project. To request comments, please send a letter or email to Lynn Harper, Habitat Protection Specialist, Natural Heritage & Endangered Species Program, DFW, 1 Rabbit Hill Road, Westborough, MA 01581, or to Lynn.Harper@state.ma.us. The letter or email should include a brief description of the acquisition or project, and a map of the acquisition or project location. There is no charge for this comment letter.
  - ☐ Massachusetts Historical Commission: Send the MHC a PNF (http://www.sec.state.ma.us/mhc/mhcpdf/pnf.pdf) with a photocopy of the USGS locus map with the property boundaries clearly indicated, smaller-scale property maps if available, and a cover letter to include information about any known historic or archaeological sites. Send this certified mail, return receipt requested, so that you know when it was received. MHC will review and comment to DCS (and copy the applicant) within 30 days of receipt. There is no need to telephone or email the

MHC. See these webpages for any questions: http://www.sec.state.ma.us/mhc/mhcpdf/pnfguide.pdf **and** http://www.sec.state.ma.us/mhc/mhcrevcom/revcomidx.htm.

ATTACH SUPPLEMENTARY DOCUMENTS IF APPLICABLE TO THE PROJECT

- ❑ Copies of current leases, restrictions, or other rights or interests held by others in the property.
- ❑ Fee schedule.
- ❑ Any necessary permits or applications for permits.

If grant is awarded to the community, the following will be required of CPA communities:
Evidence of recorded Conservation Restriction(s) as required in Section 12 of Chapter 44B if applicant is a Community Preservation Act community.

Section 12 of the Chapter 44B Real property interest; deed restriction; management
(a) A real property interest that is acquired with monies from the Community Preservation Fund shall be bound by a permanent restriction, recorded as a separate instrument, that meets the requirements of sections 31 to 33, inclusive, of chapter 184 limiting the use of the interest to the purpose for which it was acquired. The permanent restriction shall run with the land and shall be enforceable by the city or town or the commonwealth. The permanent restriction may also run to the benefit of a nonprofit organization, charitable corporation or foundation selected by the city or town with the right to enforce the restriction. The legislative body may appropriate monies from the Community Preservation Fund to pay a non-profit organization created pursuant to chapter 180 to hold, monitor and enforce the deed restriction on the property.

(b) Real property interests acquired under this chapter shall be owned and managed by the city or town, but the legislative body may delegate management of such property to the conservation commission, the historical commission, the board of park commissioners or the housing authority, or, in the case of interests to acquire sites for future wellhead development by a water district, a water supply district or a fire district. The legislative body may also delegate management of such property to a nonprofit organization created under chapter 180 or chapter 203.

Attachment B

PARKLAND ACQUISITIONS AND RENOVATIONS FOR COMMUNITIES (PARC) GRANT PROGRAM SELECTION SYSTEM

In order to distribute limited grant funds among an overwhelming number of applicants, a project selection system has been developed for outdoor recreation projects. The rating system considers demographic and project quality factors in order to identify those projects that best protect natural resources in communities that have the greatest need for financial assistance and that have made efforts to implement their open space and recreation plans in coordination with local planning for sustainable growth.

In reviewing applications and developing their recommendations to the Secretary of Energy and Environmental Affairs, the review team considers:

1. **Demographics**
   Four categories are evaluated by DCS to calculate a community's demographic score. Communities with higher population density, lower median income, higher percentage of households below poverty level, and lower percentage of educational attainment receive higher demographic scores. (**Scores are calculated by DCS; therefore, there is no need to submit any statistics or narrative on your community's behalf.**)

2. **Community Profile Score**
   - Environmental Justice Community – calculated by EEA
   - Open space availability – calculated by EEA

3. **Project Quality**
   - Consistency with EEA policies, including increasing access to recreational amenities for all, most specifically, increasing access for people with disabilities, and environmental education.
   - Addition of new parkland by acquisition, rededication, or renovation of unusable parkland, except in cases of new parks that include significant tree removal.
   - Climate resilience.
   - Water-based recreation.
   - Enhanced outreach to Environmental Justice populations.
   - Partnerships – Projects that involve financial contribution from more than one municipality, or from a nonprofit or for-profit organization, will be given higher consideration. These include projects that obtain a commitment from an organization for help with paying for or performing future maintenance.
   - Consistency with state and municipal plans, including Executive Order 525.

4. **Bonus Points**
   - Applicant has signed a Community Compact

SELECTION NOTES:

Preservation of Agricultural Land

Executive Order #193 discourages the irreversible conversion of the Commonwealth's productive agricultural land base. State grants shall not be used to encourage the irreversible conversion of agricultural land to other uses when feasible alternatives are available. In the event that all feasible alternatives have been explored, and the conversion of suitable agricultural lands to non-agricultural use remains the only feasible alternative to protection of open space, a mitigation plan must be developed to be eligible for reimbursement under a state grant. Project that would convert any prime agricultural lands should consult with the Department Agricultural Resources at (617) 626-1700 prior to submitting an application.

RATING SYSTEM for PARC Projects

CATEGORY	SUB-CATEGORY	*Description*	Partial Points	Max
DEMOGRAPHICS	Population Density	Figures are obtained from MassGIS and put into rank order by DCS	1-7	8
	Median Income	Figures are obtained from MISER and put into rank order by DCS	1-4	5
	Percentage of Households below Poverty Level	Figures are obtained from MISER and put into rank order by DCS	1-4	5
	Educational Attainment	Percentage of the city or town's population having attained a bachelor's degree compared to the state's average	1-5	6
COMMUNITY PROFILE SCORE	Environmental Justice Community	Calculated by DCS	1-7	8
	Open Space Availability	Percent of protected open space by Census tract (points awarded by how project ranks against other applications)	1-7	8
PROJECT QUALITY	Consistency with current EEA policies	Project located in an area inhabited by Environmental Justice populations	1-5	6
		Project increases access to recreation to all residents, especially those that go above and beyond to provide access to people with disabilities	1-9	10
		Project that increases access to recreational amenities to community's residents through acquisition/parkland dedication and/or development of a new park or renovation of currently unusable park (points will not be awarded to new parks that include a significant amount of tree removal)	2	8
		Site offers environmental education and/or interpretive services	2	4
	Climate Resiliency	Acquisition, development, or renovation project that protects or enhances water-based recreation	3	5
		Project design incorporates resiliency, such as adding significantly to the park's tree cover, pervious surface, stormwater retention, solar trash cans, etc.	1-7	8
	Stewardship	Cooperative project between applicant and other municipality or non-profit organization for construction funding and/or commitment for future park maintenance	2	4
	Public Meeting	Municipality has conducted a public meeting on project with demonstrated enhanced outreach to Environmental Justice populations	1-2	3
	Consistency with plan	Points awarded based on how many goals, objectives, or action plan items from community's Open Space and Recreation Plan are advanced	1-2	3
	Distribution of state resources	Applicant has not received a PARC grant in the past five grant rounds		3
	Overall project quality	Overall ability of project to meet Secretary's priorities	1-5	6
TOTAL				100
BONUS POINTS	Community Compact	Applicant has signed a Community Compact		2

Attachment C

PARC REGIONAL AND STATEWIDE USAGE REPORT

(to be filled out **only** by communities checking the regional or statewide box in Question 6)

Project Name _____

1. What is the population of the applying municipality?

2. What urban area(s) is/are within a one-hour driving radius?

3. What is the proposed total quantity of vehicle parking spaces?

4. If regularly scheduled public transportation serves the site, briefly describe mode and regularity of services. Please attach schedule.

5. List the proposed quantities of the following facilities to be present.

Toilets men _____ women_____

Sinks _____

Potable Water Outlets (i.e. bubblers) _____

6. Total number of acres associated with project site:

7. What age groups are served by the proposed project? List facilities (either currently available or planned) to serve these age groups.

Age Group	Facilities
_____	_____
_____	_____
_____	_____
_____	_____
_____	_____
_____	_____

8. List any outstanding or unusual scenic, natural, or historic resources associated with the site, (i.e. overlook, waterfalls, historic structures, cultural resources)

_____

_____

_____

9. List any additional facilities or recreational resources not included in item above (either currently available or planned):

_____

_____

_____

Attachment D

SAMPLE PARC MUNICIPAL VOTE

Each community should draft its warrant article or city council order with the guidance of municipal counsel. The form will vary with the type of project, source of funding, etc. All should include the following elements:

I. A contract cannot be awarded to a grantee until a positive municipal vote has occurred. Successful applicants must submit the successful vote to DCS by December 31, 2016. Therefore, towns should consider putting the PARC project on their Spring Town Meeting to ensure that a contract can be awarded in a timely fashion.

II. Authorization to expend an amount equal to the full acquisition and/or development or renovation cost of the project. All DCS grant programs are ***reimbursement*** programs, **NOT** match programs; therefore, the total project cost must be raised or appropriated through current tax levy or borrowed; project bills paid by the municipality and then a reimbursement request is made to DCS for the grant amount.

III. Indication of the source of funding (Conservation Fund, Community Preservation Act Fund, general fund, borrowing, etc.). M.G.L. Chapter 44, sections 7, 8C, and 12(a) on Municipal Indebtedness, allows cities and towns to borrow in anticipation of reimbursement. It is strongly recommended that the warrant article or city council order is prepared with the advice of city/town counsel, treasurer, and accountant to ensure that the appropriate section is noted in the warrant article. These sections permit the municipality to borrow in anticipation of a grant and require that a grant agreement be executed before the treasurer actually obtains the borrowed amount. This assures DCS that the municipality has budgeted for 100% of the total project cost, and assures the municipality that the project need not be completed if the proposal does not receive grant assistance. For further advice, please contact the Department of Revenue, Division of Local Services at (617) 626-2300.

IV. Acquisition projects: indicate that land is being acquired for active recreation purposes (M.G.L. Chapter 45, Section 3) and will be in the care and control of the recreation commission or department (or other entity in the community that is responsible for parks).

V. Development or renovation projects: state that the land is dedicated to active recreation purposes (M.G.L. Chapter 45, Section 3 or 14, not both – see property deed to determine which Section the land is dedicated to)

VI. Authorization for the applying entity to seek reimbursement under the specific DCS grant and enter any necessary contracts thereto.

PARC (formerly Urban Self-Help) Act: 301 CMR 5.00

VII. If a taking is involved in an acquisition project, the recreation commission must, in writing, request the Selectmen or City Council to take the property via eminent domain.

VIII. Communities may also consider language permitting a lease or license agreement to manage the property consistent with the PARC grant program for maintenance, etc.

The following is a sample vote authorizing the acquisition of recreation land. This is intended only as a point of reference. **Municipal Counsel should always be consulted when drafting Town Meeting warrant articles or City Council orders.** The draft article or order **must** be submitted to DCS for review prior to the Town Meeting or City Council vote

Sample for PARC Acquisition Project – Town Meeting Warrant Article/City Council Resolution

To see if the CITY/TOWN will vote to appropriate, and authorize the Treasurer with the approval of the Selectmen [describe method of appropriation and/or borrowing according to M.G.L. Chapter 44, note particularly Section 8C], to borrow the sum of $TOTAL PROJECT COST, for the purpose of purchasing for recreation purposes, by eminent domain or negotiated purchase or otherwise, a certain property together with buildings thereon, known as the PROPERTY NAME consisting of XXX acres, more or less, as shown on a plan entitled "Plan of Land in MUNICIPALITY made by SURVEYING FIRM dated XX/XX/XX"; that said land be conveyed to said CITY/TOWN under the provisions of Massachusetts General Laws, Chapter 45, Section 3, and as it may hereafter be amended and other Massachusetts statutes relating to recreation, to be managed and controlled by the Recreation Commission of MUNICIPALITY, and the TOWN MANAGER/MAYOR/CEO be authorized to file on behalf of MUNICIPALITY any and all applications deemed necessary for grants and /or reimbursements from the Commonwealth of Massachusetts deemed necessary under the Urban Self-Help Act (301 CMR 5.00) and/or any others in any way connected with the scope of this Article, and the CITY/TOWN and the Recreation Commission be authorized to enter into all agreements and execute any and all instruments as may be necessary on behalf of MUNICIPALITY to affect said purchase.

Sample for PARC Park Development Project – City Council Resolution
(For purposes of this example, the park project will be a City Common.)

A RESOLUTION TO FILE AND ACCEPT GRANTS WITH AND FROM THE COMMONWEALTH OF MASSACHUSETTS, EXECUTIVE OFFICE OF ENERGY AND ENVIRONMENTAL AFFAIRS FOR THE PARKLAND ACQUISITIONS AND RENOVATIONS FOR COMMUNITIES PROGRAM FOR IMPROVEMENTS TO THE COMMON

Whereas: The City Common is by and far a community-wide asset and the preservation and improvements to this facility are a City priority as evidenced in the most recent Open Space and Recreation Plan; and

Whereas: The City Common is dedicated to park and recreation purposes under M.G.L. Chapter 45, Section 3; and

Whereas: The City Common's ultimate restoration, guided in principal by the Master Plan, will greatly enhance this facility with improved infrastructure, path systems, site lighting universal access, etc.; and

Whereas: The main focus of the Plan is to increase the available space on the Common to adequately host major events and activities. This overall cost and fiscal budget constraints prevented the City from proceeding forward with implementation as one project; and

Whereas: The project was instead viewed as a series of phases, to be implemented over time, by priority as fiscal resources were available, with the intention of securing grant funding, when and if available, to assist in this effort; and

Whereas: The Executive Office of Energy and Environmental Affairs (EEA) is offering reimbursable grants to cities and towns to support the preservation and restoration of urban parks through the Parkland Acquisitions and Renovations for Communities grant program (301 CMR 5.00); and

Whereas: Phase I of the Common Restoration Project will cost a total of $1,000,000 (One Million Dollars) and the City has allocated $1,000,000 in Community Development Block Grant funds for Phase I of the Common Restoration Project.

NOW, THEREFORE, BE IT

1. That the City Manager be and is hereby authorized to file and accept grants from the Executive Office of Energy and Environmental Affairs; and
2. That the City Manager be and is hereby authorized to take such other actions as are necessary to carry out the terms, purposes, and conditions of this grant to be administered by the Parks and Recreation Department; and
3. That this resolution shall take effect upon passage.

Requirements for acquisition projects funded through the Community Preservation Act (CPA)

The Community Preservation Act (CPA) states that land acquired with these funds is to be bound by a permanent restriction. Property acquired with the help of the PARC grant program is protected Article 97, however, this does not supersede the requirements of the Community Preservation Act. The permanent restriction may also run to the benefit of a nonprofit organization, charitable corporation or foundation selected by the city or town with the right to enforce the restriction. It may not be an internal deed restriction. Fulfillment of the CPA is the responsibility of the municipality; while it is desirable that all transactions related to a project be completed by the end of the fiscal year, conveyance of a CR to a qualified entity is not a requirement for reimbursement under this grant program.

Conveying a conservation restriction over "parkland" normally would trigger the formal Article 97 disposition process requiring a 2/3 vote of the legislature. However, for guidance, EEA refers municipalities to the opinion of the Massachusetts Land Trust Coalition Attorney Referral Panel that states: "If a municipality acquires property under the CPA statute, it is required to impose a restriction on the property as a matter of law and thus the imposition of the restriction should be considered part of an integrated plan for dealing with the property. Therefore, the imposition of the restriction should not be considered a "disposition" of an interest in the property within the meaning of Article 97."[1] All municipalities should seek final advice on this issue from its town counsel or its city solicitor.

[1] Attorney Greg Bialecki and the Attorney Referral Panel of the Massachusetts Land Trust Coalition – Visit the Massachusetts Land Trust Coalition website at www.massland.org, or http://www.massland.org/pages/resources/legaladvisory3.html for this legal advisory.

Points to remember when conveying a Conservation Restriction:

1. At the same time it votes to acquire the property, the municipality should vote to authorize the granting of the CR and also indicate that the purchase of the property and conveyance of the CR be a simultaneous closing.
2. The deed to the municipality should indicate that the municipality may grant a CR to the specific entity identified to hold it or to an entity authorized to hold a CR under M.G.L. Ch. 184.
3. As long as a restriction is recorded **after** the recording of the deed of acquisition (even if immediately after), the unrestricted value (and therefore higher value) of the property is used for funding determinations in DCS grant programs.
4. The fact that the funding statute *requires* the restriction may mean that a party seeking a charitable contribution deduction in connection with a bargain sale of property may not be able to use the unrestricted value of the property in calculating the tax benefit.
5. The "proceeds" clause of the conservation restriction, if conveyed at no cost to the grantee, must provide that the municipality (as the fee owner) receives all of the proceeds of an extinguishment or taking, and the grantee receives none of such proceeds. In the event that the land ever is converted to non-conservation use, the municipality would still be responsible for replacing the converted property with land of equal or greater monetary value and conservation use and described in the Program Regulations, as though the land were owned in fee simple. Applicants should consult with DCS for guidance on drafting conservation restrictions for the appropriate language.

Sample Vote Language for Community Preservation Act Projects

To see if the Town [or City] will vote to raise, borrow and/or appropriate $Total Project Cost for the acquisition by gift, negotiated purchase or eminent domain of a parcel of land of approximately __ +/-acres owned by OWNER as described on Assessors Map__, Parcel __, to be managed and controlled by the Recreation Commission of the Town [or City] of XXX in accordance with Chapter 45, Section 3 for active recreation purposes, and to meet said appropriate with funds transferred and/or borrowed in accordance with M.G.L. Chapter 293, the Community Preservation Act and to authorize the Treasurer, with the approval of the Board of Selectmen, to issue any bonds or notes that may be necessary for that purpose, as authorized by M.G.L. Chapter 44, or any other enabling authority, and that the Town Manager [or Board of Selectmen or City Council or Mayor] be authorized to file on behalf of the Town [or City] of XXX any and all applications deemed necessary under the PARC Act (301 CMR 5.00) or any other applications for funds in any way connected with the scope of this acquisition, and the Town Manager and the Board of Selectmen [or Mayor and the City Council] and the Recreation Commission be authorized, as they deem appropriate, to enter into all agreements and execute any and all instruments including the conveyance of a perpetual conservation restriction in accordance with M.G.L. Chapter 184 as required by Section 12(a) of Chapter 44B or Chapter 293 Section 10 of the Acts of 1998 as amended, as may be necessary on behalf of the Town [or City] of XXX to affect said purchase. Said conservation restriction may be granted to the [Name of Grantee] or any other organization qualified and willing to hold such a restriction.

Attachment E

SAMPLE PARC BUDGET

Example: A $500,000 project in a community with a 70% reimbursement rate

Question 5 from application

Total Eligible Project Cost: $500,000 .

PARC Request: $350,000 .
(52-70% of total project cost based on Equalized Valuation Per Capita, can be found on DCS web page, maximum of $400,000)

Municipal Share: $100,000 .
(Community Development Block Grant, Community Preservation Act, etc., please specify in narrative)

Other: $50,000 .
(i.e. private donation to community, fund raising, etc. that will be a part of the municipal share)

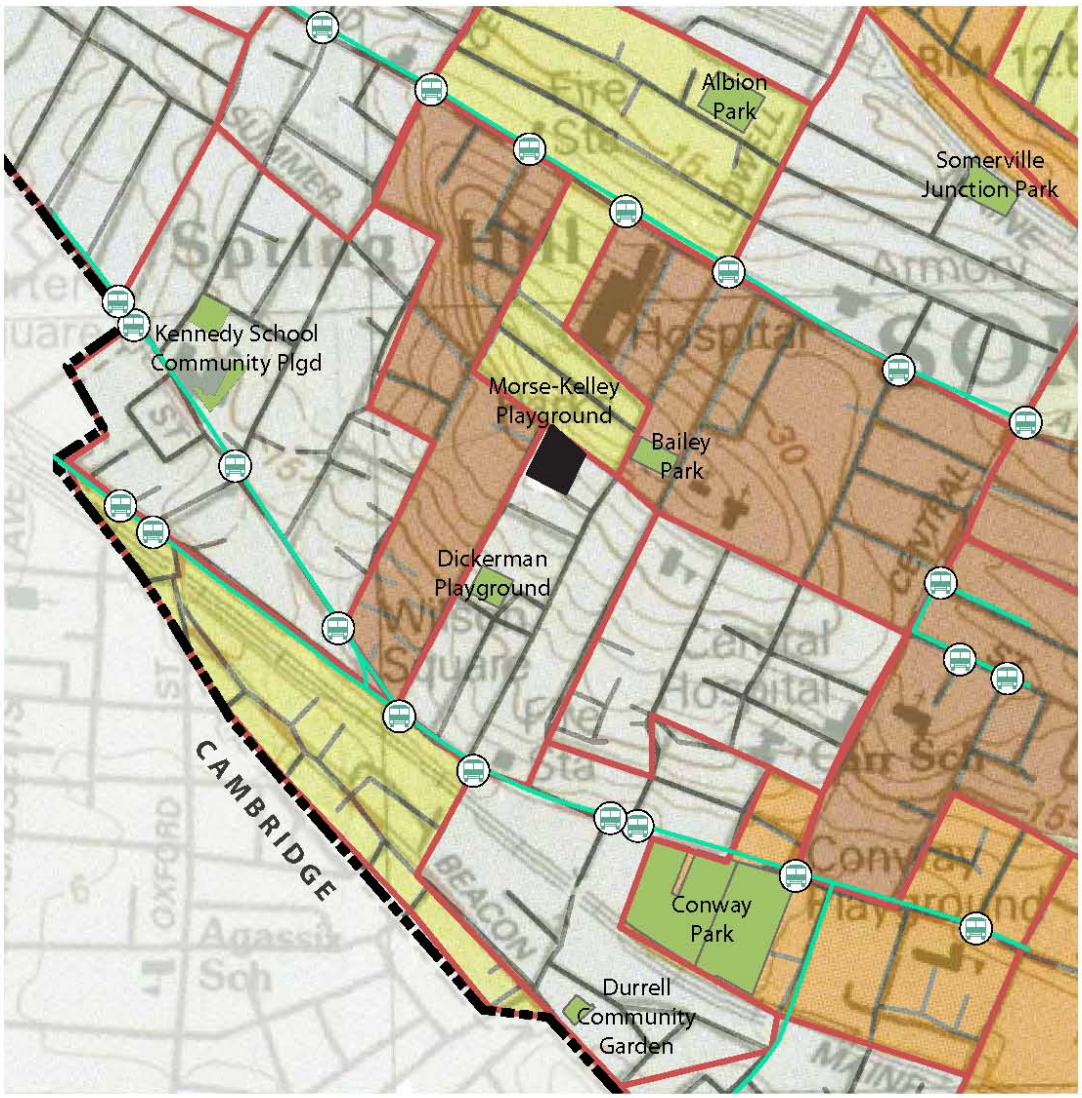
One page proposed budget narrative

Project Element	Cost
Design	$50,000
Design Subtotal	**$50,000**
Demolition/Site Preparation	$40,000
Pulverize Existing Pavement	$40,000
Earthwork (excavation and backfill)	$30,000
New Pedestrian Pathways	$105,000
Storm Drainage Improvements	$20,000
Site Furnishings (benches, picnic tables)	$30,000
Interpretive Signage	$10,000
Electrical Services	$70,000
Lawn Seeding/Turf Establishment	$45,000
Tree Planting	$35,000
Fencing and Rails	$15,000
Construction Administration	$10,000
Construction Subtotal	**$450,000**
Total Project Budget	**$500,000**

FY 17 PARC Request	**$35,000** ($50,000 x 70%)
FY 18 PARC Request	**$315,000** ($450,000 x 70%)

$150,000 City Share Breakdown
$100,000 from Community Preservation Act Funds
$50,000 donation from City Sports Leagues, Inc.

SAMPLE USGS TOPO MAP



Morse-Kelley Playground USGS Reference Map

City Boundary
Block Group Boundary
Streets
Bus Lines & Stops
Parks
Morse-Kelley Playground

EJ POPULATIONS
Minority Population
Foreign-Born
Minority Population and Foreign-Born

0 ⅛ mile ¼ mile

Attachment G

301 CMR 5.00: SELF-HELP AND URBAN SELF-HELP PROGRAMS

NOTE: Self-Help is now the LAND program: Local Acquisitions for Natural Diversity
Urban Self-Help is now the PARC Program: Parkland Acquisition and Renovation for Communities

Section

5.01: Authority
5.02: Purpose
5.03: Definitions
5.04: Eligibility
5.05: Project Application and Selection
5.06: Project Conditions
5.07: Project Costs
5.08: Post-Completion Responsibilities
5.09: Conversion
5.10: Guidance Documents
5.11: Severability

5.01: Authority

301 CMR 5.00 is promulgated pursuant to M.G.L. c. 21A, § 2, M.G.L. c. 132A, § 11, as amended, St. 1977, c. 933, as amended, and St. 1996, c. 15.

5.02: Purpose

301 CMR 5.00 is promulgated to implement the Self-Help and Urban Self-Help grant programs by establishing uniform grant application, selection procedures and program requirements. Both the Self Help and Urban Self Help grant programs have two separate programs: an annual program in accordance with the grant cycle of 301 CMR 5.05(4); and a rolling program subject to periodic notice of availability as described in 301 CMR 5.05(5).

5.03: Definitions

Division means the Division of Conservation Services in the Executive Office of Environmental Affairs.

Extreme Critical Need means a state of financial hardship where a municipality has an unemployment rate exceeding 10% or where a major business or facility closing has caused devastating economic dislocation and a substantial decrease in the municipality's tax base.

Major State Public Institution means an institution including, but not limited to state and county prisons, mental health facilities, regional solid waste facilities, and federal and state military reservations. Institutions of public higher learning are excluded.

Open Space and Recreation Plan means a bound document containing the following: a summary; statement of purpose including planning process and public participation; community setting; environmental inventory and analysis; inventory of lands of conservation and recreation interest; community goals; analysis of needs; goals and objectives and five-year action plan; maps and letters of comment from the chief municipal officer; planning board and regional planning agency. Guidelines and a workbook for developing plans are available from the Division.

Particular Environmental Sensitivity means Projects located within a state-designated Area of Critical Environmental Concern ("ACEC"); or containing significant plant or animal habitat, a vernal pool, or endangered, threatened or special concern plant or animal species as certified by the Massachusetts Natural Heritage Program office; or, containing known, important archeological or historic resources and on or eligible for inclusion in the State Register of Historic Places. Particular Recreational Importance means, but is not limited to, a project that is the "flagship" or centerpiece of a community's park and recreation system; an acquisition project that significantly addresses an imbalance between the available recreation acreage per capita and the National Recreation and Park Association Standards for such acreage; a coastal or inland swimming facility; and unique recreational facilities such as zoos.

Project means the acquisition, planning, or design of conservation land reimbursed by the Self-Help Program, or the acquisition, development or renovation of parkland reimbursed by the Urban Self-Help Program.

Project Selection System means a project rating system based on a 100-point scale. The Self-Help Project Selection System awards 50 points based on demographic factors of the applicant community and 50 points based on project quality. The Urban Self-Help Project Selection System awards 40 points based on demographic characteristics of the applicant community and 60 points based on project quality. Each program's selection system awards six points for implementation of the community's open space plan and up to ten bonus points if the applicant community has or plans to site a major state public institution or has passed a debt limit override vote of open space purchases in the preceding two years.

Projects of Particular Environmental Sensitivity may be eligible for points in the rating system, and possibly an increase in the reimbursement rate. Applicants claiming eligibility for additional reimbursement for projects of Particular Environmental Sensitivity must include written comments from any of the following state agencies, as applicable: Coastal Zone Management, the Department of Conservation and Recreation's ACEC program, the Massachusetts Natural Heritage and Endangered Species Program, or the Massachusetts Historical Commission. The Secretary shall develop and may review and modify, at the Secretary's discretion, selection systems for the Self-Help, Rolling Self-Help, Urban Self-Help, and Rolling Urban Self-Help grant programs. The selection systems shall be set forth in Guidance Documents available from the Division.

Regional Project is a recreation facility that serves a population of at least 35,000 people who reside within a 25-mile radius of the facility, has parking for at least 100 cars and adequate comfort stations. Regional Projects generally provide multiple opportunities for picnicking, walking, canoeing, boating, fishing, children's recreation, and swimming. The Secretary may waive the vehicle accommodation requirement if direct access to a public transportation route with regularly scheduled hourly service is available at the project site. Guidelines for regional projects are available from the Division.

Rolling Self-Help Program is a rolling grant program that conforms with the minimum requirements of the Self-Help Program, plus guidelines established by the Secretary, excluding the grant cycle requirement described in 301 CMR 5.05(4).

Rolling Urban Self-Help Program is a rolling grant program that conforms with the minimum requirements of the Urban Self-Help Program, plus guidelines established by the Secretary, excluding the grant cycle requirement described in 301 CMR 5.05(4).

Secretary means the Secretary of Environmental Affairs or the Secretary's designee.

Self-Help Program is a grant program that provides reimbursements to municipalities of up to 90% of the allowable costs towards the purchase of land for conservation and passive recreation purposes.

Special Advisor for Environmental Justice Issues means a person so named and designated by the Secretary to review Urban Self-Help grant applications and advise the Secretary on the importance of each application in addressing environmental justice concerns.

Small Town Project is a Project which qualifies only for a maximum of $50,000 where a community does not meet the population criteria of a city or town of over 35,000 and is not undertaking a Regional or Statewide Project.

Statewide Project is a recreation facility located within a one hour driving time from more than one Metropolitan Statistical Area, accommodates at least 200 vehicles, provides adequate comfort stations, and will also provide for more dispersed or uncommon recreation opportunities such as equestrian trail use, overnight camping, nature center programs, golf, group picnicking, large beach use, boating, skiing, and live animal viewing such as zoos. Any Project located on Nantucket Island, Martha's Vineyard, and the towns of Provincetown, Truro, Wellfleet, Eastham, Orleans, and Chatham is considered statewide regardless of the project scope. The Secretary may waive the vehicle accommodation requirement if direct access to a public transportation route with regularly scheduled hourly service is available at the project site. Guidelines for statewide projects are available from the Division.

Urban Self-Help Program is a grant program that provides reimbursements to municipalities of up to 90% of allowable costs towards the acquisition of land, and the construction, restoration, or rehabilitation of land for park and outdoor recreation purposes.

5.04: Eligibility

(1) Planning Requirement. No application will be considered by the Secretary until the Applicant has filed an approved Open Space and Recreation Plan or submits a draft plan with the preliminary application. If a municipality's plan has not been

approved by the Secretary at the time of the project selection process, there will be no rating points awarded for plan implementation under the Project Selection System.

(2) Self-Help Program.

(a) Only municipalities with Conservation Commissions duly established pursuant to M.G.L. c. 40, § 8C are eligible to participate in the Self-Help Program.

(b) Self-Help Program grants are available to fund the acquisition of land for conservation purposes, and to plan or design suitable public outdoor facilities for these properties.

(3) Urban Self-Help Program.

(a) Only municipalities with a park, playground, or recreation commission, or any combination thereof, duly established pursuant to M.G.L. c. 45, § 2, and a Conservation Commission duly established pursuant to M.G.L. c. 40, § 8C, are eligible to participate in the Urban Self-Help Program.

(b) Urban Self-Help Program grants are available to fund the acquisition of land for park and outdoor recreation purposes, and for the construction, restoration, or rehabilitation of land for park and outdoor recreation purposes.

(c) The following municipalities are eligible to apply for Urban Self-Help grants:

1. Any city or a town of over 35,000 year round inhabitants; or
2. Municipalities with a population of less than 35,000 year-round inhabitants that:
   a. propose Statewide or Regional Projects and demonstrate regional or statewide usage to the satisfaction of the Secretary; or
   b. propose a Small Town Project.

(d) The Special Advisor for Environmental Justice Issues shall publicize in urban areas the existence of the Urban Self-Help Program, and publicize, make available and assist municipalities with interpreting the Urban Self-Help Program guidelines.

(4) Affirmative Action and Accessibility. To be eligible for assistance, municipalities must be in compliance with a Civil Rights Review Comment from the Massachusetts Commission Against Discrimination, and Executive Order No. 215, concerning Disbursement of State Development Assistance for Affordable Housing. Municipalities must also show that all parks and recreation facilities are in compliance with the Americans with Disabilities Act (P.L. 101-336), formerly required under Section 504 of the Rehabilitation Act of 1973, P.L. 93-112 (Federal Handicapped Accessibility Guidelines), as amended; and Department of Interior Regulations 43 CFR 17, Subpart B, or show how and when such facilities will be brought into compliance with the above regulations.

(5) Extreme Critical Need. When a municipality can demonstrate that it has extreme critical need or that its project is one of particular recreational importance as defined in 301 CMR 5.03, it may receive up to 10% more reimbursement of the total project cost. No more than five municipalities per year will be awarded this additional funding.

(6) Upon request, the municipality or its authorized representative shall provide all records, books, papers, documents, or other data relating to the Program grant to the Secretary for examination.

(7) Each program participant shall cause work on the Project to proceed within a reasonable period of time after receipt of notification from the Division that funds have been approved and will pursue the Project to completion with reasonable diligence.

5.05: Project Application and Selection

(1) Application Step Procedures. Applications shall be submitted to the Secretary in accordance with the Application Guidelines of the Division, which are available upon request.

(2) Appraisal Reports. Applications for acquisition assistance shall be accompanied by an appraisal report prepared according to the Appraisal Report Guidelines of the Division, which are available upon request.

(3) Project Selection System. In order to distribute limited Self-Help and Urban Self-Help funds among an overwhelming number of applicants, the Secretary has developed a review process called the Project Selection System. The Project Selection System considers a number of demographic, social, environmental, and project quality factors in order to identify those projects which best protect natural resources or recreation amenities where appropriate in communities that have the greatest need for financial assistance and that have made efforts to implement their open space plans in coordination with local planning for future growth. The Project Selection System Guidelines for each grant program are available upon request from the Division.

(4) Self-Help Program and Urban Self-Help Program Grant Cycle.

The annual filing deadline for applications shall be June 1 of each year. The Secretary may alter or extend this deadline provided that public notice of the change is given at least 90 days in advance of the new deadline. Grants shall be made only once in the annual fiscal cycle; however, grants may be adjusted after the award for cause.

(5) Rolling Program Specific Requirements

(a) Rolling Self-Help Program grants must meet all requirements applicable to the Self-Help grant program, excluding the grant cycle requirement as described in 301 CMR 5.05(4).

(b) Rolling Urban Self-Help Program grants must meet the all requirements applicable to the Urban Self-Help grant program, excluding the grant cycle requirement as described in 301CMR 5.05(4).

(c) The Secretary may establish additional guidelines for the Project Selection System of the Rolling Self-Help Program.

(d) The Secretary may establish additional guidelines for the Project Selection System of the Rolling Urban Self-Help Program.

(e) The Secretary shall provide notice of availability of funding and the associated filing deadline for any grant funding offered under either the Rolling Urban Self-Help or the Rolling Self-Help Programs. Such notice shall be effective when published either in the Massachusetts Register or the Environmental Monitor.

(f) The Secretary may announce rolling grant rounds and accept applications from time to time and subject to available funding.

5.06: Project Conditions

(1) Off-street parking and land use and management plans may be required at the discretion of the Secretary depending upon the size of the project area, its intended use(s), the nature of the resource(s), and the availability of public transportation and on-site parking.

(2) Additional project conditions may be required by the Secretary to enhance public benefit or protection of natural resources.

(3) Program participants shall provide for fair and equitable treatment of persons and businesses to be displaced as a result of the project, and shall comply with M.G.L. c. 79A, as amended, Titles II and III of the federal Uniform Relocation Assistance and Real Property Acquisitions Act of 1970 (P.L. 91-646) where concurrent federal financial assistance is sought or intended for subsequent project phases.

(4) Property acquired or improved with Self-Help Program assistance shall be under the care, custody, and control of the Conservation Commission. Property acquired or improved with Urban Self-Help Program assistance shall be under the care, custody, and control of either the Conservation Commission or the Recreation Commission.

(5) A failure to comply with the conditions of any grant contract may result in the reduction, suspension, or withdrawal of awarded grant funds.

5.07: Project Costs

(1) Each grant program provides reimbursement of up to 90% of allowable costs towards the acquisition of land, and the construction, restoration or rehabilitation of land for park and outdoor recreation proposes. The maximum reimbursement percentage allowed for an approved project based on the municipality's equalized valuation per capita decile rank among all Massachusetts municipalities as determined by the Secretary of Administration and Finance. A municipality's rank, and therefore its percentage of reimbursement potential, may change annually based on its increase or decrease in property valuation and population growth. The Secretary may reduce the maximum reimbursement percentage to allow for a more equitable distribution of limited funds among all municipalities. The annual reimbursement schedules are available from the Division.

(2) Subject to the approval of the Secretary, all reasonable costs associated with acquisition projects shall be eligible for reimbursement. Costs for appraisals, title searches, recording fees, surveys, costs associated with 301 CMR 5.06(3), as well as the actual approved purchase price are deemed to be eligible acquisition project costs. In addition, for Urban Self-Help Projects, the actual approved purchase price, engineering, design, construction, and construction supervision are deemed eligible project costs, however, the Secretary shall retain the right to set a fixed limit on the reimbursement of Project costs. Additional information on reimbursement procedures is available from the Division upon request.

(3) As required by M.G.L. c. 132A, § 11, reimbursement under the Self-Help and Urban Self-Help Programs will occur only after the participant has expended an amount equal to the total cost of the project and not until the project has been completed to the satisfaction of the Secretary. Billing procedures and forms are available from the Division.

(4) Federal funding sources such as Community Development Block Grants or Revenue Sharing that are defined by the federal government to be local money may be used to match program funds. Program reimbursements for Urban Self-Help projects may be paid periodically upon request for payments made by a municipality. Billing procedures and forms are available from the Division.

(5) The Division encourages charitable contributions for conservation purposes either in cash or real property. While real property contributions are not reimbursable, cash contributions may be utilized as the municipality's share of the project providing said cash contribution is deposited into a separate municipal account such as authorized under M.G.L. c. 40, § 5, Cl. 51 and is expended therefrom as part of the municipal appropriation for the acquisition or development. Cash contributions returned to the municipality after acquisition are also encouraged. If such contribution is prearranged or likely to occur, the appraisal process should be closely scrutinized, to avoid even the appearance of impropriety. Participants and potential donors should carefully familiarize themselves with M.G.L. c. 268A, the Conflict of Interest law. Donors must not exert undue influence in selling their property and it must be sold at a fair price in order to avoid a conflict of interest.

5.08: Post-completion Requirement

(1) Operation, Maintenance, and Reasonable Use Limitations. Property acquired or developed with Program assistance shall be operated and maintained in accordance with standards and guidelines of the Division. In accordance with the applicable program contract, participants may impose reasonable limits on the type and extent of use of areas and facilities acquired or developed with Program assistance as necessary for maintenance or preservation.

(2) Nondiscrimination. Property acquired or developed with Program assistance will be open to entry and use by all persons who are otherwise eligible regardless of race, color, national origin, sex, sexual preference, age or disability.

(3) Nondiscrimination on the Basis of Residence.

(a) Discrimination on the basis of residence, including preferential reservation, membership or annual permit systems, or user fees is prohibited on the Project site unless this provision is waived by the Secretary.
(b) The Secretary will approve or deny all proposed fee or access limiting systems. Waivers will not be granted which are inconsistent with the Federal Land and Water Conservation Fund Act, P.L. 88-578, Section 6(f)(8), 16 U.S.C. § 4601-4. *et seq*.

5.09: Conversion and Reversion

(1) Conversion. Property acquired or developed with assistance from the Self-Help or Urban Self-Help Program shall be retained and used at all times for open space purposes in accordance with M.G.L. c. 132A, § 11, and St. 1977, c. 933. Any property so acquired or developed shall not be wholly or partly converted to other than public outdoor recreation or conservation purposes without the approval of the Secretary. Converted property shall comply with Article 97 of the Massachusetts Constitution and shall be replaced with land of at least equal fair market value and of reasonably equivalent usefulness. The Secretary may disapprove conversion requests or reject proposed property substitutions. Grant contracts, at the discretion of the Secretary, may be subject to specific performance.

(2) Reversion. Property acquired or improved with Program funds authorized by St. 1996, c. 15 shall be retained and used at all times for open space purposes in accordance with M.G.L. c.132A, § 11, as amended, or St. 1977, c. 933, as amended. In the event that the property ceases to be used, either in whole or in part, for such purposes, all interest in the property shall revert to the Commonwealth, unless the Secretary demands specific performance of the grant contract.

(a) Owners of property so acquired or improved shall notify the Secretary in writing of any change in use or potential change in use of the property that is inconsistent with said open space purposes. The owner shall have 90 days from the date written notice was received by the Secretary to present satisfactory evidence acceptable to the Secretary that the basis for reversion has been cured, in which case the property shall not revert. Upon receipt of written notice, the Secretary may review the circumstances of the property and determine that reversion of the property is not appropriate or essential to the protection of public open space, and find that the provisions of 301 CMR 5.09(1) shall apply.
(b) If the Secretary finds that a property acquired or improved with Program funds has ceased to be used for such open space purposes, the Secretary shall notify the owner of the property in writing of this basis. The owner shall have 90 days from the date written notice was mailed to the owner to present satisfactory evidence acceptable to the Secretary that the basis for reversion has been cured, in which case the property shall not revert.

5.10: Guidance Documents

The Guidelines or Guidance Documents referenced herein are available free of charge to municipalities upon request from the

Division.

5.11: Severability

The provisions of 301 CMR 5.00 are severable, and if any provision or application thereof is held to be invalid by a court of competent jurisdiction, such invalidity shall not affect the enforceability of the remainder of 301 CMR 5.00.

REGULATORY AUTHORITY
301 CMR 5.00: M.G.L. c. 21A, § 2; c. 132A, § 11; St. 1977, c. 933; St. 1987, c. 564, §§ 8 and 9; St. 1996, c. 15, § 2.

Formatting Note: 301 CMR 5.00 occupies pages 15 through 22 of 301 CMR EXECUTIVE OFFICE OF ENVIRONMENTAL AFFAIRS. (PAGES 23 THROUGH 42 ARE RESERVED FOR FUTURE USE.